

Bill No.: 10 of 2022
Ordinance No: 1265 of 2022
Introduced By: Mayor Ron Mozer
First Reading: November 10, 2022
Final Reading: November 21, 2022
Adopted: November 21, 2022

**CITY OF MONESSEN
COUNTY OF WESTMORELAND
COMMONWEALTH OF PENNSYLVANIA**

**AN ORDINANCE OF THE CITY OF MONESSEN, WESTMORELAND
COUNTY PENNSYLVANIA, REPEALING AND REPLACING CHAPTER
375 ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF
MONESSEN, AND ADOPTION OF ZONING MAP**

WHEREAS, the City of Monessen (“City”) is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Pennsylvania Third Class City Code, 11 Pa.C.S.A. § 10101, et seq; and

WHEREAS, the City adopted a zoning ordinance or about August 8, 1998, which has been amended from time to time; and

WHEREAS, the City has recently adopted a Comprehensive Plan, and has determined that a new Zoning Ordinance be adopted to comply with the mandates of said plan; and

WHEREAS, in accordance with the Pennsylvania Municipalities Planning Code, the City Planning Commission and staff prepared the foregoing zoning ordinance; and

WHEREAS, the City’s Planning Commission held a public meeting on the proposed zoning ordinance on August 24, 2022, and presented the foregoing zoning ordinance and map to the City Council; and

WHEREAS, the City delivered the proposed zoning ordinance and map to the Westmoreland County Planning Commission on August 26, 2022 and received comments in return on October 13, 2022, including a comment that the Ordinance complies with the Pennsylvania Municipalities Planning Code; and

WHEREAS, on October 13, 2022, City Council held a public hearing, pursuant to required public notice, concerning the proposed zoning ordinance update and no comments were received; and

WHEREAS, having made no amendments to the zoning ordinance and map proposed by the City Planning Commission and staff, the City desires to adopt said proposed zoning ordinance and map.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Monessen that:

Section 1. Chapter 375 of the Code of Ordinances of the City of Monessen, entitled "Zoning" is hereby amended by deleting the existing text of such chapter in its entirety and substituting in lieu thereof the text of the City of Monessen Zoning Ordinance of 2022, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

Section 2. The City of Monessen Zoning Ordinance of 2022 and accompanying map are enacted and adopted under the authority of laws of the Commonwealth of Pennsylvania and shall take effect immediately upon final enactment and remain in effect hereafter until revised, amended or revoked by action of City Council.

Section 3. City officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

Section 4. Any and all zoning ordinance, amendments and/or resolutions, or parts thereof, and zoning maps conflicting herewith are repealed insofar as the matters herein are affected.

Section 5. The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgement or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered illegal, invalid or unconstitutional. It is hereby declared the intent of the City of Monessen that this ordinance would have been adopted if such, illegal, invalid or unconstitutional clause, sentence or section had not been included therein.

Section 6. This ordinance shall be effective immediately upon final enactment.

ORDAINED AND ENACTED into law this 21st day of November, 2022.

ATTEST:


Cheryl Gordon, City Clerk

CITY OF MONESSEN

By: 
Ron Mozer, Mayor

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AND REPLACING CHAPTER 375 ZONING, OF THE CODE OF
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Ordinance No: 1262 of 2022
Introduced By: Mayor Ron Mozer
First Reading: November 10, 2022
Final Reading: _____
Adopted: _____

**CITY OF MONESSEN
COUNTY OF WESTMORELAND
COMMONWEALTH OF PENNSYLVANIA**

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ATTEST:

CITY OF MONESSEN

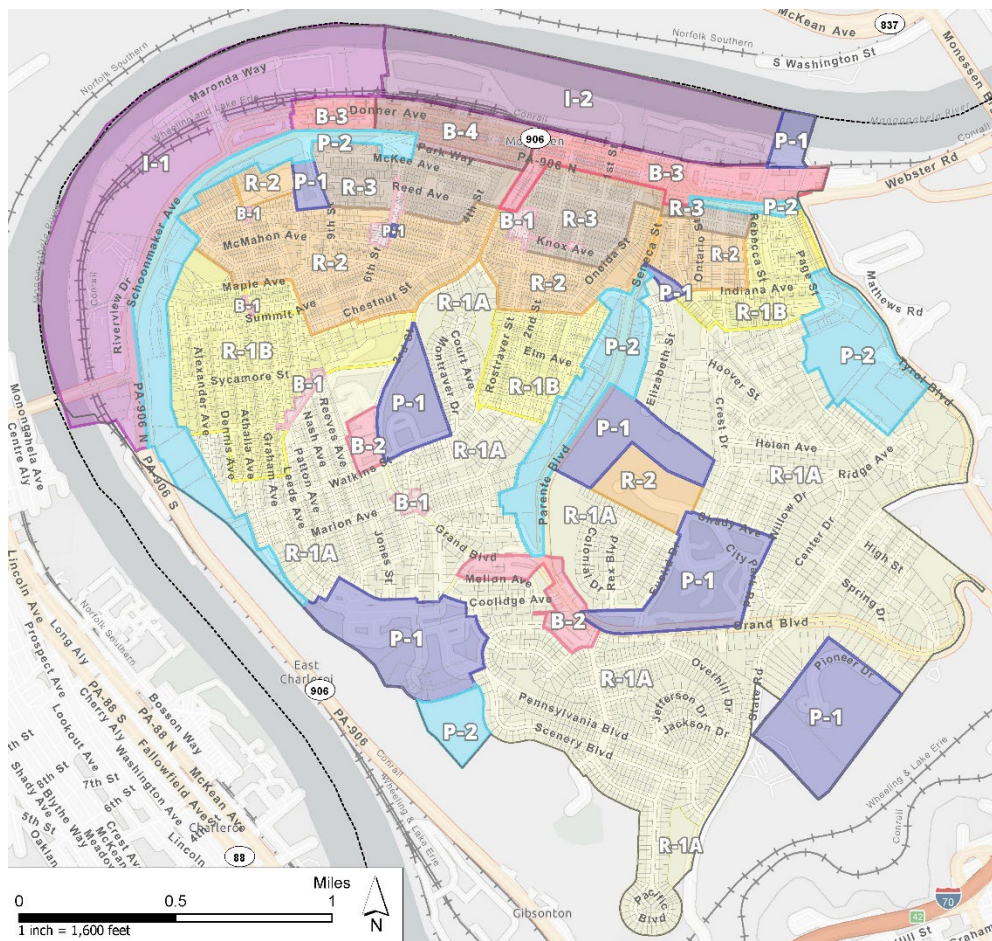
Cheryl Gordon, City Clerk

By: _____
Ron Mozer, Mayor

EXHIBIT A

CITY OF MONESSEN, PENNSYLVANIA

PLANNING COMMISSION RECOMMENDATION TO REPEAL AND REPLACE MONESSEN CITY CODE PART II, CHAPTER 375 "ZONING"



AUGUST 24, 2022



Prepared by:
Urban Design Ventures, LLC
212 East 7th Avenue, Homestead, PA

CITY OF MONESSEN, PENNSYLVANIA
ZONING ORDINANCE
PLANNING COMMISSION RECOMMENDATION
TO REPEAL AND REPLACE
PART II, CHAPTER 375 “ZONING” OF CITY CODE

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ARTICLE	SECTION	PAGE	TITLE
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GENERAL PROVISIONS

1 **ZONING**

2 **CITY OF MONESSEN, PENNSYLVANIA**

3 **BE IT ENACTED** by the Council of the City of Monessen, Pennsylvania, that in the interest of
4 promoting and protecting the public health, safety, order, convenience, prosperity, aesthetics,
5 economic viability, and general welfare of the community embraced within the territorial limits
6 of the City of Monessen, the following articles and sections be, and the same hereby are, enacted
7 into law:

8 **ARTICLE 1 – GENERAL PROVISIONS**

9 **101 TITLE.** The official title of this Chapter is: “Zoning Ordinance, City of Monessen,
10 Pennsylvania.”

11 **102 EFFECTIVE DATE.** This Chapter shall become effective ten (10) days after final passage
12 and approval by the Mayor.

13 **103 COMPLIANCE.**

14 **103.1** No structure shall be located, erected, constructed, reconstructed, moved,
15 altered, converted, or enlarged; nor shall any structure, part thereof, or land be
16 used, occupied, or be designed to be used, except in full compliance with all the
17 provisions of this Chapter and after the lawful issuance of all permits and
18 certificates required by this Chapter.

19 **103.2** Except that, development undertaken by Federal, Commonwealth, County, or
20 Municipal units of government shall be exempt from the zoning regulations set
21 forth in this Chapter as such development has absolute immunity, statutory
22 preemption, and/or serves a greater public interest.

23 **103.3** Terms shall generally be interpreted as follows: The present tense shall include
24 the future, singular number shall include the plural and the plural the singular.
25 The word “shall is always mandatory and the word “may” is permissive. The
26 masculine shall include the feminine. The word “sale” includes “rental”.

27 **104 SEVERABILITY.** The provisions of this Chapter shall be severable, and, if any of its
28 provisions shall be unconstitutional, the decision so holding shall not be construed to
29 affect the validity of any of the remaining provisions of this Chapter. It is hereby declared

1 as the legislative intent that this Chapter would have been adopted had such
2 unconstitutional provisions not been included therein.

3 **105 REPEAL.** That all previous zoning ordinances or part thereof conflicting herewith be and
4 the same are hereby repealed.

5 **106 AUTHORITY.** This Chapter is adopted pursuant to the powers granted to the City by
6 Section 601 of the Pennsylvania Municipalities Planning Code. In their interpretation and
7 application, the provisions of this Zoning Chapter shall be held to be the minimum
8 requirements adopted for the promotion of the public health, safety, and/or general
9 welfare. Wherever the requirements of this Zoning Chapter are at variance with the
10 requirements of any lawfully adopted rules, regulations, or ordinances applicable to the
11 City or with one another, the more restrictive upon uses, structures, or other
12 development, or that imposing the higher standards shall be controlling.

13 **107 PURPOSES AND PROVISIONS.**

14 **107.1** The purposes and provisions of this Chapter are those as set forth by Sections 603,
15 603.1, and 604 of the Pennsylvania Municipalities Planning Code.

16 **107.2** In addition, this Chapter is adopted by the Monessen City Council for the following
17 purposes:

18 (A) To promote and to protect the public health, safety, order, convenience,
19 prosperity, aesthetics, economic viability, and general welfare of the City;

20 (B) To implement the goals and objectives of the City's Comprehensive Plan;

21 (C) To classify all property in such manner as to encourage the most appropriate
22 development patterns, building forms, and land uses throughout the City;

23 (D) To regulate the location, construction, reconstruction, alteration, and use of
24 buildings, structures, and land;

25 (E) To ensure adequate light, air, privacy, and convenience of access to
26 property;

27 (F) To facilitate the adequate provision of transportation, water, sewage
28 disposal, education, recreation, and other public requirements;

29 (G) To provide for safe and efficient circulation of all modes of transportation,
30 including transit, pedestrian and bicycle traffic;

- 1 (H) To lessen congestion in the public streets by providing for off-street parking
2 of motor vehicles and for off-street loading and unloading of commercial
3 vehicles;
- 4 (I) To encourage a complementary mix of land uses that reflects the scale,
5 character, intensities, and urban design of Monessen's existing traditional
6 neighborhoods;
- 7 (J) To provide housing choice and housing affordability;
- 8 (K) To conserve and improve property values;
- 9 (L) To protect all areas of the City from harmful encroachment by unharmonious
10 development and incompatible uses;
- 11 (M) To prevent the overcrowding of land and undue congestion of population;
- 12 (N) To fix reasonable standards to which buildings, structures, and uses shall
13 conform;
- 14 (O) To provide for the adaptive reuse of certain nonconforming and/or
15 functionally obsolete buildings and structures and for the elimination of
16 nonconforming uses of land;
- 17 (P) To define the powers and duties of the administrative officers and bodies;
- 18 (Q) To provide penalties for violations of the provisions of this code or any
19 subsequent amendment thereto; and,
- 20 (R) To provide for a board of zoning appeals and its powers and duties.

21 **108 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.** This statement sets forth the
22 policy goals of this Chapter.

23 **108.1** To set aside land for residential, commercial, and industrial uses with appropriate
24 transitional provisions so developed land in Monessen can exist in a
25 complementary and harmonious way.

26 **108.2** To welcome and encourage both development and redevelopment within the City
27 of Monessen.

28 **108.3** To promote the constant renewal of the City of Monessen without encouraging
29 incompatible, unharmonious, and/or harmful land uses or development patterns.

- 1 **108.4** To advance the revitalization of Monessen’s downtown by creating a central
2 business district, enhancing visual character, right-sizing development patterns,
3 and integrating a mix of uses, including residential, commercial, civic, and a variety
4 of open spaces.
- 5 **108.5** To promote the elimination of blighting conditions, enhance market interest, and
6 provide opportunities of appropriately scaled reuse and redevelopment near the
7 downtown of Monessen through a mix of higher density housing types and forms.
- 8 **108.6** To preserve, protect, and improve the quality, character, and stability of
9 residential neighborhoods through traditional neighborhood design and providing
10 for a mix of housing styles, types, and sizes to accommodate households of all
11 ages, sizes, and incomes.
- 12 **108.7** To provide land for neighborhood scaled mixed-use business districts that offer
13 focal points for surrounding residential neighborhoods, convenience and access
14 to essential and basic goods and services residents need, and opportunities for
15 entrepreneurship and employment.
- 16 **108.8** To provide land for commercial development and protect commercial areas.
- 17 **108.9** To provide land for industrial development and to protect industrial areas.
- 18 **108.10** To protect valuable multi-modal transportation resources and corridors.
- 19 **108.11** To require a high quality of development in the City of Monessen. Though this
20 Chapter makes every effort to accommodate a great variety of uses and
21 development, it insists that any development adhere to this and other ordinances
22 of the City which set forth standards to assure quality development.
- 23 **109** **FEES.** Various fees established for the administration, implementation, application, and
24 enforcement of the rules, regulations, and provisions set forth under this Chapter shall be
25 determined by resolution of City Council

ARTICLE 2

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	204	2 of 7	Primary and Overlay Districts
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	210	6 of 7	Land Use Tables Generally

ZONING MAPS, DISTRICTS & LAND USE TABLES GENERALLY



1 **ARTICLE 2 – ZONING MAPS, DISTRICTS, AND LAND USE TABLES GENERALLY**

2 **201 OFFICIAL ZONING MAPS.**

3 **201.1** The City of Monessen is divided into various zoning districts shown on the maps
4 accompanying this Chapter, which maps are entitled “Official Zoning Map of the
5 City of Monessen.” Such map(s) and any amendments, with all explanatory
6 matter thereupon, are hereby made a part of this Chapter and shall be as much
7 as part of this Chapter as if the matter and information set forth thereon were
8 all fully described herein.

9 **201.2** At least one (1) copy of the Official Zoning Map of the City of Monessen, which
10 shall bear the adoption date of this Chapter and the words “Official Zoning Map
11 of the City of Monessen”, shall be kept on file, together with this Chapter, in the
12 City Hall and made available to the general public by the City at a reasonable fee
13 to be determined by resolution of City Council.

14 **201.3** Zoning map amendments. Amendments to the boundaries and districts of the
15 “Official Zoning Map of the City of Monessen” shall only be made in conformity
16 with the amendment procedures specified in the Pennsylvanian Municipalities
17 Planning Code, as amended. All zoning map amendments shall be noted by date
18 with a brief description of the nature of the amendment, either on the map or
19 within an appendix to this Chapter.

20 **202 ZONING DISTRICT BOUNDARIES INTERPRETED.** Where uncertainty exists with respect to
21 the boundaries of any of the zoning districts established in this Chapter, as shown on the
22 “Official Zoning Map of the City of Monessen”, the following rules shall be applied:

23 **202.1** Where zoning district boundaries are indicated, as approximately following the
24 centerline of street rights-of-way, waterways, and/or railroads, such centerlines
25 lines shall be constructed to be said boundaries.

26 **202.2** The vacation of street or railroad rights-of-way shall not affect the location of
27 such zoning district boundaries approximately following the centerline for same.

28 **202.3** Where zoning district boundaries are indicated, as approximately following lot
29 lines, such lot lines as they existed on the recorded deed or plan of record in the
30 County Recorder of Deeds office at the time of the adoption of this Chapter, or
31 amendment hereto, as the case may be, such lot lines shall be constructed to be

1 said boundaries. Provided, such boundaries are not fixed by dimensions or other
2 specific notations as shown on the Official Zoning Map of the City of Monessen.

3 **202.4** The location of a zoning district boundary on unsubdivided land or where a
4 zoning district boundary divides a lot shall be determined by the use of the scale
5 appearing on the Official Zoning Map unless the same is indicated by
6 dimensions.

7 **202.5** Where a zoning district boundary follows the Monessen city limit, said district
8 boundary line shall be deemed to be the limit of the jurisdiction of the City unless
9 otherwise indicated.

10 **202.6** Where a municipal boundary divides a lot, the minimum lot area and lot width
11 shall be regulated by the regulations of the municipality in which the principal
12 use is located, unless otherwise provided by applicable case law.

13 **203 ZONING LOT, MORE THAN ONE ZONING DESIGNATION.** A use may be developed on a
14 lot that has two (2) or more zoning district designations so long as the use is permitted in
15 each of the zoning districts. The minimum zoning requirements of each district shall apply
16 to that part of the lot in each zoning district. Parking for the use may be allowed anywhere
17 on the lot as otherwise regulated for each zoning district.

18 **204 PRIMARY AND OVERLAY DISTRICTS.**

19 **204.1** For the purposes of this Chapter, the primary zoning districts include the districts
20 listed in Section 205 of this Article. All property within the City shall be located
21 within a primary zoning district. Overlay districts include the districts listed in
22 Section 206 of this Article.

23 **204.2** For the purposes of this Chapter, the zoning districts named in Section 205 of
24 this Article shall be of the number, size, shape, and location shown on the Zoning
25 Map of the City of Monessen. Any use of the abbreviations listed in Section 205
26 of this Article shall mean the district name that is listed beside the abbreviation.

27 **205 PRIMARY ZONING DISTRICTS ESTABLISHED.** For the purposes of this Chapter, the City of
28 Monessen is hereby divided into the following zoning districts:

29 **205.1 Residential Districts and Intent.**

30 (A) **R-1A Single-Family Residential District.** The R-1A District is intended to
31 provide an environment of predominantly low-density, detached single-

1 family structures along with civic and institutional uses, public services,
2 and utilities that serve the residents in the district.

3 (B) **R-1B Single-Family Residential District.** The R-1B District is intended to
4 provide an environment of predominantly detached single-family
5 structures at a slightly higher density than the R-1A District, along with civic
6 and institutional uses, public services, and utilities that serve the residents
7 of the district.

8 (C) **R-2 Two-Family Residential District.** The R-2 District is intended to provide
9 an environment of predominantly medium density one- to four-family
10 dwellings and townhouse structures, along with civic and institutional uses
11 and public services and utilities that serve the residents in the district. This
12 district recognizes the existence of older residential areas of the City where
13 larger houses have been or can be converted from single-family to two- or
14 more family residences in order to extend the economic life of these
15 structures and allow the owners to justify the expenditures for repairs and
16 modernization.

17 (D) **R-3 Multi-Family Residential District.** The R-3 District is intended to
18 provide an environment for higher density townhouses and multiple-
19 dwelling structures commonly found in proximity of the central business
20 district and major thoroughfares. It is also intended to serve the
21 residential needs of persons desiring apartment-style accommodations
22 with central services as opposed to the residential patterns commonly
23 found and desired in the R-1A, R-1B, and R-2 Districts.

24 **205.2 Business Districts and Intent.**

25 (A) **B-1 Neighborhood Business District.** The B-1 District is intended to
26 provide an environment for small scale, low intensity mixed, residential,
27 and commercial uses in or near predominantly residential neighborhoods
28 where goods and services are provided for nearby residences, which are
29 compatible with the surrounding residential neighborhood. This district is
30 appropriate along local streets, particularly intersections, that are served
31 by multiple traveling modes, such as pedestrian, bicycle, public transit, and
32 automobiles. The standards for this district are intended to reinforce the
33 historic scale and ambiance of traditional neighborhood retail that is
34 oriented toward walking and cycling access while ensuring adequate public

1 transit and automobile access. Uses are restricted in size to promote local
2 orientation and to limit adverse impacts on nearby residential uses.

3 (B) **B-2 Community Business District.** The B-2 District is intended to provide
4 an environment for low- to medium-scale commercial uses that serve an
5 entire community, including those who arrive by automobile, and which
6 may require buffering to ensure compatibility with adjacent residential
7 neighborhoods. These districts are generally located on larger lot sizes
8 along arterial streets.

9 (C) **B-3 Gateway Business District.** The B-3 District is intended to provide an
10 environment for mixed and larger scale, automobile access-oriented
11 commercial uses located along the major arterial and regional traffic
12 corridors that serve as gateways to and the enhancement of the B-4
13 Central Business District, commonly referred to as “Eastgate” and
14 “Westgate.” Except for higher density multi-dwellings, residential
15 development is not desired.

16 (D) **B-4 Central Business District.** The B-4 District is intended to encourage
17 development of an active urban environment that exhibits the character
18 of a distinct and vibrant pedestrian friendly “village” and transit corridor
19 where residents live, work, dine, are entertained, and recreate by
20 accessing and enjoying retail, services, offices, cultural, and government
21 services. It establishes a complementary form of buildings, predictable
22 development, and the intermixing of a diversity of land uses that will
23 reduce vehicle trips and facilitate walking for downtown shoppers,
24 employees, residents, and visitors in economical and efficient locations.

25 **205.3 Industrial Districts and Intent.**

26 (A) **I-1 Light Industry District.** The I-1 District is intended to provide an
27 environment for the establishing of industries distinguished from major
28 processing, fabrication, and storage of raw or semi-assembled products, in
29 which uses are largely devoid of nuisance factors, hazards, or exceptional
30 demands upon public facilities and services, and to establish a land use and
31 development pattern advantageous to the specialized needs of the uses
32 permitted in this district. This district does not allow for residential uses.

33 (B) **I-2 Heavy Industry District.** The I-2 District is intended to provide an
34 environment where industrial activities and uses involving more intense

1 process, fabrication, and storage of raw or semi-assembled products may be
2 located. This district also allows such commercial uses that serve primarily
3 the heavy industry district. The standards for this district are intended to
4 protect the industrial area from uses which may interfere with efficient
5 industrial operations.

6 **205.4 Public, Civic, and Open Space Districts and Intent.**

7 (A) P-1 Civic Lands District. The P-1 District is intended to provide for larger land
8 areas for development such as parks, recreation and culture, schools, golf
9 courses, cemeteries, and the like.

10 (B) P-2 Open Lands District. The P-2 District is intended to provide for lasting
11 open space and to properly guide growth in a manner to protect and
12 preserve woodlands, steep slopes, floodways, riparian areas, and unique
13 natural areas. Residential development may be acceptable, but only at a
14 more rural scale of density.

15 **206 OVERLAY ZONING DISTRICTS ESTABLISHED. (RESERVED)**

16 **207 MORE RESTRICTIVE OR LESS RESTRICTIVE DISTRICTS.** When this Chapter refers to more
17 restrictive or less restrictive districts, the districts in order from more restrictive to less
18 restrictive are generally: P-2, P-1, R-1A, R-1B, R-2, R-3, B-1, B-2, B-3, B-4, I-1, I-2.

19 **208 APPLICABILITY OF DISTRICT REGULATIONS.**

20 **208.1** The regulations set by this Chapter shall apply uniformly to each class or kind of
21 structure or land, except as provided for in this Chapter.

22 **208.2** No structure shall be located, erected, constructed, reconstructed, moved,
23 altered, converted, or enlarged; nor shall any structure, part thereof, or land be
24 used, occupied, or be designed to be used, except in full compliance with all the
25 provisions of this Chapter specified for the use and district in which it is located.

26 **208.3** No yard or lot existing at the time of passage of this Chapter shall be reduced in
27 dimension or area below the minimum requirements set forth herein for the
28 district in which it is located. Yards or lots created after the effective date of this
29 Chapter shall meet at least the minimum requirements established by this
30 Chapter for the district in which it is located.

31 **209 SETBACKS AND BUFFERS ACROSS MUNICIPAL BOUNDARIES.**

32 **209.1** Intent. To see compatible land use patterns across municipal boundaries.

1 **209.2** Where this Chapter requires additional setbacks and/or the provision of buffer
2 yards when certain uses abut an existing dwelling or a residential district, the
3 same additional setback and/or buffer yard provisions shall be required when
4 these certain uses are proposed within the City of Monessen if they would abut
5 such an existing dwelling or primarily residential zoning district that is located in
6 an abutting municipality.

7 **210** **LAND USE TABLES GENERALLY.** Land use tables in this Chapter list permitted uses,
8 conditional uses, special exception uses, and accessory uses and note supplemental
9 regulations pertaining to certain development and/or performance standards and
10 conditions.

11 **210.1** **Permitted Uses.** Uses specified with a “P” in the land use tables are permitted
12 in the district or districts by-right where designated, provided that the use
13 complies with all other applicable provisions of this Chapter.

14 **210.2** **Conditional Uses.** Uses specified with a “C” in the land use tables are allowed
15 as a conditional use in the district or districts where designated, provided that
16 the use complies with all other applicable provisions of this Chapter. Persons
17 wishing to establish, change, or expand a conditional use shall obtain conditional
18 approval as provided in Section 506 of this Chapter.

19 **210.3** **Special Exception Uses.** Uses specified with a “S” in the land use tables are
20 allowed as a Special Exception Use in the district or districts where designated,
21 provided that the use complies with all other applicable provisions of this
22 Chapter. Persons wishing to establish, change, or expand a Special Exception
23 Use shall obtain Special Exception Use approval as provided in Section 507 in
24 this Chapter.

25 **210.4** **Accessory Uses.** Uses specified with an “A” in the land use tables are permitted
26 as an accessory use to the principal use in the district or districts where
27 designated, provided that the accessory use complies with all other applicable
28 provisions of this Chapter.

29 **210.5** **Prohibited Uses.** Any use not included in a land use table, or any use not listed
30 in the table as “----” in a particular zoning district, or any use not determined by
31 the Zoning Hearing Board to be substantially similar to a listed permitted use,
32 special exception use, conditional use, or accessory use, shall be prohibited in
33 that zoning district as a principal or accessory use.

1 **210.6 Supplemental Regulations.** Land uses that contain a reference notation in the
2 supplemental regulations' column of the land use table shall, in addition to all
3 other applicable provisions of this Chapter, be subject to the specific
4 development or performance standards, conditions, and/or regulations
5 established in the supplemental regulations section immediately following the
6 corresponding land use table.

7 **210.7 Combination of Uses.** Any permitted use, special exception use, conditional use,
8 or accessory use may be combined on a parcel or within a structure, provided
9 that all uses meet all other applicable provisions of this Chapter, including any
10 specific supplemental regulations.

11 **210.8 Understanding Land Use Tables.** To determine whether a land use is permitted
12 in a specific zoning district, as either a principal use or an accessory use, find the
13 use in the list of land uses in the left most column of the table. Follow that land
14 use's row to the zoning district's column. The intersecting table cell will include
15 one of the symbols described above.

ARTICLE 3

ARTICLE	SECTION	PAGE	TITLE
3			NONCONFORMING PROVISIONS
	301	1 of 6	Intent
	302	1 of 6	Establishment of Legal Nonconformity and Applicability
	303	1 of 6	Annexation
	304	1 of 6	Nonconforming Lots
	305	2 of 6	Nonconforming Uses
	306	4 of 6	Nonconforming Structures
	307	5 of 6	Nonconforming Signs
	308	6 of 6	Unlawful Uses, Structures, and Lots.



NONCONFORMING PROVISIONS

1 **ARTICLE 3 – NONCONFORMING PROVISIONS**

2 **301 INTENT.**

3 **301.1** Within the zoning districts established by the Chapter and amendments thereto,
4 there exists, lots, features, and/or uses of land and structures which were lawful
5 at the time of their establishment but are prohibited, regulated, or restricted
6 under the existing zoning district and/or zoning regulations. These
7 nonconformities are declared incompatible with the zoning district and/or zoning
8 regulations because they do not conform to the requirements of the zoning
9 district in which they are located and/or the zoning regulations.

10 **301.2** To avoid undue hardship, nothing in this Article shall be deemed to require a
11 change in the plans, construction, or designated use of any building or site legally
12 established. The intent of this Article is to set forth the conditions under which
13 these nonconformities may continue to exist until such time they are abandoned.

14 **302 ESTABLISHMENT OF LEGAL NONCONFORMITY AND APPLICABILITY**

15 **302.1** A party asserting the existence of a lawfully established nonconforming lot, use,
16 feature, or structure has the burden of proof that the lot, use, feature, or structure
17 was not substandard in meeting the requirements of the zoning district and/or the
18 zoning regulations or in compliance with applicable laws which were in effect at
19 its creation.

20 **302.2** The rules of this Article are applied by first reviewing which provisions are
21 applicable to the nonconformity. (Does the nonconformity involve a lot, use,
22 feature, structure, or a combination thereof?) When a combination of
23 nonconforming lot, use, feature, or structure exists, each segment of the
24 nonconformity is review independent of the other(s).

25 **303 ANNEXATION.** Lots, structures, features, and uses of land and/or structures that were
26 legally in existence prior to annexation by the City, but that do not conform to the
27 requirements of the zoning district in which they are located and/or the zoning
28 regulations following the date of annexation, shall become a legal nonconformity subject
29 to the requirements of this Article.

30 **304 NONCONFORMING LOTS.** The following provisions shall apply to all lots meeting the
31 definition of NONCONFORMING LOT:

1 **304.1 Continuation and Development.** A nonconforming lot may be developed for any
2 use permitted in the zoning district, provided the development meets, through
3 design or by approved variance, the requires of the zoning district in which it is
4 located.

5 **304.2 Nonconforming Lot Modifications or Split.** The following is applicable to all lots:

6 A. No lot may be modified, divided, or adjusted in a manner that would violate
7 dimensional, area, or other requirements of the zoning district in which it is
8 located unless a variance is authorized by the Planning Commission as
9 provided in Chapter 345 “Subdivision and Land Development.”

10 B. A government agency may lawfully modify a lot in a manner that would result
11 in nonconformity, if portions of a lot are acquired and used for a permitted
12 public use or purpose of the government agency.

13 **305 NONCONFORMING USES.** The following provisions shall apply to all uses meeting the
14 definition of NONCONFORMING USE.

15 **305.1 Continuation.** Any legally established nonconforming use may be continued until
16 abandoned as prescribed in Subsection 305.4 or 305.5 of this Section.

17 **305.2 Change of Use.** A structure or property containing a nonconforming use may be
18 changed to a use that conforms to the requirements of the zoning district in which
19 it is located or related zoning regulations. When the nonconforming use is
20 superseded by a permitted use, the nonconforming use may not thereafter be
21 resumed.

22 **305.3 Expansion.** A nonconforming use may not be expanded or enlarged, except under
23 one (1) of the following circumstances:

24 A. Alterations are permitted only within the existing physical space of the
25 building occupied by the nonconforming use, or as permitted by Paragraphs
26 305.3(B) and 305.3(C) of this Subsection.

27 B. Residential dwellings may have the building area expanded if the number of
28 dwelling units is not increased above or below the requirements of the zoning
29 district in which it is located, there is no decrease in the number of off-street
30 parking spaces below the minimum requirements, and the addition complies
31 with all zoning requirements other than permitted use classifications.

1 C. A lawful nonconforming use may only be expanded if it does not exceed a 50%
2 maximum increase, in aggregate, over the entire life of the nonconformity.
3 For example, if a building permit is issued for a 10% expansion one year, and a
4 35% expansion of the original size seven (7) years later, any further requests
5 for a permit for an expansion above 5% of the original nonconformity would
6 be denied. Any expansion of a nonconforming use shall meet all required
7 setbacks and all other requirements of this Chapter. No new nonconformity
8 shall be created.

9 D. The acquisition and/or development of additional accessory off-street parking
10 is not an expansion of a nonconforming use.

11 **305.4 Abandonment.** A nonconforming use that is abandoned shall have its legal
12 nonconforming status terminated and any subsequent use of the property or
13 building shall conform to the requirements of the zoning district in which it is
14 located or related zoning regulations. In addition to any other circumstances
15 constituting abandonment, a nonconforming use shall be considered abandoned
16 if any of the following circumstances apply:

- 17 A. The nonconforming use is changed to a conforming use; or,
- 18 B. The nonconforming use has ceased for a period of two (2) years.

19 **305.5 Damage or Destruction.** If a structure containing a nonconforming use
20 experiences substantial destruction, it shall constitute a discontinuation of the
21 nonconforming use; except the nonconforming use may be allowed to continue if
22 the structure has suffered substantial destruction as a result of fire, flood,
23 explosion or similar unplanned event resulting in damage not intentionally or
24 negligently caused by the owner or tenant and a completed building permit
25 application for reconstruction of the structure is filed within one (1) year of such
26 event.

27 **305.6 Repair and Maintenance.** A building or structure containing a nonconforming use
28 may be repaired and maintained if the work does not restore it from substantial
29 destruction. Normal repair and maintenance work to a building or structure
30 containing a nonconforming use may be performed that maintains continued safe
31 and sanitary conditions. If repair, maintenance, or alterations are performed to
32 the structure containing a nonconforming use with the specific purpose of
33 bringing the structure into further compliance with the Pennsylvania Uniform
34 Construction Code, or if such repair, maintenance, or alterations are ordered by

1 the City’s Code Enforcement Officer, and if such alterations necessitate the
2 temporary abandonment of the nonconforming use, then the Zoning Hearing
3 Board, upon prior written request, may extend the two (2) year abandonment
4 clause for a reasonable period of time to effectuate said repairs, maintenance, or
5 alterations. Applicants seeking an extension of the two (2) year abandonment
6 clause must submit a schedule for such repair, maintenance, or alterations.
7 Normal repair and maintenance work that maintains continued safe and sanitary
8 conditions may be performed on a structure without constituting abandonment
9 of the nonconforming use therein.

10 **306 NONCONFORMING STRUCTURES.** The following provisions shall apply to all structures
11 and buildings meeting the definition of NONCONFORMING STRUCTURE.

12 **306.1 Continuation.** Any legally established nonconforming structure may be continued
13 until abandoned as prescribed in Subsection 306.3 of this Section.

14 **305.2 Expansion.** A nonconforming structure may be expanded, provided:

- 15 A. A nonconforming structure may be enlarged, extended, or structurally altered,
16 provided the enlargement or alteration complies with the setback, height, lot
17 coverage, and other site development requirements of the zoning district in
18 which the structure is located.
- 19 B. A nonconforming structure may not be enlarged, extended, or structurally
20 altered in such a manner that increases the extent of its nonconformity unless
21 a variance from the terms of this Chapter is obtained from the Zoning Hearing
22 Board.

23 **306.3 Damage or Destruction.** A nonconforming structure experiencing substantial
24 destruction shall be considered abandoned and have its nonconforming status
25 terminated. Any subsequent repair or reconstruction of the structure shall comply
26 with the requirements of the zoning district in which it is located and related
27 zoning regulations, with the following exception:

- 28 A. The nonconforming structure may be allowed to be rebuilt within the same
29 footprint and size if the structure suffered substantial destruction as a result
30 of fire, flood, explosion, or similar unplanned event resulting in damage not
31 intentionally or negligently caused by the owner or tenant, and a complete
32 building permit application for reconstruction is filed within one (1) year of
33 such event.

1 **306.4 Partial Damage or Destruction.** A nonconforming structure suffering from less
2 than substantial destruction may have its nonconforming status suspended for a
3 reasonable time period determined by the Zoning Officer and be considered
4 conforming for the purpose of improvements and repair, if:

5 A. The structure is damage by fire, flood, explosion, or similar unplanned event
6 resulting in damage not intentionally or negligently caused by the owner or
7 tenant and a complete building permit application is filed within one (1) year
8 of such event; and,

9 B. The building permit must remain active and if it is allowed to expire, then legal
10 nonconforming status shall terminate, and subsequent repairs and
11 improvements shall comply with the requirements of the zoning district in
12 which it is located and related zoning regulations.

13 **306.5 Repair and Maintenance.** Normal repair and maintenance work on a
14 nonconforming structure may be performed that maintains continued safe and
15 sanitary conditions. If repair, maintenance, or alterations are performed on the
16 nonconforming structure with the specific purpose of bring the structure into
17 further compliance with the Pennsylvania Uniform Construction Code, or if such
18 repair, maintenance, or alterations are ordered by the City’s Code Enforcement
19 Officer, and if such alterations necessitate the temporary abandonment of the
20 nonconforming structure, then the Zoning Hearing Board, upon prior written
21 request, may extend the two (2) year abandonment clause for a reasonable period
22 of time to effectuate said repairs, maintenance, or alterations. Applicants seeking
23 an extension of the two (2) year abandonment clause must submit a schedule for
24 such repair, maintenance, or alterations.

25 **307 NONCONFORMING SIGNS**

26 **307.1 Applicability.** This Section applies to the maintenance, repair as appropriate, and
27 removal of nonconforming signs.

28 **307.2 Maintenance and Repair of Off-Premises Signs.** Any nonconforming off-premises
29 sign shall immediately lose its legal nonconforming designation, and be removed
30 or brought into conformity with related sign regulations of this Chapter, when one
31 (1) or more of the following events occur:

32 A. Any structural alteration to an off-premises sign shall result in the loss of its
33 nonconforming status. This does not include re-facing the sign.

1 B. In no case shall a nonconforming off-premises sign be permitted to be
2 expanded or enlarged unless a variance from the terms of this Chapter is
3 obtained from the Zoning Hearing Board.

4 **307.3 Maintenance and Repair of On-Premises Signs.** Any nonconforming on-premises
5 sign shall immediately lose its legal nonconforming designation and be removed
6 or brought into conformity with related sign regulations of this Chapter, when one
7 (1) or more of the following events occur:

8 A. If alterations are made to the sign that exceed twenty-five (25) percent of the
9 replacement cost of the sign, it shall lose its nonconforming status; or

10 B. For freestanding signs, re-facing the sign with a new message is permitted;
11 however, if the cabinetry housing the sign is removed, or is intended to be
12 replaced, the sign shall lose its nonconforming status; or

13 C. In no case shall a nonconforming on-premises sign be permitted to be
14 expanded or enlarged unless a variance from the terms of this Chapter is
15 obtained from the Zoning Hearing Board.

16 **307.4 Abandonment.** Any sign, including its frame and support structures, related to a
17 use or business that ceases to exist or operate for a continuous period of ninety
18 (90) days shall be considered nonconforming and shall not be reused for sign
19 purposes unless and until it is in full conformity with the sign regulations of this
20 Chapter, subject to the issuance of a building permit. This requirement shall apply
21 whether the property owner has been specifically informed of the ninety (90)
22 lapse, or not.

23 **308 UNLAWFUL USES, STRUCTURES, AND LOTS.**

24 **308.1** Nothing in this Article shall be interpreted to be authorization for, or approval of
25 the continuation of the use of a structure that is in violation of any ordinance in
26 effect at the time of the passage of the ordinance codified in the Chapter. The
27 intermittent, temporary, or illegal use of land or structures shall not be sufficient
28 to establish the existence of a nonconforming use, structure, feature, and/or lot.

29 **308.2** Any use, structure, feature, or lot which did not comply with the zoning
30 regulations of this Chapter at the time it was established or constructed and does
31 not comply with the current zoning regulations of this Chapter is illegal and shall
32 be brought into compliance with this Chapter.

ARTICLE 4

ARTICLE	SECTION	PAGE	TITLE
4			REVIEWERS AND DECISIONMAKERS
	401	1 of 9	Planning Commission
	402	1 of 9	Zoning Hearing Board
	403	9 of 9	Zoning Officer



REVIEWERS AND DECISIONMAKERS

1 **ARTICLE 4 – REVIEWERS AND DECISION MAKERS**

2 **401 PLANNING COMMISSION.** See Part I – Administrative Legislation, Chapter 12 – Boards,
3 Committees and Commissions, Article I – Planning Commission.

4 **402 ZONING HEARING BOARD.**

5 **402.1 EXISTENCE.**

6 (A) The Zoning Hearing Board, as presently constituted, shall continue to
7 perform and exercise all powers and functions prescribed by the
8 Pennsylvania Municipalities Planning Code and the Monessen City Code as
9 herein further provided.

10 (B) The Zoning Hearing Board, herein referred to as the “Board,” shall be
11 composed of three (3) members, who are residents of the City appointed
12 by City Council pursuant to the Pennsylvania Municipalities Planning Code.

13 (C) Members of the Board shall hold no other elected or appointed office in
14 the City nor shall any member be an employee of the City.

15 **402.2 TERMS AND VACANCIES.**

16 (A) The terms of office of the Board shall be three (3) years and shall be so
17 fixed that the term of office of one (1) member shall expire each year.
18 Board member terms shall begin and end on the first Monday of January.

19 (B) The Board Chairperson shall promptly notify City Council of any vacancies
20 which occur. Appointments to fill vacancies shall be only for the unexpired
21 portion of the term.

22 **402.3 ALTERNATE MEMBERS OF THE BOARD.**

23 (A) City Council may appoint by resolution at least one (1) but not more than
24 three (3) residents of the City to serve as alternate members of the Board.
25 The term of office of an alternate member shall be three (3) years.

26 (B) When seated pursuant to the provisions of Section 906 of the Pennsylvania
27 Municipalities Planning Code, an alternate shall be entitled to participate
28 in all proceedings and discussions of the Board to the same and full extent
29 as provided by law for Board members, including specifically the right to

1 cast a vote in the absence of a voting member during the proceedings, and
2 shall have all the powers and duties set forth in the Pennsylvania
3 Municipalities Planning Code and as otherwise provided by law and this
4 Chapter.

5 (C) Alternates shall hold no other elected or appointed office in the City,
6 including service as a member of the Planning Commission or as a Zoning
7 Officer, nor shall any alternate be an employee of the City.

8 (D) Any alternate may participate in any proceeding or discussion of the Board
9 but shall not be entitled to vote as a member of the Board nor be
10 compensated pursuant to Section 907 of the Pennsylvania Municipalities
11 Planning Code as a voting alternate member pursuant to Section 906 of
12 the Pennsylvania Municipalities Planning Code.

13 **402.4 REMOVAL OF MEMBERS.** Any Board member may be removed for malfeasance,
14 misfeasance, or nonfeasance in office, or for other just cause, by a majority vote
15 of City Council, taken after the member has received fifteen (15) days advance
16 notice of the intent to take such a vote. A hearing shall be held in connection
17 with the vote if the member shall request it in writing.

18 **402.5 ORGANIZATION OF BOARD.**

19 (A) The Board shall elect from its own membership a Chairperson and a Vice-
20 Chairperson, who shall serve annual terms as such and may succeed
21 themselves.

22 (B) For the conduct of any hearing or the taking of any action, a quorum shall
23 be not less than the majority of all the members of the Board.

24 (C) The Board may appoint a hearing officer from its own membership to
25 conduct any hearing on its behalf, and the parties may waive further action
26 by the Board as provided in Section 908 of the Pennsylvania Municipalities
27 Planning Code.

28 (D) The Board shall keep full public records of its business and shall submit a
29 report of its activities to the City Council annually.
30

1 **402.6 EXPENDITURES FOR SERVICES.** Within the limits of funds appropriated by City
2 Council, the Board may employ or contract for secretaries, clerks, legal counsel,
3 consultants, and other technical and clerical services.

4 **402.7 LEGAL COUNSEL.** Where legal counsel is desired, an attorney, other than the
5 City Solicitor, shall be used.

6 **402.8 BOARD'S POWERS AND FUNCTIONS.** The Zoning Hearing Board shall have the
7 following powers and functions:

8 (A) To hear and decide, upon appeal, substantive challenges to the validity of
9 any land use ordinance, except those brought before City Council pursuant
10 to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities
11 Planning Code.

12 (B) To hear and decide, upon appeal, challenges to the validity of a land use
13 ordinance raising procedural questions or alleged defects in the process of
14 enactment or adoption which challenges shall be raised by an appeal taken
15 within thirty (30) days after the effective date of said ordinance.

16 (C) To hear and decide, upon appeal, where:

17 (1) It is alleged that there is an error in the granting or denial of any
18 permit by the Zoning Officer or designee;

19 (2) It is alleged that there is an error in any order, requirement, decision,
20 or determination made by the Zoning Officer or designee in the
21 administration and/or enforcement of this Chapter;

22 (3) It is alleged that there is an error in the Zoning Officer's or designee's
23 preliminary opinion determination under Section 916.2 of the
24 Pennsylvania Municipalities Planning Code;

25 (4) It is alleged that there is a failure to act by the Zoning Officer or
26 designee on the application therefore;

27 (5) A cease-and-desist order has been issued by the Zoning Officer or
28 designee;

29 (6) The Zoning Officer or designee has registered or refused to register
30 any nonconforming use, building, or structure; or,

1 (7) The interpretation of any provision of this Chapter when the meaning
2 or application is in question.

3 (D) To hear and decide, upon application, special exceptions authorized by
4 specific provisions of this Chapter, in accordance with Section 507 of this
5 Chapter and other provisions of this Chapter that prescribe standards for
6 the respective special exceptions authorized.

7 (E) To authorize upon appeal, in specific cases, variances from the terms of
8 this Chapter in accordance with Section 508 of this Chapter;

9 (F) The Board, in conformity with this Chapter, may affirm or reverse or
10 modify, wholly or in part, any order, requirement, decision, or
11 determination appealed, and may make such order as it finds to be proper,
12 as if acting with all the powers of the office from whom the appeal has
13 been taken.

14 **402.9 RULES AND PROCEDURES.**

15 (A) The Board shall adopt and maintain rules of procedure not inconsistent
16 with the provisions of the Pennsylvania Municipalities Planning Code or
17 the Monessen City Code. The Board shall give public notice of the
18 adoption, amendment, or revocation of its rules of procedure by (1)
19 publication of such notice once, in a newspaper of general circulation in
20 the City, and (2) by maintaining copies of such rules for public inspection
21 in the City Clerk's Office.

22 (B) The Board shall meet at the call of its Chairperson and at such other times
23 as the Board may determine. All meetings of the Board shall be open to
24 the public.

25 (C) The Board shall provide for a record of the evidence received by it at its
26 hearings and shall keep a record of its proceedings showing the vote,
27 abstention, or absence of each Board member with respect to each official
28 action.

29 (D) For the purpose of the Board's hearings, the Chairperson or designated
30 member shall administer oaths and may issue subpoenas to compel the
31 attendance of witnesses.
32

- 1 **402.10 METHOD OF APPEAL.** See Section 509 of this Chapter.
- 2 **402.11 FEES.** Persons filing appeals or applications for consideration by the Board shall
3 pay the fees for same as prescribed by resolution of City Council.
- 4 **402.12 STAYS OF PROCEEDINGS.** Upon filing of any proceeding referred to in Section
5 913.3 of the Pennsylvania Municipalities Planning Code and during its pendency
6 before the Board, all land development pursuant to any challenged ordinance,
7 order, or approval of the Zoning Officer or designee or of any agency or body,
8 and all official action thereunder shall be stayed unless the Zoning Officer or any
9 other appropriate agency or body certifies to the Board facts indicating that such
10 stay would cause imminent peril to life or property, in which case the
11 development of official action shall not be stayed otherwise than by a restraining
12 order, which may be granted by the Board or by the court having jurisdiction of
13 zoning appeals on petition after notice to the Zoning Officer or other
14 appropriate agency or body. See also Section 915.1 of the Pennsylvania
15 Municipalities Planning Code.
- 16 **402.13 APPEAL OF ZONING HEARING BOARD DECISIONS TO COURT.** Any party
17 aggrieved by a decision of the Zoning Hearing Board, may, within thirty (30) days
18 of the Board’s decision, appeal the decision to the Court of Common Pleas of
19 Westmoreland County under the Local Agency Law, 2 Pa. C.S. Sections 751-754.
- 20 **402.14 PRESERVATION OF PROCEEDINGS BEFORE THE ZONING HEARING BOARD.**
21 Audio recording of all proceedings before the Zoning Hearing Board shall be
22 made and one (1) copy of such audio recording will remain on file at the Office
23 of the City Clerk until the expiration of the appeal period or, in the event of an
24 appeal, the production of a transcript and receipt thereof by the appellant.
25 Upon written request, any party to the proceeding may have one (1) copy of the
26 audio recording. The fee charged for such audio recording may not exceed the
27 cost of reproduction. The Zoning Hearing Board may also secure the services of
28 a stenographer to prepare a transcript of the hearing, the cost of which shall be
29 the responsibility of the applicant as a part of the petition/application fee.
- 30 **402.15 HEARINGS.** The Board shall conduct hearings and make decisions in accordance
31 with the following requirements as established in the Pennsylvania
32 Municipalities Planning Code. Any subsequent revisions to the Pennsylvania
33 Municipalities Planning Code are adopted by this reference.

1 (A) Public notice shall be given and written notice shall be given to the
2 applicant, the Zoning Officer, such other persons as the governing body
3 shall designate by ordinance, and to any person who has made timely
4 request for the same. Written notices shall be given at such time and in
5 such manner as shall be prescribed by ordinance or, in the absence of
6 ordinance provision, by rules of the Board. In addition to the written
7 notice provided herein, written notice of said hearing shall be
8 conspicuously posted on the affected tract of land at least one (1) week
9 prior to the hearing.

10 (1) City Council may prescribe reasonable fees with respect to hearings
11 before the Board. Fees for said hearings may include compensation
12 for a non-board member secretary, notice and advertising costs, and
13 necessary administrative overhead connected with the hearing. The
14 costs, however, shall not include legal expenses of the Board,
15 expenses for engineering, architectural, or other technical
16 consultants or expert witness costs.

17 (2) The first hearing before the Board or hearing officer shall be
18 commenced within sixty (60) days from the date of receipt of the
19 applicant's complete application, unless the applicant has agreed in
20 writing to an extension of time. Each subsequent hearing before the
21 Board or hearing officer shall be held within forty-five (45) days of
22 the prior hearing, unless otherwise agreed to by the applicant in
23 writing or on the record. An applicant shall complete the
24 presentation of his/her case-in-chief within 100 days of the first
25 hearing. Upon the request of the applicant, the Board or hearing
26 officer shall assure that the applicant receives at least seven (7) hours
27 of hearings within the 100 days, including the first hearing. Persons
28 opposed to the application shall complete the presentation of their
29 opposition to the application within 100 days of the first hearing held
30 after the completion of the applicant's case-in-chief. An applicant
31 may, upon request, be granted additional hearings to complete
32 his/her case-in-chief provided the persons opposed to the
33 application are granted an equal number of additional hearings.
34 Persons opposed to the application may, upon the written consent
35 or consent on the record by the applicant and City, be granted
36 additional hearings to complete their opposition to the application

1 provided the applicant is granted an equal number of additional
2 hearings for rebuttal.

3 (B) The hearings shall be conducted by the Board, or the Board may appoint
4 any member or an independent attorney as a hearing officer. The decision,
5 or, where no decision is called for, the findings shall be made by the Board;
6 however, the appellant or the applicant, as the case may be, in addition to
7 the City, may, prior to the decision of the hearing, waive decision or
8 findings by the Board and accept the decision or findings of the hearing
9 officer as final.

10 (C) The parties to the hearing shall be the City, any person affected by the
11 application who has made timely appearance of record before the Board,
12 and any other person including civic or community organizations
13 permitted to appear by the Board. The Board shall have power to require
14 that all persons who wish to be considered parties enter appearances in
15 writing on forms provided by the Board for that purpose.

16 (D) The Chairperson or acting Chairperson of the Board or the hearing officer
17 presiding shall have power to administer oaths and issue subpoenas to
18 compel the attendance of witnesses and the production of relevant
19 documents and papers, including witnesses and documents requested by
20 the parties.

21 (E) The parties shall have the right to be represented by counsel and shall be
22 afforded the opportunity to respond and present evidence and argument
23 and cross-examine adverse witnesses on all relevant issues.

24 (F) Formal rules of evidence shall not apply, but irrelevant, immaterial, or
25 unduly repetitious evidence may be excluded.

26 (G) Upon prior written request of the applicant allowing reasonable time, the
27 Board or the hearing officer, as the case may be, shall have prepared a
28 stenographic record of the proceedings. The appearance fee for a
29 stenographer shall be shared equally by the applicant and the Board. The
30 cost of the original transcript shall be paid by the Board if the transcript is
31 ordered by the Board or hearing officer or shall be paid by the person
32 appealing from the decision of the Board if such appeal is made, and in
33 either event the cost of additional copies shall be paid by the person

1 requesting such copy or copies. In other cases, the party requesting the
2 original transcript shall bear the cost thereof.

3 (H) The Board or the hearing officer shall not communicate, directly or
4 indirectly, with any party or his/her representatives in connection with any
5 issue involved except upon notice and opportunity for all parties to
6 participate, shall not take notice of any communication, reports, staff
7 memoranda, or other materials, except advice from their solicitor, unless
8 the parties are afforded an opportunity to contest the material so noticed
9 and shall not inspect the site or its surroundings after the commencement
10 of hearings with any party or his/her representative unless all parties are
11 given an opportunity to be present.

12 (I) The Board or the hearing officer, as the case may be, shall render a written
13 decision or, when no decision is called for, make written findings on the
14 application within forty-five (45) days after the last hearing before the
15 Board or hearing officer. Where the application is contested or denied,
16 each decision shall be accompanied by findings of fact and conclusions
17 based thereon together with the reasons therefor. Conclusions based on
18 any provisions of this Chapter or the Pennsylvania Municipalities Planning
19 Code, or any City ordinance, rule, or regulation shall contain a reference to
20 the provision relied on and the reasons why the conclusion is deemed
21 appropriate in the light of the facts found. If the hearing is conducted by
22 a hearing officer, and there has been no stipulation that his/her decision
23 or findings are final, the Board shall make his/her report and
24 recommendations available to the parties within forty-five (45) days, and
25 the parties shall be entitled to make written representations thereon to
26 the Board prior to final decision or entry of findings, and the Board's
27 decision shall be entered no later than thirty (30) days after the report of
28 the hearing officer. Where the Board fails to render a decision within the
29 period required by the Chapter or the Pennsylvania Municipalities
30 Planning Code, or fails to hold the required hearing within sixty (60) days
31 from the date of the applicant's request for a hearing, the decision shall be
32 deemed to have been rendered in favor of the applicant unless the
33 applicant has agreed in writing or on the record to an extension of time.
34 When a decision has been rendered in favor of the applicant because of
35 the failure of the Board to meet or render a decision as herein above
36 provided, the Board shall give public notice of said decision within ten (10)
37 days in the same manner as provided in the Pennsylvania Municipalities

1 Code. Nothing in this Subsection shall prejudice the right of any party to
2 appeal the decision to a court of competent jurisdiction.

3 (J) A copy of the final decision or, where no decision is called for, of the
4 findings shall be delivered to the applicant personally or mailed to him/her
5 not later than the day following its date. To all other persons who have
6 filed their name and address with the Board not later than the last day of
7 the hearing, the Board shall provide by mail or otherwise, brief notice of
8 the decision or findings and a statement of the place at which the full
9 decision or findings may be examined.

10 **403 ZONING OFFICER.** The Zoning Officer or designated City Official, who shall be appointed
11 by the Mayor and approved by City Council, is herein charged with the administration and
12 enforcement of this Chapter. The Zoning Officer shall:

13 **403.1** Receive, process, and maintain a permanent file, as public records, of all
14 applications for and appeals of any action under this Chapter.

15 **403.2** Review and issue or deny Zoning Permits in accordance with Section 503 of this
16 Chapter.

17 **403.3** Review and issue or deny Zoning Certificates of Compliance in accordance with
18 Section 504 of this Chapter.

19 **403.4** Issue Preliminary Opinions Determinations in accordance with Section 505 of
20 this Chapter.

21 **403.5** Enforce the provisions of this Chapter in accordance with Article 6 “Enforcement
22 and Penalties” of this Chapter.

23 **403.6** Maintain current a registration of nonconforming buildings, structures, and uses
24 within the City of Monessen.

ARTICLE 5

ARTICLE	SECTION	PAGE	TITLE
5			DEVELOPMENT REVIEW PROCEDURES
	501	1 of 31	General Requirements for All Procedures
	502	5 of 31	Zoning Map and Zoning Text Amendments
	503	12 of 31	Zoning Permit
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1 **ARTICLE 5 – DEVELOPMENT REVIEW PROCEDURES**

2 **501 GENERAL REQUIREMENTS FOR ALL PROCEDURES.** The general requirements of this
3 Article shall apply to all development review procedures, unless otherwise indicated.

4 **501.1 Applications/Petitions and Fees.** Development applications or petitions for any
5 approval action under this Chapter shall be submitted on forms established and
6 provided by the Zoning Officer, who shall be responsible for accepting and
7 processing the same. Applications/petitions shall be accompanied by a non-
8 refundable filing fee set by resolution of City Council to defray the costs of
9 processing the same, and, if provided herein, an advertising deposit. No
10 application/petition shall be processed until the Zoning Officer determines that
11 the application/petition is fully complete and the required nonrefundable filing
12 fee and, if required, advertising deposit have been paid. Filing fees and
13 advertising deposits shall not be required for applications/petitions initiated by
14 the Planning Commission or City Council.

15 **501.2 Hearings.** The requirements and limitations of this Section shall apply to all
16 hearings held pursuant to this Chapter.

17 (A) **Limitations on Action.**

18 (1) The body holding the hearing may take any action on the
19 application/petition that is consistent with the notice given, including
20 approving such application/petition, approving the
21 application/petition with conditions, approving in part, denying the
22 application/petition or denying in part the application/petition.

23 (2) The reviewing body may impose whatever reasonable conditions and
24 safeguards on the application/petition as it may deem necessary to
25 implement the purposes and secure protections of this Chapter and
26 ensure substantial justice is done.

27 (3) The reviewing body may allow amendments to the
28 application/petition if the effect of the amendment is to allow a less
29 intensive use than proposed in the application/petition or to reduce
30 the impact of the development or to reduce the amount of land area
31 included in the application/petition. The reviewing body may not

1 approve a greater amount of development or a more intensive use
2 than was indicated in the notice.

3 (B) **Continuation of Hearing.** A hearing for which proper notice was given may
4 be continued to a later date without again complying with the notice
5 requirements of this Chapter, provided that the hearing is set for a date
6 and time certain.

7 **501.3 Notices.** The requirements and limitations of this Subsection shall apply to all
8 notices required by this Chapter to be given by or on behalf of City Council, the
9 Planning Commission, the Zoning Hearing Board, or the Zoning Officer. The
10 provisions of this Subsection describe the various types of notices that are
11 required for different types of applications. The actual type of notice required
12 for a given application is specified under the relevant review procedure of this
13 Chapter.

14 (A) **Published Notice.** Published notice required pursuant to this Article shall
15 be published once each week for two (2) successive weeks in a newspaper
16 of general circulation in the City. Such notice shall state the date, time,
17 and place of the initial public hearing, the general location of the subject
18 property, provide a brief summary of the application/petition, and a
19 reference place within the City where copies of the same can be examined.
20 The first publication shall not be more than thirty (30) days and the second
21 publication shall not be less than seven (7) days from the date of the
22 hearing.

23 (B) **Mailed Notice.** Mailed notice required pursuant to this Article shall be
24 mailed by first class mail to all property owners within the affected area.
25 For the purposes of mailed notification provisions of this Article, the
26 affected area shall mean all abutting property owners and those property
27 owners across the streets or rights-of-way from the subject premises,
28 based on ownership information available from the Westmoreland County
29 Tax Assessment Office. However, the minimum radius of notification (e.g.,
30 the affected area and an additional notification area determined by
31 measurement from the furthest limits of the property boundaries in
32 question), the number of notices, and the timing of the mailed notice shall
33 be as indicated in this Article for specific development review types.
34 Notices shall also be mailed to the official clerk or secretary of any other
35 political subdivision within the required radius of notification. The notice

1 shall indicate the date, time, and place of the initial public hearing, the
2 general location of the subject property, provide a brief summary of the
3 application/petition, and a reference place within the City where copies of
4 the same can be examined. For each public hearing requiring mailed
5 notice, the Zoning Officer shall prepare, sign, and maintain a list of all
6 mailed notices and mailing dates. The signed list shall constitute a
7 presumption that the notice was given.

8 (C) **Electronic Notice.** Electronic notice shall be required only if an owner of a
9 tract or parcel of land located within the City has made a written request
10 that notice be sent electronically and has supplied the Zoning Officer with
11 an electronic address prior to a public hearing and only if the City maintains
12 the capability of generating an electronic notice. An owner of a tract or
13 parcel of land located in the City making the request and supplying an
14 electronic address may at any time notify the Zoning Officer that the owner
15 of the tract or parcel of land located in the City no longer will accept
16 electronic notice, and, in that event, the Zoning Officer may no longer
17 provide electronic notice. The owner of a tract or parcel of land located
18 within the City who has requested electronic notice shall be solely
19 responsible for the accuracy and functioning of the electronic address
20 provided to the Zoning Officer. The City shall not be responsible or liable
21 if the owner of a tract or parcel of land located within the City does not
22 provide to the Zoning Officer notice of any changes to the owner's
23 electronic address. For each public hearing requiring electronic notice, the
24 Zoning Officer shall prepare, sign, and maintain a list of all electronic
25 notices and electronic notice dates. The signed list shall constitute a
26 presumption that the notice was given.

27 (D) **Posted Notice.** Posted notice required pursuant to this Article shall be
28 posted by the applicant/petitioner on the property(s) that is the subject of
29 the application/petition. Notices using weatherproof signs posted by the
30 applicant/petitioner shall be provided by the Zoning Officer. At least one
31 (1) sign shall be posted for each one hundred (100) feet of street frontage
32 up to a maximum of ten (10) signs as determined by the Zoning Officer.
33 Required signs shall be placed along the perimeter of the subject property
34 in locations that are clearly legible from adjacent public streets. Required
35 signs shall indicate the date, time, and place of the initial public hearing,
36 the general location of the subject property, provide a brief summary of
37 the application/petition, and a reference place within the City where

1 copies of the same can be examined. The timing of the posted notice shall
2 be as indicated in this Article. The applicant shall submit to the Zoning
3 Officer a dated and time stamped photograph(s) of the sign(s) posted on
4 the property to evidence compliance with this notice posting requirement.
5 It shall be the responsibility of the applicant/petitioner to maintain posted
6 signs until the date and time of the initial public hearing.

7 (E) **Constructive Notice.** Notice required pursuant to this Article shall be
8 deemed to be complete and in compliance with applicable requirements
9 when there is substantial compliance with applicable notice requirements.
10 Minor technical deviations from the requirements shall not be deemed to
11 impair the notice where there is actual notice. When required mailed
12 notices have been properly addressed and deposited in the mail and
13 electronic notices have been electronically sent, failure of a party to
14 receive such notice shall not invalidate any subsequent action. In all cases,
15 however, the requirements for the timing of the notice and for specifying
16 the date, time, and place of the initial public hearing, the general location
17 of the subject property, a brief summary of the application/petition, and a
18 reference place within the City where copies of the same can be examined
19 shall be strictly construed. In the event that questions arise at the hearing
20 regarding the adequacy of notice, the body hearing the matter shall make
21 a formal finding regarding whether there was substantial compliance with
22 the notice requirements of this Article prior to taking action on the
23 application/petition.

24 **501.4 Exercise of Permits, Certificates and Approvals.** All permits, certificates,
25 approvals, and other forms of authorization granted under this Chapter by the
26 Zoning Officer, on appeal to the Zoning Hearing Board, or those granted as
27 Special Exceptions, as Conditional Uses, or as Variances shall be exercised
28 promptly. For the purposes of this Subsection, the term “exercised” shall mean
29 that the approval granted under this Chapter has been activated as evidenced
30 by the issuance and continuance of a Zoning Permit or Zoning Certificate of
31 Compliance, as the case may be. If the use and/or the physical improvements
32 work so authorized under this Chapter is not initiated within one (1) year from
33 the date of approval, then such approval shall become null and void. If, in the
34 case of physical improvements, related work is discontinued for more than one
35 (1) year, then such approval shall become null and void. If, in the case of the use
36 of a structure, building, or land, the use is discontinued for more than one (1)
37 year, then such approval shall become null and void.

1 **502 ZONING MAP AND ZONING TEXT AMENDMENTS.** Any amendment to the text of this
2 Chapter or to the zoning district boundaries shown on the Official Zoning Map of the City
3 of Monessen shall, unless otherwise noted, follow the procedures set forth in this Section.
4 For the purposes of this Section, “owner” shall mean the person(s) who is the record
5 owner of the lot of record in the County Recorder of Deeds Office.

6 **502.1 Initiative.** The Planning Commission or City Council may, from time to time and
7 on its own initiative, initiate a Zoning Text or Zoning Map amendment, with or
8 without a petition from the affected property owner(s), to amend, supplement,
9 or change the regulations, restrictions, or zoning district boundaries herein or
10 subsequently established.

11 **502.2 Petition.** The preferred method to request a zoning text or zoning map
12 amendment is by petition from the affected property owner(s).

13 **502.3 Referral.** Any proposed zoning map or zoning text amendment presented to
14 City Council without written findings and recommendation from the City of
15 Monessen Planning Commission and the Westmoreland County Planning
16 Commission, shall be referred to these planning agencies for their review and
17 recommendations prior to the public hearing by City Council. City Council shall
18 not hold a public hearing on such amendments until required reviews and
19 recommendations are received or the expiration of thirty (30) days from the
20 date that such proposed amendments were submitted to the City and County
21 Planning Commissions.

22 **502.4 Action.** Before acting upon a proposed amendment, City Council shall, as
23 required by law, hold a public hearing thereon. Public notice of such hearing is
24 required and shall contain a brief summary of the proposed amendment and
25 reference to the place where copies of the same be examined, and shall be
26 published in accordance Subsection 501.3(A) of this Article. If the proposed
27 amendment involves a change to the Official Zoning Map, notice of the public
28 hearing shall be posted at the affected tract in accordance with Subsection
29 501.3(D) of this Article no later than one (1) week prior to the date of the
30 hearing.

31 **502.5 Curative Amendment, Municipal.** In accordance with Section 609.2 of the State
32 Planning Code, if City Council determines this Chapter, the Official Zoning Map,
33 or any portion thereof is substantially invalid, it shall take the following actions:

34 (A) City Council shall declare by formal action, this Chapter, the Official Zoning
35 Map, or portions thereof substantively invalid and propose to prepare a
36 Curative Amendment to overcome such invalidity. Within thirty (30) days
37 following such declaration and proposal, City Council shall:

- 1 (1) By resolution make specific findings setting forth the declared
2 invalidity of this Chapter, the Official Zoning Map, or portions thereof
3 which may include:
- 4 (a) References to specific uses which are either not permitted or
5 not permitted in sufficient quantity;
- 6 (b) Reference to a class of use or uses which require revision; or
- 7 (c) Reference to this entire Chapter which requires revisions.
- 8 (2) Begin to prepare and consider a Curative Amendment to this
9 Chapter, the Official Zoning Map, or portions thereof to correct the
10 declared invalidity.
- 11 (B) Within 180 days from the date of the declaration and proposal, City
12 Council shall enact a Curative Amendment to validate, or to reaffirm the
13 validity of, this Chapter, the Official Zoning Map, or portions thereof
14 pursuant to the provisions required by Section 609 of the State Planning
15 Code in order to cure the declared invalidity of this Chapter, the Official
16 Zoning Map, or portions thereof.
- 17 (1) City Council shall submit the declared invalidity to the Monessen
18 Planning Commission at least thirty (30) days prior to City Council's
19 public hearing on the matter to provide the Planning Commission the
20 opportunity to submit recommendations to a Curative Amendment
21 to validate, or to reaffirm the validity of, this Chapter, the Official
22 Zoning Map, or portions thereof included in the invalidity
23 declaration.
- 24 (2) City Council shall submit the declared invalidity to the Westmoreland
25 County Planning Commission at least thirty (30) days prior to City
26 Council's public hearing for recommendations.
- 27 (C) Upon the initiation of the procedures, as set forth in Subsection 502.5(A)
28 above, City Council shall not be required to entertain or consider any
29 Landowner's Curative Amendment filed under Section 609.1 of the State
30 Planning Code nor shall the Zoning Hearing Board be required to give a
31 report requested under Section 909.1 or 916.1 of the State Planning Code
32 subsequent to the declaration and proposal based upon the grounds
33 identical to or substantially similar to those specified in the resolution
34 required by Subsection 502.5(A)(1) above. Upon completion of the
35 procedures as set forth in Subsections 502.5(A) and (B) above, no rights to
36 a cure pursuant to the provisions of Sections 609.1 and 916.1 of the State
37 Planning Code shall, from the date of the declaration and proposal, accrue

1 to any landowner on the basis of the substantive invalidity of this
2 unamended Chapter for which there has been a curative amendment
3 pursuant to these Municipal Curative Amendment provisions.

- 4 (D) City Council having utilized the procedures as set forth in Subsections
5 502.5(A) and (B) above may not again utilize said procedure for a 36-month
6 period following the date of the enactment of a Curative Amendment, or
7 reaffirmation of the validity of this Chapter, pursuant to Subsection
8 502.5(B) above; provided, however, if after the date of declaration and
9 proposal there is a substantially new duty or obligation imposed upon the
10 City by virtue of a change in statute or by virtue of a Pennsylvania Appellate
11 Court decision, the City may utilize the provisions of this Section to prepare
12 a Curative Amendment to this Chapter to fulfill said duty or obligation.

13 **502.6 Curative Amendment, Landowner.** In accordance with the State Planning Code,
14 the following procedures are set forth for a Landowner Curative Amendment.

- 15 (A) A landowner who desires to challenge on substantive grounds the validity
16 of this Chapter or the Official Zoning Map or any provision thereof, which
17 prohibits or restricts the use or development of land in which he/she has
18 an interest may submit a Curative Amendment to City Council with a
19 written request that his/her challenge and proposed amendment be heard
20 and decided as provided in Section 916.1 of the State Planning Code.

- 21 (B) City Council shall commence a hearing thereon within sixty (60) days of the
22 request as provided in Section 916.1 of the State Planning Code. The
23 Curative Amendment and challenge shall be referred to the City of
24 Monessen Planning Commission as provided in Section 609 of the State
25 Planning Code and notice of the hearing thereon shall be given as provided
26 in Section 610 and in Section 916.1 of the State Planning Code.

- 27 (C) The hearing shall be conducted in accordance with Section 908 of the State
28 Planning Code and all references therein to the zoning hearing board shall,
29 for purposes of this Section be references to City Council: provided,
30 however, that the provisions of Section 908 (1.2) and (9) of the State
31 Planning Code shall not apply and the provisions of Section 916.1 of the
32 State Planning Code shall control. If City Council does not accept a
33 landowner's Curative Amendment brought in accordance with this
34 Subsection and a court subsequently rules that the challenge has merit,
35 the court's decision shall not result in a declaration of invalidity for the
36 entirety of this Chapter and the Official Zoning Map, but only for those
37 provisions which specifically relate to the landowner's Curative
38 Amendment and challenge.

1 (D) Should City Council determine that the validity challenge has merit, City
2 Council may accept a landowner’s Curative Amendment, with or without
3 revision, or may adopt an alternative amendment which will cure the
4 challenged defects. City Council shall consider the Curative Amendments,
5 plans, and explanatory material submitted by the landowner and shall also
6 consider:

7 (1) The impact of the proposal upon roads, sewer facilities, water
8 supplies, schools, and other public service facilities;

9 (2) If the proposal is for a residential use, the impact of the proposal
10 upon regional housing needs and the effectiveness of the proposal in
11 providing housing units of a type actually available to and affordable
12 by classes of persons otherwise unlawfully excluded by the
13 challenged provisions of this Chapter or the Official Zoning Map;

14 (3) The suitability of the site for the intensity of use proposed by the
15 site’s soils, slopes, woodlands, wetlands, floodplains, aquifers,
16 natural resources, and other natural features;

17 (4) The impact of the proposed use on the site’s soils, slopes, woodlands,
18 wetlands, floodplains, natural resources, and other natural features,
19 the degree to which these are protected or destroyed, the tolerance
20 of the resources to development and any adverse environmental
21 impacts; and

22 (5) The impact of the proposal on the preservation of agriculture and
23 other land uses which are essential to public health and welfare.

24 **502.7 Amendments by Petition.** A fully complete amendment petition application for
25 a Zoning Text Amendment or Zoning Map Amendment shall be filed with the
26 Zoning Officer, along with a nonrefundable filing fee and advertising deposit. No
27 amendment petition application shall be processed until the Zoning Officer
28 determines that the application is fully complete, and the required filing fee and
29 advertising deposit have been paid.

30 (A) **Zoning Text Amendments.** A petition for an amendment to the text of this
31 Chapter may be proposed by City Council, the Planning Commission, or by
32 a person or persons residing or owning property within the City; provided,
33 such application is first filed with the Zoning Officer.

34 (1) All applications for zoning text amendments shall be accompanied by
35 a letter by the person(s) requesting the amendment, which letter
36 shall clearly state the purpose and intent of the text amendment.

1 (2) No individual shall be permitted to remove or add his/her name to a
2 zoning text amendment petition after it is formally submitted to the
3 Zoning Officer, determined to be fully complete, and advertising
4 deposit and nonrefundable filing fee paid.

5 (B) **Zoning Map Amendments.** A petition for an amendment to the Official
6 Zoning Map (rezoning) may be proposed by City Council, the Planning
7 Commission, or by a majority of the affected property owners; provided,
8 such application is first filed with the Zoning Officer.

9 (1) All petitions for zoning map amendments (rezoning) shall be
10 accompanied by a letter by the person(s) requesting the rezoning,
11 which letter shall state the purpose and intent of the zoning map
12 amendment.

13 (2) Each applicant's lot of record included in a zoning map amendment
14 (rezoning) petition shall be considered as a separate request and a
15 nonrefundable filing fee paid accordingly unless there is a common
16 ownership of each lot of record to be rezoned and the lots abut.

17 (3) No individual shall be permitted to remove or add his/her name to a
18 zoning map amendment (rezoning) petition after it is formally
19 submitted to the Zoning Officer, determined to be fully complete,
20 and advertising deposit and nonrefundable filing fee paid.

21 **502.8 Notice – Amendments by Petition.**

22 (A) Promptly upon determining that an amendment petition application is
23 fully complete, the Zoning Officer shall schedule a public hearing before
24 the Planning Commission and notify the applicant and the Westmoreland
25 County Planning Commission of the hearing date, time, and location.

26 (1) For Zoning Text Amendment applications, the Zoning Officer shall
27 give notice of the Planning Commission hearing by publication in
28 accordance with the notice requirements of Subsection 501.3(A) of
29 this Chapter.

30 (2) For Zoning Map Amendment applications, the Zoning Officer shall
31 give notice of the Planning Commission hearing by publication in
32 accordance with Subsection 501.3(A) of this Chapter, by posting in
33 accordance with Subsection 501.3(D), by mail in accordance with
34 Subsection 501.3(B), and, if applicable, by electronic message in
35 accordance with Subsection 501.3(C).

- 1 (a) The publication of the first public notice shall not be less than
2 twenty-one (21) days but not more than thirty (30) days prior
3 to the scheduled date of the hearing as shown on the notice.
4 The publication of the second public notice shall not be less
5 than seven (7) days prior to the scheduled date of the hearing
6 as shown on the notice.
- 7 (b) Mailed notice shall be to all owners of record of property within
8 the affected area as described in Subsection 501.3(B) and to all
9 owners of record of property within a three hundred (300) foot
10 radius of the subject premises, or to such extended distance to
11 ensure that no less than twenty-five (25) nearest owners of
12 record of property are so notified in writing.
- 13 (c) Mailed notice shall be deposited in the United State mail and,
14 if applicable, electronic notice shall be sent not more than
15 twenty-one (21) and not less than ten (10) days prior to the
16 scheduled date of the hearing as shown on the notice.
- 17 (d) On the Zoning Map Amendment Petition, the applicant shall
18 provide the names and mailing addresses of property owners
19 who are required to be notified herein.
- 20 (e) Posted notice shall be posted on the subject property at least
21 ten (10) days prior to the public hearing.
- 22 (B) Promptly following hearing and action by the Planning Commission, the
23 Zoning Officer shall schedule with City Council a public hearing, notify the
24 applicant of the hearing date, time, and location, and give notice of the
25 City Council hearing by publication in accordance with Subsection 501.3(A)
26 of this Chapter.

27 **502.9 Hearing and Action by the Planning Commission.** The Planning Commission
28 shall conduct a hearing and shall act to recommend approval or denial of the
29 application within ninety (90) days of the receipt of the fully completed
30 application. In taking action, the Planning Commission shall consider the criteria
31 specified in Subsection 502.11 and make a report supporting its
32 recommendation to approve or deny the application. Where the Planning
33 Commission fails to render its decision within the period required by this
34 Subsection, the decision shall be deemed to have been rendered in denial of the
35 application unless the applicant has agreed in writing or on the record to an
36 extension of time. When a decision has been rendered in denial of the
37 application because of the failure of the Planning Commission to meet or render
38 a decision as hereinabove provided, the Zoning Officer shall notify the
39 applicant(s) and City Council in writing within ten (10) days.

1 **502.10 Hearing and Action by City Council.** City Council shall hold a public hearing on
2 the Zoning Text or Map Amendment application within sixty (60) days of the
3 Planning Commission's action on the application. After the public hearing, City
4 Council shall act to approve or deny the application, within ninety (90) days of
5 the City Council hearing. In taking action, City Council shall consider the criteria
6 specified in Subsection 502.11. Where Council fails to render its decision within
7 the period required by this Subsection or fails to hold the required public hearing
8 within sixty (60) days from the date of the Planning Commission's action, the
9 decision shall be deemed to have been rendered in denial of the application
10 unless the applicant has agreed in writing or on the record to an extension of
11 time. When a decision has been rendered in denial of the application because
12 of the failure of Council to meet or render a decision as hereinabove provided,
13 the Zoning Officer shall notify the applicant(s) in writing within ten (10) days.
14 Nothing in this Subsection shall prejudice the right of any party opposing the
15 application to urge that such a decision is erroneous.

16 **502.11 Review Criteria.** The criteria for review of a proposed amendment to the Official
17 Zoning Map or the zoning text of this Chapter are set out in this Subsection. Not
18 all of the criteria must be given equal consideration by the Planning Commission
19 or City Council in reaching a decision. The applicant shall have the burden of
20 demonstrating that the proposal meets the applicable review criteria. The
21 review criteria to be considered shall be as follows:

- 22 (A) The consistency of the proposal with the adopted comprehensive plan,
23 area plans, and policies of the City;
- 24 (B) If the proposed amendment is inconsistent, then City Council, with the
25 advice of the Planning Commission, must find that there have been major
26 changes of an economic, physical, and/or social nature within the area
27 involved which were not anticipated when the comprehensive plan was
28 adopted, and those changes have substantially altered the basic
29 characteristics of the area.
- 30 (C) The convenience and welfare of the public;
- 31 (D) Compatibility of the proposal with the zoning classification(s), zoning
32 regulations, uses, and character of the neighborhood and/or vicinity;
- 33 (E) The suitability of the subject property for the uses to which it has been
34 restricted without the proposed zoning map amendment;
- 35 (F) The extent to which approval of the proposed zoning map amendment will
36 detrimentally affect nearby property;

- 1 (G) The length of time the subject property has remained vacant as currently
2 zoned;
- 3 (H) Impact of the change in zoning district boundary, zoning classification,
4 and/or zoning regulation may have on community facilities and services;
5 and,
- 6 (I) The recommendations of the Zoning Officer and the Planning Commission.

7 **502.12 Negative Recommendation of Planning Commission.** If the Planning
8 Commission recommends denial of a zoning map or zoning text amendment,
9 approval of such an amendment by City Council shall require an affirmative vote
10 of no fewer than three (3) members of City Council.

11 **502.13 Successive Applications.** In the event that City Council denies an application for
12 an amendment to the Official Zoning Map, a similar application shall not be
13 refiled within one (1) year unless the Planning Commission, upon petition by the
14 applicant, determines that significant physical, economic or land use changes
15 have taken place within the immediate vicinity, or a significant zoning regulation
16 text change has been adopted, or when the reapplication is for a more restrictive
17 change of zoning classification or a different use request than the original
18 request. The applicant shall submit a statement in detail setting out those
19 changes which he/she deems significant and upon which he/she relies for
20 refiling the original application.

21 **502.14 Notification of Amendment.** Promptly after the effective date of any
22 amendment to the Official Zoning Map, the Zoning Officer shall send notice of
23 the amendment to the record owners of property rezoned by the amendment.

24 **503 ZONING PERMIT.** The Zoning Permit shall be the document signed and issued by the
25 Zoning Officer, as required under this Chapter, as a condition precedent to the
26 commencement of a use or the erection, construction, reconstruction, restoration,
27 relocation, alteration, conversion, or installation of a structure or building, which
28 document acknowledges that such use, structure, or building, as proposed, complies with
29 the provisions of this Chapter or an authorized variance therefrom. The issuance of a
30 Zoning Permit shall not be construed as a building permit for construction or certificate
31 of occupancy which are under the purview of the Pennsylvania Uniform Construction
32 Code, as amended.

33 **503.1 Applicability.** A Zoning Permit shall be required for the lawful development,
34 improvement, or use of all land, structures or premises, or parts thereof, in all
35 of the following circumstances:

- 36 (A) Major Excavation/Grading/Fill as defined in Article 6 of this Chapter.

- 1 (B) A new or changed use of land or new or changed use of building or
2 structure.
- 3 (C) A building or structure hereafter erected, altered, or enlarged except for
4 the following:
- 5 (1) Interior renovation not undertaken for a change of use, for the
6 increase in tenant space gross floor area, for the creation of new
7 tenant space, or for the intensification of use.
- 8 (2) Exterior renovation that does not alter the footprint or exterior
9 dimensions, including building height, of an existing building or
10 structure.
- 11 (3) Pavement on grade (e.g., concrete, asphalt, pavers, cobblestone,
12 etc.), including but not limited to patios, steps, and driveways, but
13 not including vehicle parking areas.
- 14 (D) The erection, enlargement, or reconstruction of a sign or sign structure,
15 except signs that do not exceed four (4) square feet in area.
- 16 (E) Continuation of a nonconforming use and/or nonconforming structure.

17 **503.2 Initiation.** An application for a Zoning Permit may be filed by the owner of the
18 subject property, the owner's agent, or tenant so authorized by the owner.

19 **503.3 Application.**

- 20 (A) A fully complete application for a Zoning Permit shall be submitted to the
21 Zoning Officer, along with an advertising deposit and nonrefundable filing
22 fee. No application shall be processed until the Zoning Officer determines
23 that the application is fully complete, and the required filing fee has been
24 paid.
- 25 (B) Each application for a Zoning Permit, except for a change from one (1)
26 conforming use to another conforming use, shall be accompanied by a site
27 plan in a form established by the Zoning Officer.
- 28 (C) Where complete and accurate information is not readily available from
29 existing records, the Zoning Officer may require the applicant to furnish a
30 survey of the premises by a registered engineer or surveyor.
- 31 (D) Each applicant or authorized agent shall be required to attest to the
32 correctness of the statements and add data furnished with the application.

1 (E) A file of applications and attachments including plans, drawings, etc. shall
2 be kept in the Office of the Zoning Officer.

3 **503.4 Timing of Application.** An application for a Zoning Permit shall be submitted at
4 the following times:

5 (A) Simultaneously with the application for a building permit pursuant to the
6 provisions of the Pennsylvania Uniform Construction Code, as amended.

7 (B) Prior to a change in use of land or structure.

8 (C) Prior to the issuance of any City permit for major excavation/grading/fill or
9 for the excavation for or erection of a structure or part thereof.

10 **503.5 Zoning Permit Approval.**

11 (A) **Approval of Zoning Permit.** Zoning Permits shall be issued by the Zoning
12 Officer only after the application for a Zoning Permit has been approved
13 with regard to compliance with this Chapter and the Zoning Officer is
14 satisfied that the proposed use or proposed physical improvement is in
15 compliance with the provisions of this Chapter.

16 (B) **Building Permits.** Approval of a Zoning Permit application shall be
17 required prior to the issuance of any Building Permit.

18 (C) Any Zoning Permit application requiring Variance, Special Exception,
19 and/or Conditional Use approval(s) shall not be approved until the noted
20 approval(s) has been granted the reviewing body.

21 **503.6 Filing.** A file of Zoning Permits shall be kept in the Office of the Zoning Officer.
22 Copies of the permit shall be furnished on request pursuant to the Pennsylvania
23 Right-To-Know Law, as amended.

24 **503.7 Lapse of Approval.**

25 (A) **Zoning Permits Involving Physical Improvements.** If the Zoning Permit
26 involves physical improvements that have not been substantially initiated
27 within one (1) year of the date of approval or authorization approval of the
28 application, the Zoning Permit approval shall lapse and become null and
29 void. The approval shall also lapse and become null and void if, after
30 starting construction, the construction is discontinued for a period of one
31 (1) year or more. No physical improvements shall be made after Zoning
32 Permit approval lapses unless the approval or authorization is renewed
33 pursuant to Section 503.7(C) below.

1 (B) **Zoning Permits Not Involving Physical Improvements.** If the Zoning
2 Permit does not involve physical improvements, and a Zoning Permit has
3 not been exercised by the applicant within one (1) year of the date of
4 approval or authorization, the Zoning Permit approval shall lapse and
5 become null and void. No use of a building, structure, land, or premises
6 shall be allowed to continue after Zoning Permit approval lapses unless the
7 approval or authorization is renewed pursuant to Section 503.7 (C) below.

8 (C) The Zoning Officer may renew the Zoning Permit application for which
9 approval has lapsed provided that no more than one (1) year has elapsed
10 since the date of the original approval or, in the case of discontinuance of
11 work, since the date of discontinuance. A lapsed application shall not be
12 renewed more than once. Renewal shall be made by written statement
13 without requiring the filing of a new application or plot plan. Renewal shall
14 have the same effect as the original Zoning Permit approval. If no renewal
15 is granted with the one-year period allowed for renewals, the original
16 Zoning Permit approval shall become null and void and have no further
17 effect.

18 **503.8 Pending Zoning Map and Text Amendments.** During the consideration of any
19 ordinance introduced before City Council to amend the text of this Chapter or
20 the Official Zoning Map in part, without replacing all of its provisions, and until
21 such ordinance is either enacted or rejected according to law, the Zoning Officer
22 and other city officials and bodies shall take no action upon any application for
23 a Zoning Permit filed to obtain approval of a use or other matter that would be
24 forbidden by such proposed amendment if enacted.

25 **503.9 Revocation of Zoning Permits.** Where an application for a Zoning Permit has
26 been approved for compliance with the provisions of this Chapter by the Zoning
27 Officer, and an error nullifying the basis for such approval has been discovered
28 subsequent to the issuance of the Zoning Permit, the Zoning Officer shall revoke
29 such permit and, if necessary, issue a cease-and-desist. No Zoning Permit shall
30 be approved or reapproved, or cease-and-desist lifted, or Zoning Certificate of
31 Compliance issued relating to the Zoning Permit application initially approved
32 for compliance until the error has been corrected.

33 **504 ZONING CERTIFICATE OF COMPLIANCE.** A Zoning Certificate of Compliance shall be a
34 document signed and issued by the Zoning Officer, as required under this Chapter,
35 acknowledging that such land, building, or structure may be occupied or used in
36 compliance with the provisions of this Chapter or an authorized variance therefrom. The
37 Zoning Certificate of Compliance shall refer only to conformance or nonconformance with
38 this Chapter and shall not be construed as a building permit or a certificate of occupancy
39 under the purview of the Pennsylvania Uniform Construction Code, as amended.

1 **504.1** No land, new building, or structure shall be occupied or used, in whole or in part,
2 and no change in the use or occupancy of an existing building or structure, or
3 any part thereof, shall be permitted, until a Certificate of Zoning Compliance has
4 been applied for and issued by the Zoning Officer. A Zoning Certificate of
5 Compliance shall be applied for and issued by the Zoning Officer as follows:

6 (A) Occupancy of a Building. A Zoning Certificate of Compliance shall be
7 required before a building that has been constructed, or an existing
8 building that has been altered, moved, changed in use, changed in
9 tenancy, existing use expanded (either physically or intensity), or changed
10 as to off-street parking or loading requirements may be occupied. A
11 Zoning Certificate of Compliance shall only be issued after the completion
12 of the erection or alteration or change in use of the building and the
13 building is found, upon inspection, to conform with the provisions of this
14 Chapter.

15 (B) Occupancy of Land. A Zoning Certificate of Compliance shall be required
16 before occupancy of the land or where use of the land has been changed
17 to a use different from the prior use. A Zoning Certificate of Compliance
18 shall be issued when it is determined, upon inspection, that the use
19 conforms with the provisions of this Chapter.

20 (C) Expansion of a Nonconforming Use of Structure. A Zoning Certificate of
21 Compliance shall be required whenever a nonconforming use, building, or
22 structure is expanded as permitted under Article 3 “Nonconforming
23 Provisions” of this Chapter.

24 **504.2** A fully complete application for Zoning Certificate of Compliance shall be
25 submitted to the Zoning Officer, along with the nonrefundable filing fee. The
26 application shall, if required by the Zoning Officer, be accompanied by a plot
27 plan, in addition to the plans required for the certificate, showing accurate
28 information as to the size, location, drawings, and description of the lot, the
29 dimensions of yards, setbacks, and the use of land and such other information
30 as the Zoning Officer may require for administration of this Chapter. No
31 application shall be processed until the Zoning Officer determines that the
32 application is fully complete, and the required filing fee has been paid.

33 **504.3** The use and/or development of a building or land shall be inspected by the
34 Zoning Officer or designee upon application for a Zoning Certificate of
35 Compliance with the applicant or his/her agent, to determine whether such use
36 conforms to all provisions of this Chapter, or if it is a lawfully existing
37 nonconforming use.

38 **504.4 Action by the Zoning Officer.** The Zoning Officer shall evaluate the application
39 and approve or deny it within fourteen (14) days from the date the fully

1 completed application was submitted. In evaluating the application, the Zoning
2 Officer may consult with any department, agency, public body, official,
3 company, or individual necessary to determine whether the application
4 complies with the regulations of this Chapter. Following the Zoning Officer
5 review:

6 (A) **Approve.** The Zoning Officer shall issue a Zoning Certificate of Compliance
7 upon finding that the use, building, or structure complies with the
8 provisions of this Chapter.

9 (B) **Denial.** If it is determined by the Zoning Officer that the proposed use,
10 building, or structure would violate one (1) or more provisions of this
11 Chapter, then the Zoning Certificate of Compliance shall not be issued.
12 Upon disapproval of any application, the Zoning Officer shall notify the
13 applicant in writing of the reasons for disapproval.

14 (C) **Certification.** The Zoning Certificate of Compliance shall document that
15 the use, building, or structure conforms to the provisions of this Chapter.

16 (D) **Records.** A record of all applications and certificates issued shall be kept
17 on file in the Office of the Zoning Officer. Copies of the certificate shall be
18 furnished on request pursuant to the Pennsylvania Right-To-Know Law, as
19 amended.

20 **505 PRELIMINARY OPINION DETERMINATIONS.** In order not to unreasonably delay the time
21 when a landowner may secure assurance that this Chapter or the Official Zoning Map
22 under which he/she proposed to develop is free from challenge, and recognizing that the
23 procedure for preliminary approval of his/her development may be too cumbersome or
24 may be unavailable, the landowner may advance the date from which time for any
25 challenge to this Chapter or the Official Zoning Map will run under Section 914.1 of the
26 Pennsylvania Municipalities Planning Code by the following procedure:

27 **505.1** The landowner may submit plans and other materials describing his/her
28 proposed use or development to the Zoning Officer for a preliminary opinion as
29 to their compliance with this Chapter or the Official Zoning Map. Such plans and
30 other materials shall not be required to meet the standards prescribed for
31 preliminary, tentative, or final approval or for the issuance of a Zoning Permit so
32 long as they provide reasonable notice of the proposed use or development and
33 a sufficient basis for a preliminary opinion as to its compliance.

34 **505.2** If the Zoning Officer's preliminary opinion is that the use or development
35 complies with this Chapter or the Official Zoning Map, notice thereof shall be
36 published once each week for two (2) successive weeks in a newspaper of
37 general circulation in the City. Such notice shall include a general description of
38 the proposed use or development and its location, by some readily identifiable

1 directive, and the place and times where the plans and other materials may be
2 examined by the public. The favorable preliminary approval under Section 914.1
3 of the Pennsylvania Municipalities Planning Code and the time therein specified
4 for commencing a proceeding with the Zoning Hearing Board shall run from the
5 time when the second notice thereof has been published.

6 **506 CONDITIONAL USES.** This Section sets out the required review and approval procedures
7 for Conditional Uses.

8 **506.1 Initiation.** An application for Conditional Use approval may be filed by the
9 landowner of the subject property or the landowner's authorized agent.

10 **506.2 Application.** A fully complete application for a Conditional Use shall be filed with
11 the Zoning Officer, along with an advertising deposit and the nonrefundable
12 filing fee. No application shall be processed until the Zoning Officer determines
13 that the application is fully complete, and the required filing fee has been paid.

14 **506.3 Notice.** Promptly upon determining that an application is fully complete, the
15 Zoning Officer shall schedule a public hearing before the Planning Commission
16 and notify the applicant of the hearing date. The Zoning Officer shall give public
17 notice of the Planning Commission's hearing by publication in accordance with
18 Subsection 501.3(A) of this Chapter; by posting in accordance with Subsection
19 501.3(D); by mail in accordance with Subsection 501.3(B); and, if applicable, by
20 electronic message in accordance with Subsection 501.3(C).

21 (A) The publication of the first public notice shall not be less than twenty-one
22 (21) days but not more than thirty (30) days prior to the scheduled date of
23 the hearing as shown on the notice. The publication of the second public
24 notice shall not be less than seven (7) days prior to the scheduled date of
25 the hearing as shown on the notice.

26 (B) Mailed notice shall be mailed via first class mail to all owners of record of
27 property within the affected area as described in Subsection 501.3(B) and
28 to owners of record of property within a two hundred (200) foot radius of
29 the subject premises, or to such extended distance to ensure that no less
30 than twenty-five (25) nearest owners of record of property are so notified
31 in writing.

32 (C) Mailed notice shall be deposited in the United State mail and, if applicable,
33 electronic notice shall be sent not more than twenty-one (21) and not less
34 than ten (10) days prior to the scheduled date of the hearing as shown on
35 the notice.

1 (D) On the Conditional Use Application, the applicant shall provide the names
2 and mailing addresses of property owners who are required to be notified
3 herein.

4 (E) Posted notice shall be posted on the subject property at least ten (10) days
5 prior to the public hearing.

6 **506.4 Hearing and Action by the Planning Commission.** The Planning Commission
7 shall hold a public hearing on the Conditional Use application. After the public
8 hearing, the Planning Commission shall recommend to approve, approve with
9 conditions, approve in part, deny, or deny in part the application, within forty-
10 five (45) days of the Planning Commission's last hearing. In taking action, the
11 Planning Commission shall consider the review criteria specified in Section
12 506.6.

13 **506.5 Hearing and Action by City Council.** City Council shall hold a public hearing on
14 the Conditional Use application within forty-five (45) days of the Planning
15 Commission's action on the application. City Council shall act to approve,
16 approve with conditions, approve in part, deny, or deny in part the Conditional
17 Use application and City Council shall issue a written decision and findings or,
18 when no decision is called for, written findings within forty-five (45) days of City
19 Council's last hearing. The written decision shall be delivered to the applicant
20 personally or mailed to him/her not later than the day following its date of
21 issuance. In taking action, City Council shall consider the criteria specified in
22 Subsection 506.6.

23 (A) **City Council Public Hearing Procedures.** The City Council hearing shall be
24 conducted in the following manner:

25 (1) Following a report from the Zoning Officer that shall include the
26 Planning Commission's recommendation, the applicant or applicant's
27 representative shall be afforded the opportunity to describe the
28 proposed Conditional Use and its expected impact before other
29 speakers are allowed to testify.

30 (2) At the conclusion of the public hearing, the applicant or the
31 applicant's representative shall be afforded the opportunity to rebut
32 testimony delivered during the hearing and/or make a closing
33 statement. Abutting property owners shall also be afforded the
34 opportunity to rebut testimony delivered during the hearing and/or
35 make closing statements at the conclusion of the public hearing.

36 (3) Notwithstanding the procedures set forth herein, City Council may
37 supplement same with such additional procedures as it shall deem
38 necessary to assure a fair and adequate hearing.

1 (B) **Recusal Required.** Any City Council member who voices an opinion at any
2 time prior to City Council taking action on a proposed Conditional Use,
3 either in opposition to or in favor of said Conditional Use, whether orally
4 or in writing, shall immediately recuse him/herself from participation in
5 any discussion and votes taken by City Council on said Conditional Use. In
6 any event, no City Council member who has voiced an opinion in favor of
7 or in opposition to a proposed Conditional Use shall be permitted to cast
8 his/her vote on said Conditional Use.

9 **506.6 Review Criteria.** The general criteria for review and approval of a Conditional
10 Use are set out in this Subsection. City Council shall approve Conditional Uses
11 only if (1) the proposed use is determined to comply with all applicable
12 requirements of this Chapter and with adopted plans and policies of the City and
13 (2) the following review criteria are met, along with any express standards and
14 criteria established for the specific Conditional Use as may be set forth in the
15 applicable zoning district regulations.:

16 (A) **Purpose.** The intended purpose of the proposed Conditional Use shall be
17 consistent with the Comprehensive Plan, the Community Development
18 Objectives set for in Article 1 “General Provisions” of this Chapter, and/or
19 any redevelopment plans that include the property in question.

20 (B) **Conformity.** The proposed Conditional Use shall be in conformance with
21 all application requirements of this Chapter and, where applicable, in
22 accordance with the Subdivision and Land Development Ordinance.

23 (C) **Compatibility.** The proposed Conditional Use shall be in the best interest
24 of properties in the general area, as well as the community at large. The
25 proposed Conditional Use shall be reviewed as to its relationship to, and
26 effect on, surrounding land uses and existing environmental conditions
27 regarding the pollution of air, land and water, noise, potential of hazards
28 and congestion, illumination and glare, restrictions to natural light and
29 circulation of air.

30 (D) **Suitability.** The proposed Conditional Use shall be suitable for the
31 property in question and shall be designed, constructed, operated, and
32 maintained suitably for the anticipated activity and population served,
33 numbers of participating population, frequency of use, adequacy of space,
34 and traffic generation.

35 (E) **Serviceability.** Assurance shall be made as to the adequacy and availability
36 of utility services and facilities, such as sanitary and storm sewers, water,
37 trash and garbage collection and disposal, and the ability of the City and/or
38 providers to supply such services.

- 1 (F) **Accessibility.** The proposed Conditional Use shall provide adequate
2 ingress-egress to the property, with particular attention paid to vehicle
3 and pedestrian safety; safe and efficient interior circulation of both
4 pedestrians and vehicles; proper access for emergency vehicles; sufficient
5 off-street parking; and, accessibility to the existing or proposed City street
6 system.
- 7 (G) **Congestion.** The proposed Conditional Use shall not substantially increase
8 traffic congestion nor result in the stacking of vehicles onto streets waiting
9 to enter the property in question.
- 10 (H) **Public Safety.** The proposed Conditional Use shall not increase the danger
11 of fire or otherwise endanger public safety.
- 12 (I) **Overcrowding.** The proposed Conditional Use shall not overcrowd the
13 land or create an undue concentration of population.
- 14 (J) **Light and Air.** The proposed Conditional Use shall not impair an adequate
15 supply of light and air to an adjacent property.
- 16 (K) **Impact.** The proposed Conditional Use shall not adversely affect
17 transportation or unduly burden water, sewer, school, park, or other
18 public facilities or services.
- 19 (L) **Floodplain.** For proposed Conditional Uses located within the one-
20 hundred (100)-year floodplain, the provisions of the City of Monessen
21 Floodplain Management Ordinance shall also be considered.
- 22 (M) **Attachment of Conditions.** In granting a Conditional Use, City Council may
23 attach reasonable conditions and safeguards, in addition to those
24 expressed in this Chapter, it deems necessary to ensure that the proposed
25 Conditional Use shall implement the purposes and secure the protections
26 of this Chapter and ensure substantial justice is done.
- 27 **506.7 Negative Recommendation of Planning Commission.** If the Planning
28 Commission recommends disapproval of a Conditional Use, approval by City
29 Council shall require an affirmative vote of no fewer than three (3) members of
30 City Council.
- 31 **506.8 Successive Applications.** In the event that City Council denies an application for
32 a Conditional Use, a similar application shall not be refiled within one (1) year
33 unless the Planning Commission, upon petition by the applicant, determines
34 that significant physical, economic, or land use changes have taken place within
35 the immediate vicinity, or a significant zoning regulation text change has been
36 adopted, or when the reapplication is for a different Conditional Use than the

1 original request. The applicant shall submit a statement in detail setting out
2 those changes which he/she deems significant and upon which he or she relies
3 for refiling the original application.

4 **506.9 Conditional Use Plan Amendments.** The Zoning Officer may approve minor
5 amendments in the design or specification of approved Conditional Use
6 Applications without the refiling a new application. Nothing shall preclude the
7 Zoning Officer from approving minor amendments.

8 **506.10 Lapse of Approval.**

9 (A) **Conditional Uses Involving Physical Improvements.** If the Conditional Use
10 involves physical improvements that have not been substantially initiated
11 within one (1) year of the date of approval or authorization approval of the
12 Conditional Use, the approval shall lapse. The Conditional Use approval
13 shall also lapse if, after starting construction, the construction is
14 discontinued for a period of one (1) year or more. No physical
15 improvements shall be made after approval lapses unless the approval or
16 authorization is renewed pursuant to Subsection 506.10(C) below.

17 (B) **Conditional Uses Not Involving Physical Improvements.** If the Conditional
18 Use does not involve physical improvements, and a Zoning Certificate of
19 Compliance is not issued for the Conditional Use within one (1) year of the
20 date of approval or authorization, the approval shall lapse. No Zoning
21 Certificate of Compliance shall be issued after approval lapses unless the
22 approval or authorization is renewed pursuant to Subsection 506.10(C)
23 below.

24 (C) **Renewal in the Event of Lapse.** The City Council may renew its approval
25 of a Conditional Use for which approval has lapsed provided that no more
26 than one (1) year has elapsed since the date of the original approval or, in
27 the case of discontinuance of work, since the date of discontinuance.
28 Renewal shall require formal action, but it shall not require public notice
29 or hearings. Renewal shall have the same effect as the original approval.
30 If no renewal is granted with the one-year period allowed for renewals, the
31 original approval shall be void and no longer valid.

32 (D) **Automatic Renewal of Zoning Permits and Zoning Certifications of**
33 **Compliance.** Zoning Permits and/or Zoning Certificates of Compliance, as
34 the case may be, shall be automatically renewed coincidentally with and
35 for the same time periods and limitations as prescribed for renewals of
36 Conditional Use approvals.
37

1 **507 SPECIAL EXCEPTIONS.** This Section sets out the required review and approval procedures
2 for Special Exceptions.

3 **507.1 Initiation.** An application for Special Exception approval may be filed by the
4 landowner of the subject property or the landowner's authorized agent.

5 **507.2 Application.** A fully complete application for a Special Exception shall be filed
6 with the Zoning Officer, along with an advertising deposit and a nonrefundable
7 filing fee. No application shall be processed until the Zoning Officer determines
8 that the application is fully complete, and the required filing fee has been paid.

9 **507.3 Notice.** Promptly upon determining that an application is fully complete, the
10 Zoning Officer shall schedule a public hearing before the Zoning Hearing Board
11 and notify the applicant of the hearing date. The Zoning Officer shall give public
12 notice of the Board's hearing by publication in accordance with Subsection
13 501.3(A) of this Chapter; by posting in accordance with Subsection 501.3(D); by
14 mail in accordance with Subsection 501.3(B); and, if applicable, by electronic
15 notice in accordance with Subsection 501.3(C).

16 (A) The publication of the first public notice shall not be less than twenty-one
17 (21) days but not more than thirty (30) days prior to the scheduled date of
18 the hearing as shown on the notice. The publication of the second public
19 notice shall not be less than seven (7) days prior to the scheduled date of
20 the hearing as shown on the notice.

21 (B) Mailed notice shall be mailed via first class mail to all owners of record of
22 property within the affected area as described in Subsection 501.3(B) and
23 to owners of record of property within a one hundred (100) foot radius of
24 the subject premises.

25 (C) Mailed notice shall be deposited in the United State mail and, if applicable,
26 electronic notice shall be sent not more than twenty-one (21) and not less
27 than ten (10) days prior to the scheduled date of the hearing as shown on
28 the notice.

29 (D) On the Special Exception Use Application, the applicant shall provide the
30 names and mailing addresses of property owners who are required to be
31 notified herein.

32 (E) Posted notice shall be posted on the subject property at least ten (10) days
33 prior to the public hearing.

34 **507.4 Hearing and Action.**

35 (A) The Zoning Hearing Board shall hold a public hearing on the Special
36 Exception application within sixty (60) of applicant's filing of the fully

1 complete special exception application. A subsequent hearing, if
2 necessary, shall be held within forty-five (45) days of a prior hearing.

3 (B) The Board shall act to approve, approve with conditions, approve in part,
4 deny, or deny in part the special exception application and the Board shall
5 issue a written decision and findings or, when no decision is called for,
6 written findings within forty-five (45) days of the Board's last hearing. The
7 written decision shall be delivered to the applicant personally or mailed to
8 him/her not later than the day following its date of issuance.

9 (C) The Zoning Hearing Board's action shall be based on stated findings of fact.
10 The review criteria imposed on uses classified as Special Exceptions in this
11 Chapter shall be construed as limitations on the power of the Zoning
12 Hearing Board to act. A mere finding that a use complies with those review
13 criteria or a recitation of those criteria, unaccompanied by specific findings
14 of fact, shall not be considered findings of fact for the purpose of
15 complying with this Chapter. Before acting on an application, the Zoning
16 Hearing Board shall consider the general review criteria set forth Section
17 507.5 below, along with any express standards and criteria established for
18 the specific special exception use as may be set forth in the applicable
19 zoning district regulations.

20 (D) The applicant shall have the burden of demonstrating that the proposed
21 Special Exception Use satisfies the review criteria as set forth in Subsection
22 507.5 below.

23 **507.5 Review Criteria.** The general criteria for review and approval of a Special
24 Exception are set out in this Section. The Zoning Hearing Board shall approve
25 Special Exceptions only if (1) the proposed use is determined to comply with all
26 applicable requirements of this Chapter and with adopted plans and policies of
27 the City and (2) the following general criteria are met, along with any express
28 standards and criteria established for the specific Special Exception Use as may
29 be set forth in the applicable zoning district regulations.

30 (A) **Purpose.** The intended purpose of the proposed Special Exception Use
31 shall be consistent with the Comprehensive Plan, the Community
32 Development Objectives set forth in Article 1 "General Provisions" of this
33 Chapter, and/or any redevelopment plans that include the property in
34 question.

35 (B) **Conformity.** The proposed Special Exception Use shall be in conformance
36 with all application requirements of this Chapter and, where applicable, in
37 accordance with the Subdivision and Land Development Ordinance.

- 1 (C) **Compatibility.** The proposed Special Exception Use shall be in the best
2 interest of properties in the general area, as well as the community at
3 large. The proposed Conditional Use shall be reviewed as to its relationship
4 to, and effect on, surrounding land uses and existing environmental
5 conditions regarding the pollution of air, land and water, noise, potential
6 of hazards and congestion, illumination and glare, restrictions to natural
7 light and circulation of air.
- 8 (D) **Suitability.** The proposed Special Exception Use shall be suitable for the
9 property in question and shall be designed, constructed, operated, and
10 maintained suitably for the anticipated activity and population served,
11 numbers of participating population, frequency of use, adequacy of space,
12 and traffic generation.
- 13 (E) **Serviceability.** Assurance shall be made as to the adequacy and availability
14 of utility services and facilities, such as sanitary and storm sewers, water,
15 trash and garbage collection and disposal, and the ability of the City and/or
16 providers to supply such services.
- 17 (F) **Accessibility.** The proposed Special Exception Use shall provide adequate
18 ingress-egress to the property, with particular attention paid to vehicle
19 and pedestrian safety; safe and efficient interior circulation of both
20 pedestrians and vehicles; proper access for emergency vehicles; sufficient
21 off-street parking; and, accessibility to the existing or proposed City street
22 system.
- 23 (G) **Congestion.** The proposed Special Exception Use shall not substantially
24 increase traffic congestion nor result in the stacking of vehicles onto
25 streets waiting to enter the property in question.
- 26 (H) **Public Safety.** The proposed Special Exception Use shall not increase the
27 danger of fire or otherwise endanger public safety.
- 28 (I) **Overcrowding.** The proposed Special Exception Use shall not overcrowd
29 the land or create an undue concentration of population.
- 30 (J) **Light and Air.** The proposed Special Exception Use shall not impair an
31 adequate supply of light and air to an adjacent property.
- 32 (K) **Impact.** The proposed Special Exception Use shall not adversely affect
33 transportation or unduly burden water, sewer, school, park, or other
34 public facilities or services.

1 (L) **Floodplain.** For proposed Special Exception Uses located within the one-
2 hundred (100)-year floodplain, the provisions of the City of Monessen
3 Floodplain Management Ordinance shall also be considered.

4 (M) **Attachment of Conditions.** In granting a Special Exception Use, the Board
5 may attach whatever reasonable conditions and safeguards, in addition to
6 those expressed in this Chapter, it deems necessary to ensure that the
7 proposed Special Exception Use shall implement the purposes and secure
8 the protections of this Chapter and ensure substantial justice is done.

9 **507.6 Successive Applications.** In the event that the Zoning Hearing Board denies an
10 application for a Special Exception, a similar application shall not be refiled
11 within one (1) year unless the Zoning Hearing Board determines that significant
12 physical, economic, or land use changes have taken place within the immediate
13 vicinity, or a significant zoning regulation text change has been adopted, or
14 when the reapplication is for a different use than the original request. The
15 applicant shall submit a statement in detail setting out those changes which
16 he/she deems significant and upon which he/she relies for refileing the original
17 application.

18 **507.7 Lapse of Approval.**

19 (A) **Special Exceptions Involving Physical Improvements.** If the Special
20 Exception involves physical improvements that have not been
21 substantially initiated within one (1) year of the date of approval or
22 authorization of the Special Exception, the approval shall lapse. The
23 Special Exception approval shall also lapse if, after starting construction,
24 the construction is discontinued for a period of one (1) year or more. No
25 physical improvements shall be made after approval lapses unless the
26 approval or authorization is renewed pursuant to Subsection 507.7(C)
27 below.

28 (B) **Special Exceptions Not Involving Physical Improvements.** If the Special
29 Exception does not involve physical improvements, and a Zoning
30 Certificate of Compliance has not been issued for the Special Exception
31 within one (1) year of the date of approval or authorization, the approval
32 shall lapse. No Zoning Certificate Compliance shall be issued after approval
33 lapses unless the approval or authorization is renewed pursuant to
34 Subsection 507.7(C) below.

35 (C) **Renewal in the Event of Lapse.** The Zoning Hearing Board may renew its
36 approval of a Special Exception for which approval has lapsed provided
37 that no more than one (1) year has elapsed since the date of the original
38 approval or, in the case of discontinuance of work, since the date of
39 discontinuance. Renewal shall require formal action, but it shall not

1 require public notice or hearings. Renewal shall have the same effect as
2 the original approval. If no renewal is granted with the one-year period
3 allowed for renewals, the original approval shall be void and no longer
4 valid.

5 (D) **Automatic Renewal of Zoning Permits and Zoning Certifications of**
6 **Compliance.** Zoning Permits and/or Zoning Certificates of Compliance, as
7 the case may be, shall be automatically renewed coincidentally with and
8 for the same time periods and limitations as prescribed for renewals of
9 Special Exception Use approvals.

10 **508 VARIANCES.** This Section sets out the required review and approval procedures for
11 Variances.

12 **508.1 Initiation.** A Variance Petition Application may be filed by the landowner of the
13 subject property or the landowner's authorized agent.

14 **508.2 Application.** A fully complete application for a Variance Petition shall be
15 submitted to the Zoning Officer, along with an advertising deposit and the
16 nonrefundable filing fee. No petition application shall be processed until the
17 Zoning Officer determines that the petition application is fully complete, and the
18 required filing fee has been paid.

19 **508.3 Notice.** Promptly upon determining that a Variance Petition Application is fully
20 complete, the Zoning Officer shall schedule a public hearing before the Zoning
21 Hearing Board and notify the applicant of the hearing date. The Zoning Officer
22 shall give public notice of the Board's hearing by publication in accordance with
23 Subsection 501.3(A) of this Chapter; by posting in accordance with Subsection
24 501.3(D); by mail in accordance with Subsection 501.3(B); and, if applicable, by
25 electronic notice in accordance with Subsection 501.3(C).

26 (A) The publication of the first public notice shall not be less than twenty-one
27 (21) days but not more than thirty (30) days prior to the scheduled date of
28 the hearing as shown on the notice. The publication of the second public
29 notice shall not be less than seven (7) days prior to the scheduled date of
30 the hearing as shown on the notice.

31 (B) Mailed notice shall be mailed via first class mail to all owners of record of
32 property within the affected area as described in Subsection 501.3(B).

33 (C) Mailed notice shall be deposited in the United State mail and, if applicable,
34 electronic notice shall be sent not more than twenty-one (21) and not less
35 than ten (10) days prior to the scheduled date of the hearing as shown on
36 the notice.

1 (D) On the Variance Application, the applicant shall provide the names and
2 mailing addresses of property owners who are required to be notified
3 herein.

4 (E) Posted notice shall be posted on the subject property at least ten (10) days
5 prior to the public hearing.

6 **508.4 Hearing and Action.**

7 (A) The Zoning Hearing Board shall hold a public hearing on the Variance
8 Petition within sixty (60) of applicant's filing of the fully complete petition
9 application. A subsequent hearing, if necessary, shall be held within forty-
10 five (45) days of a prior hearing.

11 (B) The Board shall act to approve, approve with conditions, approve in part,
12 deny, or deny in part the Variance Petition and the Board shall issue a
13 written decision and findings or, when no decision is called for, written
14 findings within forty-five (45) days of the Board's last hearing. The written
15 decision shall be delivered to the applicant personally or mailed to him/her
16 not later than the day following its date of issuance.

17 (C) The Zoning Hearing Board's action shall be based on stated findings of fact.
18 The conditions imposed for variance approvals shall be construed as
19 limitations on the power of the Zoning Hearing Board to act. A mere
20 recitation of the conditions for approval, unaccompanied by specific
21 findings of fact, shall not be considered as findings of fact for the purpose
22 of complying with this Chapter. Before acting on an application, the Zoning
23 Hearing Board of shall consider the general conditions for variance
24 approval set forth in Subsection 508.5 below.

25 (D) In granting any Variance, the Board may attach whatever reasonable
26 conditions and safeguards, in addition to those expressed in this Chapter,
27 it deems necessary to implement the purposes and secure the protections
28 of this Chapter and ensure substantial justice is done.

29 (E) The applicant shall have the burden of demonstrating that the proposal
30 satisfies the general conditions for Variance approval criteria as set forth
31 in Subsection 508.5 below.

32 **508.5 General Conditions for Variance Approval.** No variance in the strict application
33 of any provisions of this Chapter shall be granted by the Zoning Hearing Board
34 unless it finds that all of the following conditions exist:

35 (A) That there are unique physical circumstances or conditions, including
36 irregularity, narrowness, or shallowness of lot size or shape, or exceptional

1 topographical or other physical conditions peculiar to the particular
2 property and that the unnecessary hardship is due to such conditions and
3 not the circumstances or conditions generally created by the provisions of
4 the zoning ordinance in the neighborhood or district in which the property
5 is located;

6 (B) That because of such physical circumstances or conditions, there is no
7 possibility that the property can be developed in strict conformity with the
8 provisions of the zoning ordinance and that the authorization of a variance
9 is therefore necessary to enable the reasonable use of the property;

10 (C) That such unnecessary hardship has not been created by the applicant;

11 (D) That the variance, if authorized, will not alter the essential character of the
12 neighborhood or district in which the property is located, nor substantially
13 or permanently impair the appropriate use or development of adjacent
14 property, nor be detrimental to public welfare; and

15 (E) That the variance, if authorized, will represent the minimum variance that
16 will afford relief and will represent the least modification possible of the
17 regulation in issue.

18 **508.6 Successive Applications.** In the event that the Zoning Hearing Board denies an
19 Variance Petition, a similar petition application shall not be refiled within one
20 (1) year unless the Zoning Hearing Board determines that significant physical,
21 economic, or land use changes have taken place within the immediate vicinity,
22 or a significant zoning regulation text change has been adopted, or when the
23 reapplication is for a different variance relief than the original petition. The
24 applicant shall submit a statement in detail setting out those changes which
25 he/she deems significant and upon which he/she relies for refileing the original
26 application.

27 **508.7 Laps of Approval.**

28 (A) **Variations Involving Physical Improvements.** If the Variance involves
29 physical improvements that have not been substantially initiated within
30 one (1) year of the date of approval or authorization approval of the
31 Variance, the approval shall lapse. The Variance approval shall also lapse
32 if, after starting construction, the construction is discontinued for a period
33 of one (1) year or more. No physical improvements shall be made after
34 approval lapses unless the approval or authorization is renewed pursuant
35 to Subsection 508.7(C) below.

36 (B) **Variance Not Involving Physical Improvements.** If the Variance does not
37 involve physical improvements, and a Zoning Certificate of Compliance has

1 not been issued for the Variance within one (1) year of the date of approval
2 or authorization, the approval shall lapse. No Zoning Certificate of
3 Compliance shall be issued after approval lapses unless the approval or
4 authorization is renewed pursuant to Subsection 508.7(C) below.

5 (C) **Renewal in the Event of Lapse.** The Zoning Hearing Board may renew its
6 approval of a Variance for which approval has lapsed provided that no
7 more than one (1) year has elapsed since the date of the original approval
8 or, in the case of discontinuance of work, since the date of discontinuance.
9 Renewal shall require formal action, but it shall not require public notice
10 or hearings. Renewal shall have the same effect as the original approval.
11 If no renewal is granted with the one-year period allowed for renewals, the
12 original approval shall be void and no longer valid.

13 (D) **Automatic Renewal of Zoning Permits and Zoning Certifications of**
14 **Compliance.** Zoning Permits and/or Zoning Certificates of Compliance, as
15 the case may be, shall be automatically renewed coincidentally with and
16 for the same time periods and limitations as prescribed for renewals of
17 Variance approvals.

18 **509 METHOD OF APPEAL.**

19 **509.1 Parties Appellant Before the Board.** Appeals under Section 909.1(a)(1), (2), (3),
20 (4), (7), (8) and (9) of the Pennsylvania Municipalities Planning Code may be filed
21 with the Zoning Hearing Board in writing by the landowner affected, any officer
22 or agency of the municipality, or any person aggrieved. Appeals for a variance
23 under Section 910.2 and requests for special exception under Section 912.1 of
24 the Pennsylvania Municipalities Code, respectively, may be filed with the Board
25 by any landowner or any tenant with the permission of such landowner.

26 **509.2 Time Limitations.** No landowner affected, office or agency of the City, or person
27 aggrieved shall be allowed to file any proceeding with the Board later than thirty
28 (30) days after an application for development, preliminary or final, has been
29 either approved or denied by an appropriate Zoning Officer, agency, or body if
30 such proceeding is designed to secure reversal or to limit the approval in any
31 manner unless such person alleges and proves that he/she had no notice,
32 knowledge, or reason to believe that such approval had been given. If such
33 person has succeeded to his/her interest after such approval, he/she shall be
34 bound by the knowledge of his/her predecessor in interest. See also Section
35 914.1 of the Pennsylvania Municipalities Planning Code.

36 **509.3** The appellant shall specify in the notice of appeal the grounds for which the
37 appeal is filed.

1 **509.4** The filing of appeals, hearings notices, and hearings, whether for
2 interpretations, variances, or validity determinations, shall be in accordance
3 with this Chapter's provisions for variance appeals in Section 508.

4 **509.5** In the event an appeal is denied, no person may re-appeal to the Zoning Hearing
5 Board for a period of one (1) year from the date of the Board's denial unless the
6 appellant can clearly and convincingly demonstrate that significant changes have
7 been made to the request for appeal.

8 **509.6** A Zoning Hearing Board written decision or any appellate proceedings which
9 may follow shall be exercised promptly. For the purposes of this Section, the
10 term "exercised" shall mean that the decision has been activated as evidenced
11 by the issuance and continuance of a Zoning Permit and/or Zoning Certificate of
12 Compliance. If the use and/or the physical improvements work so authorized
13 under an appeal decision is not initiated within one (1) year from the date of the
14 decision, then such decision shall become null and void.
15

ARTICLE 6

ARTICLE	SECTION	PAGE	TITLE
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ENFORCEMENT AND PENALTIES

1 **ARTICLE 6 – ENFORCEMENT AND PENALTIES**

2 **601 AUTHORITY.** This Chapter shall be enforced by the Zoning Officer or designee, or such
3 other officer of the City, as may from time to time be designated, as provided in Article VI
4 of the Pennsylvania Municipalities Planning Code, as amended.

5 **602 ISSUANCE OF PERMITS.** No person in the employ of the City or acting on behalf of the
6 City shall issue any Zoning Permit, grant any Certificate of Zoning Compliance, or
7 otherwise allow a structure, building, or use that would violate the provisions of this
8 Chapter. Any permit or certificate issued upon a false statement of fact that is material
9 to the issuance of such permit or certificate shall be void.

10 **603 TYPES OF VIOLATIONS.** Any of the following shall be a violation of this Chapter and shall
11 be subject to the enforcement remedies and penalties provided by the Chapter and by
12 state law:

13 **603.1 Development or Use Without Permits.** To engage in any development, use,
14 construction, remodeling, or other activity of any nature that is subject to the
15 provisions of this Chapter without all of the required permits, approvals,
16 certificates, and other forms of authorization required by the Chapter in order to
17 conduct or engage in such activity.

18 **603.2 Development or Use Inconsistent with Permits.** To engage in any development,
19 use, construction, remodeling, or other activity of any nature in any way
20 inconsistent with the terms and conditions of any permit, approval, certificate, or
21 other form of authorization required in order to engage in such activity.

22 **603.3 Development or Use or Regulated Activity Inconsistent with Conditions.** To
23 violate, by act or omission, any term, condition, or qualification place upon a
24 required permit, certificate, or other form of authorization.

25 **603.4 Development or Use or Regulated Activity Inconsistent with this Chapter.** To
26 erect, construct, reconstruct, remodel, alter, maintain, move, or use any building,
27 structure, or sign, or to use any land, or perform any regulated activity, in violation
28 or contravention of any regulation of this Chapter.

29 **603.5 Making Lot or Setback Noncomplying.** To reduce or diminish any lot area so that
30 the setbacks or opens spaces shall be smaller than prescribed by this Chapter.

1 **603.6 Increasing Intensity of Use.** To increase the intensity of use of land or structure,
2 except in accordance with the procedural and substantive requirements of this
3 Chapter.

4 **603.7 Continuing Violation.** To continue any of the above violations.

5 **603.8 Removing, Defacing, Obscuring Notice.** To remove, deface, obscure, or otherwise
6 interfere with any notice required by the Chapter.

7 **604 REMEDIES.** The City shall have the following remedies and enforcement powers.

8 **604.1 Withhold Permits and Approvals.**

9 (A) The City may deny or withhold all permits, certificates, approvals, or other
10 forms of authorization on any land, structure, building, or improvements
11 thereon upon which there is an uncorrected violation of a provision of this
12 Chapter, or of a condition or qualification of a permit, certificate, approval,
13 or other authorization previously granted by the City, Planning
14 Commission, or Zoning Hearing Board.

15 (B) The City may, instead of withholding or denying an authorization, grant
16 such authorization subject to the condition that the violation be corrected.

17 (C) The provisions of this Section shall apply regardless of whether the current
18 owner or applicant is responsible for the violation in question.

19 **604.2 Revoke Permits and Approvals.**

20 (A) **Zoning Permits.** Any Zoning Permit, approval, or other form of
21 authorization for construction in conformity with this Chapter may be
22 revoked when the Zoning Officer determines that any of the following
23 conditions exist:

24 (1) That there is departure from the plans, specifications, or conditions
25 that apply to the Zoning Permit, approval, or other form of
26 authorization for construction in conformity with this Chapter;

27 (2) That the same was procured by false representation or was issued
28 by mistake; or

29 (3) That any of the provisions of this Chapter are being violated.

1 (B) **Zoning Certificate of Compliance.** Any Zoning Certificate of Compliance,
2 approval, or other form of authorization for the legal use of a structure,
3 building, or land may be revoked when the Zoning Officer determines that
4 any of the following conditions exist:

5 (1) That there has been a violation of the approved plan,
6 specifications, or conditions that apply to the Zoning Certificate of
7 Compliance, approval, or other form of authorization for the legal
8 use of a structure, building, or land, including violations resulting
9 from changes to the structure, building, or land from the approved
10 plan;

11 (2) There has been a violation of the approved plan or conditions that
12 apply to the Zoning Certificate of Compliance, approval, or other
13 form of authorization for the legal use of a structure, building, or
14 land which result from non-compliance with operational aspects of
15 the structure, building, or land, which include but are not limited
16 to hours of operation, violation of the noise, vibration, or other
17 environmental standards of this Chapter, or other management
18 practices of the structure, building, or land which are in clear
19 violation of the approved plans.

20 (C) **Written Notice.** Written notice of such revocation shall be served upon
21 the owner, his or her agent, or contractor, or upon any person employed
22 on the land, building, or structure for which such permit, certificate,
23 approval, or other form of authorization was issued, or shall be posted in
24 a prominent location; and, thereafter, no such development shall proceed
25 or continue.

26 **605 STOP WORK.** With or without revoking permits, certificates, approvals, or other forms of
27 authorization, the City may stop work on any development, regulated activity, structure,
28 building, or land on which there is an uncorrected violation of this Chapter or of a permit,
29 certificate, approval, or other form of authorization issued hereunder.

30 **606 INJUNCTIVE RELIEF.** The City may seek an injunction or other equitable relief in court to
31 stop any violation of this Chapter.

32 **607 ABATEMENT.** The City may seek a court order in the nature of mandamus, abatement or
33 other action or proceeding to abate or remove a violation or to otherwise restore the
34 premises in question to the condition in which they existed prior to the violations.

1 **608 PENALTIES.**

2 **608.1** Any person, partnership, or corporation who or which has violated or permitted
3 the violation of the provisions of Chapter, upon being found liable therefor in a
4 civil enforcement proceeding commenced by a municipality, pay a judgment of
5 not more than five hundred dollars (\$500) plus all court costs, including
6 reasonable attorney fees incurred by the City as a result thereof. No judgment
7 shall commence or be imposed, levied, or payable until the date of the
8 determination of a violation by the district justice. If the defendant neither pays
9 nor timely appeals the judgment, the City may enforce the judgment pursuant to
10 the applicable rules of civil procedure. Each day that a violation continues shall
11 constitute a separate violation, unless the district justice determining that there
12 has been a violation further determines that there was a good faith basis for the
13 person, partnership, or corporation violating this Chapter to have believed that
14 there was no such violation, in which event there shall be deemed to have been
15 only one such violation until the fifth day following the date of the determination
16 of a violation by the district justice and thereafter each day that a violation
17 continues shall constitute a separate violation. All judgments, costs and
18 reasonable attorney fees collected for the violation of this Chapter shall be paid
19 over to the City.

20 **608.2** The court of common pleas, upon petition, may grant an order of stay, upon cause
21 shown, tolling the per diem fine pending a final adjudication of the violation and
22 judgment.

23 **608.3** Nothing contained in this Section shall be construed or interpreted to grant to any
24 person or entity other than the City the right to commence any action for
25 enforcement pursuant to this Section.

26 **609 OTHER REMEDIES.** The City shall have such other remedies as are and as may be from
27 time to time provided by Pennsylvania law for the violation of zoning ordinances or
28 related provisions of City Code.

29 **610 REMEDIES CUMULATIVE.** These remedies shall be cumulative.

30 **611 ENFORCEMENT PROCEDURES.** In enforcing this Chapter, the City shall follow the
31 procedures set forth in this Section.

32 **611.1 Notice.** In the case of violations not involving continuing construction or
33 development, or any emergency situation, the Zoning Officer or designee shall

1 give written notice of the nature of the violation to the owner of the land and to
2 any person who is a party to or applicant for any relevant permit, certificate,
3 approval, or other form of authorization, after which the person receiving such
4 notice shall have thirty (30) days to correct the violation before further
5 enforcement action.

6 **611.2 Immediate Enforcement.** In the case of a violation involving either continuing
7 construction or development or an emergency situation (as reasonably
8 determined by the Zoning Officer or designee), the City may use the enforcement
9 powers and remedies available to it under this Chapter without prior notice.
10 Simultaneously with beginning enforcement action, the Zoning Officer or designee
11 shall send notice to the owner of the land and to any person who is a party to or
12 applicant for any relevant permit, certificate, approval, or other form of
13 authorization.

14 **611.3 Notice Declaration.** The enforcement notice shall state at least the following:

- 15 (A) The name of the landowner of record and any other person against whom
16 the City intends to take action.
- 17 (B) The location of the property in violation.
- 18 (C) The specific violation with a description of the requirements which have
19 not been met, citing in each instance the applicable provisions of this
20 Chapter.
- 21 (D) The date before which the steps for compliance must be commenced and
22 the date before which the steps must be completed.
- 23 (E) That the recipient of the notice has the right to appeal to the Zoning
24 Hearing Board within a prescribed period of time in accordance with
25 procedures set forth in this Chapter.
- 26 (F) That failure to comply with the notice within the time specified, unless
27 extended by appeal to the Zoning Hearing Board, constitutes a violation,
28 with possible sanctions clearly described.
29

1 **612 OTHER ENFORCEMENT MATTERS.**

2 **612.1 Other Powers.** In addition to the enforcement powers specified in this Chapter,
3 the City may exercise any and all enforcement powers granted to them by
4 Pennsylvania Law, as it may be amended from time to time.

5 **612.2 Continuation.** Nothing in this Chapter shall prohibit the continuation of previous
6 enforcement actions, undertaken by the City pursuant to previous and valid
7 resolutions, ordinances and laws.

8 **613 RIGHT OF ENTRY.** In order to carry out the purpose and provisions of this Chapter, the
9 Zoning Officer or his/her designated agent, upon showing proper identification of office,
10 may enter, examine, survey, and inspect any premises during normal hours of operation
11 of the use of the property or at a time in which a violation has been reported to occur.
12 The owner, operator, or occupant of the premises shall give the Zoning Officer or his/her
13 agent free access for the purpose of such inspection, examination, and survey.
14

ARTICLE 7

ARTICLE	SECTION	PAGE	TITLE
7			RESIDENTIAL DISTRICTS REGULATIONS
	701	1 of 13	Purpose
	702	1 of 13	Permitted Principal and Accessory Uses
	703	4 of 13	Lot Provisions
	704	5 of 13	Setbacks
	705	5 of 13	Encroachments into Setbacks
	706	7 of 13	Building Height
	707	8 of 13	Performance Standards



RESIDENTIAL DISTRICTS REGULATIONS

ARTICLE 7 – RESIDENTIAL DISTRICTS

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701 PURPOSE. The purpose of this Article is to establish permitted uses and the performance standards for the use, density, and dimensions for the Residential Zoning Districts to advance the intent of each zoning district as established in Section 205 of this Chapter. Residential Zoning Districts include the R-1A, R-1B, R-2, and R-3 Districts.

702 PERMITTED PRINCIPAL AND ACCESSORY USES.

702.1 The explanation of how to understand Land Use Tables is provided in Section 210 of this Chapter.

702.2 The following land use table identifies the permitted uses, conditional uses, special exception uses, accessory uses, and prohibited uses within each of the Residential Zoning Districts.

- (A) "P" = Permitted Use.
- (B) "C" = Conditional Use.
- (C) "S" = Special Exception Use.
- (D) "A" = Accessory Use.
- (E) "----" = Prohibited Use.

702.3 If a land use is not included in the following table, then that use is not permitted in any of the Residential Zoning Districts.

702.4 The following table also includes reference notations, if applicable, in the supplementation regulations' column, which immediately follows the land use table.

Land Uses	R-1A	R-1B	R-2	R-3	Supplemental Regulations
RESIDENTIAL USES					
Accessory Dwelling Unit (ADU)	A	A	A	A	
Boarding House or Rooming House	----	----	S	P	
Caretaker's Residence	A	A	A	A	(A)
Conversion Apartment	A	A	A	A	

Land Uses	R-1A	R-1B	R-2	R-3	Supplemental Regulations
Factory-Built Home	P	P	P	P	
Garden Apartment	----	----	C	P	
Group Home	P	P	P	P	
Manufactured Dwelling Unit	P	----	----	----	(B)
Mixed-Use Dwelling	----	----	----	C	(C)
Mobile/Manufactured Home Park	C	----	----	----	
Multi-Family Dwelling	----	----	C	P	
Single-Family Dwelling (detached)	P	P	P	P	
Townhouse	----	----	P	P	
Two-Family Dwelling	----	----	P	P	
COMMERCIAL USES					
Agricultural Operation	P	----	----	----	
Agricultural Use – Beekeeping	A	A	A	A	
Agricultural Use – Christmas Tree Farm or Tree Farm	P	----	----	----	
Agricultural Use – Crop Farming	P	----	----	----	
Agricultural Use – Raising of Livestock	P	----	----	----	
Agricultural Use – Plant Nursery	----	C	----	----	
Bed-and-Breakfast	C	C	----	----	
Childcare Center	----	----	C	S	(D)
Daycare Center, Adult	----	----	----	S	(D)
Family Childcare Home	A	A	A	A	
Farm-Related Use	P	----	----	----	
Funeral Home	C	C	C	C	(D)
Home Occupation, Class I	A	A	A	A	
Home Occupation, Class II	S	S	S	S	
Mixed-Use Building	----	----	----	C	(E)
Personal Service Establishment	----	----	----	S	(D)
Tavern	----	----	----	C	(D)
CIVIC AND INSTITUTIONAL USES					
Community Center	C	C	C	C	
Dormitory	----	----	----	A	(F)
Membership Club	C	C	C	C	(D)

Land Uses	R-1A	R-1B	R-2	R-3	Supplemental Regulations
Picnic Grove, Private	S	S	S	S	
Place of Worship	C	C	C	C	
Public, Private, or Parochial School – Primary or Secondary	C	C	C	C	
Recreation, Private	C	C	C	P	
Recreation, Publicly-Owned	P	P	P	P	
Reuse of a Closed/Vacant Membership Club	C	C	C	C	
Reuse of a Closed/Vacant Place of Worship	C	C	C	C	
Reuse of a Closed/Vacant School	C	C	C	C	
Swimming Pool, Nonhousehold	C	C	C	C	
PUBLIC SERVICES AND UTILITIES					
Emergency Services Station	P	P	P	P	
Essential Services	P	P	P	P	

1 **702.5 Supplemental Regulations Pertaining to Land Use Table.** The following
2 supplemental regulations are in addition to those standards and conditions
3 provided in Section 1905 of this Chapter that are generally applicable in all
4 zoning districts, where permitted. Unless specified to the contrary, wherever
5 the supplemental regulations provided herein conflict with the standards and
6 conditions provided in Section 1905 of this Chapter conflict, the more restrictive
7 requirement shall apply.

8 (A) A Caretaker’s Residence shall only be permitted on the same premises of
9 the main nonresidential use to which is serves and is accessory to, and may
10 only be occupied by a caretaker, caretaker’s family, or guard employed on
11 the premises.

12 (B) A Manufactured Dwelling Unit shall only be permitted within an existing or
13 approved Mobile/Manufactured Home Park.

14 (C) A Mixed-Use Dwelling shall only be permitted by-right within a Mixed-Use
15 Building for which Conditional Use approval has been granted within the
16 R-3 District.

(D) The maximum gross floor area (GFA) shall be 2,400 square feet. The hours of operation shall be restricted to between 8 a.m. and 11 p.m. Monday through Saturday and to between 10 a.m. and 9 p.m. on Sunday.

(E) Within the R-3 District, the maximum gross floor area of all permitted nonresidential component space within a permitted mixed-use building shall be 2,400 square feet and any permitted food service establishment shall not exceed seven hundred fifty (750) square feet of customer seating area.

(F) A Dormitory use shall only be permitted on the same premises as the Public, Parochial, or Private School (primary or secondary) to which it serves and is accessory to.

703 LOT PROVISIONS. The following table establishes minimum and maximum lot provisions within the residential zoning districts.

LOT PROVISION	R-1A	R-1B	R-2	R-3
Minimum Lot Size				
Single-Family (detached)	7,200 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.
Two-Family	Not Permitted	Not Permitted	7,000 sq. ft.	7,000 sq. ft.
Townhouse	Not Permitted	Not Permitted	1,600 sq. ft.	1,600 sq. ft.
Multi-Family	Not Permitted	Not Permitted	7,000 sq. ft.	7,000 sq. ft.
All Other Permitted Uses	7,200 sq. ft.	7,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.
Minimum Lot Frontage				
Interior Lot	60 ft.	30 ft.	30 ft.	40 ft.
Corner Lot	75 ft.	45 ft.	45 ft.	55 ft.
Townhouse Interior	Not Permitted	Not Permitted	20 ft.	20 ft.
Townhouse Corner	Not Permitted	Not Permitted	35 ft.	35 ft.
Maximum Lot Coverage				
Maximum Lot Building Coverage	40%	50%	50%	60%

703.1 The minimum lot frontage requirement may be waived for a lot containing only a single-family detached dwelling that is not fronting on an existing public street if the lot is served by a proper right-of-way, access easement, or similar perpetual instrument running with the land.

1 **704 SETBACKS.** The following table establishes the minimum and maximum setback
 2 requirements for principal buildings in the residential zoning districts.

YARD SETBACK	R-1A	R-1B	R-2	R-3
Front Façade Setback Zone				
Minimum Front Setback	15 ft.	10 ft.	10 ft.	20 ft.
Maximum Front Setback	30 ft.	25 ft.	25 ft.	30 ft.
Side Setback				
Minimum Side Setback	10 ft.	5 ft.	5 ft.	5 ft.
Rear Setback				
Minimum Rear Setback	25 ft.	20 ft.	20 ft.	20 ft.

3 **704.1** The Front Façade Setback Zone within the residential zoning districts shall be
 4 superseded by the Contextual Setback provisions, if applicable, as set forth in
 5 Subsection 1904.3(C)(4) of this Chapter.

6 **704.2** A minimum of 60% of the width of the principal building’s front façade in the
 7 residential zoning districts shall be located within the Front Façade Setback
 8 Zone.

9 **704.3** The required side yard setback in the residential zoning districts for the principal
 10 building on the side facing a street (i.e., corner lot) shall be one and one-half
 11 (1.5) times the normal side setback requirement.

12 **704.4** Transitional buffer yards required under this Chapter shall supersede minimum
 13 side and rear yard setbacks established within the residential zoning districts.

14 **704.5** Unless superseded under this Chapter, the minimum side and rear setback for
 15 permitted detached accessory structures (e.g., garage, tool shed, etc.) in the
 16 residential zoning districts shall be five (5) feet; provided the accessory structure
 17 does not obstruct the clear vision triangle.

18 **705 ENCROACHMENTS INTO SETBACKS.**

19 **705.1** Architectural features and building components within the residential zoning
 20 districts may project into a required setback as provided below:

21 (A) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters,
 22 lintels, gutters, or similar features may extend into a required setback a

1 distance not exceeding three (3) feet, except that such features shall not
2 extend closer than three (3) feet from the property line.

3 (B) Uncovered pedestrian ways, stairs, landings, porch stoops, and the like
4 that provide ingress and egress to a building may extend into a required
5 setback, except that such features shall not extend closer than three (3)
6 feet from property line.

7 (C) Open porches along the front façade of and attached to single- and two-
8 family dwellings and townhouses may extend into the required minimum
9 front setback at distance equal to fifty percent (50%) of the minimum front
10 setback standard; provided:

11 (1) The front porch is not closer than five (5) feet from the front property
12 boundary;

13 (2) Does not obstruct the clear vision triangle; and,

14 (3) May not subsequently be enclosed unless the normal front façade
15 setback zone for the zoning district is observed.

16 **705.2** Fences, retaining walls, terraces, steps, or other similar features may encroach
17 into a required setback; provided, such features do not obstruct the clear vision
18 triangle. Such features shall not be located within access, drainage, or utilities
19 easements.

20 **705.3** HVAC mechanical units may encroach into a required side or rear setback;
21 provided, such units shall not be located closer than two (2) feet from a side
22 property boundary. Such units shall not be located within the front yard,
23 regardless of the front setback requirement for the principal building.

24 **705.4** Garages attached to and/or integral to the principal building shall meet the
25 setback requirements for the principal building.

26 **705.5** Accessory structures shall not be located within the front yard nor within the
27 side yard of a corner lot between the side building façade and the side property
28 boundary.
29

1 **706 BUILDING HEIGHT.** The following table establishes the minimum and maximum building
 2 height standards within the residential zoning districts.

BUILDING HEIGHT	R-1A	R-1B	R-2	R-3
Principal Building				
Maximum Building Height – In Stories	2.5 stories	2.5 stories	3 stories	6 stories
Maximum Building Height – In Feet	35 feet	35 feet	45 feet	70 feet
Minimum Building Height – In Stories	N/A	N/A	See Subsection 706.3	See Subsection 706.3
Minimum Building Height – In Feet	N/A	N/A	See Subsection 706.3	See Subsection 706.3
Accessory Structure – Detached Subordinate Building				
Maximum Structure Height – In Stories	1 story	1 story	1 story	1 story
Maximum Structure Height – In Feet	15 feet	15 feet	15 feet	15 feet

3 **706.1 Height Standards in Stories and in Feet.** For residential zoning districts that
 4 include a minimum and/or maximum building height standard in both stories
 5 and feet, the lesser of the two standards shall be observed. See Subsection
 6 1904.5(A) and (B) for calculating building height.

7 **706.2 Detached Accessory Dwelling Unit.** An accessory structure may have a second
 8 story only if the second story contains an Accessory Dwelling Unit (ADU), in
 9 which case the maximum building height in feet shall be twenty (20) feet.

10 **706.3 Minimum Building Height in Residential Districts.**

11 (A) The minimum building height for Multi-Family Buildings, where permitted,
 12 shall be:

13 (1) In Stories 2 stories

14 (2) In Feet 25 feet

15 (B) The minimum building height for Townhouses, where permitted shall be:

16 (1) In Stories 2 stories

17 (2) In Feet 25 feet

1 (C) The minimum building height for Two-Family Dwellings in the R-3 District
2 shall be:

3 (1) In Stories 2 stories

4 (2) In Feet 25 feet

5 **706.4 Maximum Building Height Exceptions.** See Subsection 1904.5 of this Chapter
6 for exceptions to maximum building height standards.

7 **707 PERFORMANCE STANDARDS.**

8 **707.1 Principal Building Orientation.** All residential construction of principal buildings
9 shall substantially conform in street orientation and massing to adjacent interior
10 lot residential structures and shall include a functional entrance for ingress and
11 egress to the dwelling unit, individual building spaces, lobby entrance, or
12 courtyard and plaza entrances.

13 **707.2 Building design standards for single- and two-family dwelling new**
14 **construction, additions, and redevelopment projects.**

15 (A) Building design standards shall not be construed as to prohibit the
16 innocuous use of materials designed, intended, and used for renewable
17 energy systems.

18 (B) Buildings should be clad in one or a combination of wood siding, vinyl
19 siding, fiber cement siding, aluminum siding, wood shakes, unit masonry,
20 or manufactured masonry.

21 (C) Garden walls and retaining walls shall not be made from concrete masonry
22 units (CMU) unless of the split face ornamental variety designed for use in
23 landscaping projects.

24 (D) Principal building roofs should have a pitch that substantially conforms to
25 the roof pitches of adjacent single-family dwellings.

26 (E) Two-family dwellings shall have substantial front porches oriented toward
27 the primary street frontage. The total width of a front porch should not be
28 less than forty percent (40%) of the width of the front facade. Covered,
29 but unenclosed, front porches shall not count toward the permitted
30 maximum lot coverage.

1 (F) The entrance to a front-loaded garage accessed from the frontage street,
2 if attached to the dwelling, shall not take up more than sixty-five percent
3 (65%) of the width of the front facade nor extend closer to the front lot
4 line than the primary building line of the front facade.

5 **707.3 Building design standards for townhouse, multi-family, mixed use, and**
6 **nonresidential new construction, additions, and redevelopment projects,**
7 **where permitted.**

8 (A) Building design standards shall not be construed as to prohibit the
9 innocuous use of materials designed, intended, and used for renewable
10 energy systems.

11 (B) Prohibited facade materials glare producing materials; unfinished wood;
12 wood board sheathing products; ribbed, corrugated, and galvanized metal
13 panels; and, materials designed and intended for interior use.

14 (C) Prohibited facade primary materials include synthetic stucco systems or
15 concrete masonry units (CMU).

16 (D) For new construction of Townhouse Dwellings, masonry shall be used as
17 the primary material on one hundred percent (100%) of the net facade
18 areas of exposed basement exterior walls and should be used as the
19 primary material on at least fifty percent (50%) of the net facade area of
20 the ground floor level. Manufactured masonry must appear identical to
21 traditional unit masonry construction.

22 (E) For new construction of multi-family, mixed-use, and nonresidential
23 buildings (where permitted), masonry shall be used as the primary
24 material on one hundred percent (100%) of the net facade areas of
25 exposed basement exterior walls and should be used as the primary
26 material on at least seventy-five percent (75%) of the net facade area of
27 the ground floor level and the first story above the ground floor level.
28 Manufactured masonry must appear identical to traditional unit masonry
29 construction.

30 (F) Permitted facade accent materials include unit masonry, manufactured
31 masonry, masonry detailed concrete, smooth metal panel systems,
32 concrete, synthetic stucco systems, concrete masonry units (CMU), and
33 fiber cement siding.

- 1 (G) Synthetic stone may be used if it is detailed to have the appearance of
2 authentic stone. At a building corner, the synthetic stone must wrap
3 around the corner and, at a minimum, extend to a depth of traditional
4 stone.
- 5 (H) Building Articulation. New development shall incorporate articulation
6 techniques that divide the overall building mass into modules in order to
7 provide a sense of human scale and reinforce, where applicable, the
8 traditionally-scaled building pattern within the surrounding built
9 environment.
- 10 (1) The following design options may be used individually, or in
11 combination, to meet the intent of desired building articulation.
12 Other creative building articulation strategies may also be
13 appropriate.
- 14 (a) Wall offsets.
- 15 (b) Wall projections.
- 16 (c) Step backs.
- 17 (d) Variations in material or colors/textures.
- 18 (e) Base, middle, cap design.
- 19 (2) Appropriate vertical articulation techniques include:
- 20 (a) Wall plane offsets such as notches or varied facade setbacks.
- 21 (b) Wall projections such as columns, moldings, or pilasters.
- 22 (c) Vertical variations in material.
- 23 (3) Appropriate horizontal articulation techniques include:
- 24 (a) Stepping back taller building elements.
- 25 (b) Belt courses, expression lines, or other techniques that provide
26 horizontal expression.

- 1 (c) Awnings, canopies, or other features that help define the
2 ground floor of a building.
- 3 (d) Varied roof forms.
- 4 (e) Horizontal variations in material.
- 5 (f) Horizontally dividing the facade into a distinct base, middle, and
6 cap.
- 7 (g) Uniformity of window and door fenestration.
- 8 (l) Roof Form. New development shall incorporate roof forms that convey
9 compatible mass and scale, add visual interest, and are appropriate to a
10 building's use.
- 11 (1) Roofing shall be consistent in material, style, pattern, and color
12 throughout. Roofing should only be of earth toned or other muted
13 colors. Glare producing materials and unpainted metal roofing is
14 prohibited.
- 15 (2) Appropriate techniques to create a sense of visual interest along the
16 street include:
- 17 (a) Using a combination of gable, hip, and flat roof forms to
18 provide visual interest.
- 19 (b) Varying the roof profile by stepping down some parts of the
20 facade.
- 21 (c) Defining a flat roof form with a distinct parapet or cornice line
22 to help reinforce a vertical base, middle and cap building
23 articulation, and contribute to a sense of iconic design.
- 24 (d) Using an overhang on sloped roof forms.
- 25 (e) Other creative roof form strategies may also be appropriate
26 including, but not limited to, entry features, tower elements,
27 and rounded elements.

1 (J) Transparency. The ground floor of the principal facade of mixed-use and
2 nonresidential buildings between two (2) feet and eight (8) feet in height
3 shall have a minimum fenestration ratio of sixty percent (60%).

4 (K) No security bars, screens or gates shall be permitted to be attached to the
5 principal facade of a townhouse, multi-family, mixed use, or nonresidential
6 building.

7 (L) Civic buildings and places of worship should be built so that they terminate
8 street vistas whenever possible and should be of sufficient design to create
9 visual anchors for the community.

10 **707.4 Screening of Surface Parking.** With the exception of single-family, two-family,
11 and townhouse dwellings, surface parking areas shall be concealed along the
12 street frontage by an architectural screen wall between three and one-half (3.5)
13 feet and five (5) feet in height, and by dense landscaping along property lines
14 not adjoining a public street. The material and finish of the architectural screen
15 shall be consistent with the materials and finish of buildings with which it is
16 associated or buildings in the immediate vicinity.

17 **707.5 Sidewalks.** Sidewalks shall be constructed along the frontage of a lot upon
18 which a use is to be constructed as follows:

19 (A) Sidewalks shall be constructed of concrete to current construction
20 specifications published by the Pennsylvania Department of
21 Transportation.

22 (B) The public sidewalk shall remain open so that no less than a four (4) foot
23 wide unobstructed path is maintained at all times. Examples of potential
24 obstructions include, but are not limited to, street furniture, merchandise
25 display, outdoor dining, etc.

26 (C) **Single- and Two-Family Infill Development.** Unless waived by the City
27 Engineer on practicability merits for single-family and two-family infill
28 development, new sidewalks shall be constructed at least five (5) feet in
29 width. The City Engineer shall have the discretion to reduce this minimum
30 width standard to no less than four (4) feet based on site constraints, or to
31 conform to an existing but incomplete sidewalk along the same side of the
32 street.

1 (D) **Townhouse, Multi-Family, Mixed-Use, and Nonresidential Development.**
2 New sidewalks shall be at least five (5) feet in width. The City Engineer
3 shall have the discretion to reduce this minimum width standard to no less
4 than four (4) feet based on site constraints, or to conform to an existing
5 but incomplete sidewalk along the same side of the street.

6 **707.6 Exterior Lighting.** All exterior lights shall be designed, located, installed, aimed,
7 and shielded in such a manner as to prevent glare from encroaching onto
8 adjoining properties or public rights-of-way.

9 **707.7 Fences.** The following design and performance standards are established for
10 fences erected in a residential zoning district, whether required or not:

11 (A) Shall not exceed six and one-half (6.5) feet in height at any point unless the
12 entire fence or that portion of fence above six and one-half (6.5) feet has
13 an opacity of fifty (50) percent or less. Fences permitted to exceed six and
14 one-half (6.5) feet as provided herein may not be constructed of chain link
15 or wire and may not exceed eight (8) feet in height at any point.

16 (B) Fences erected within the front yard may not have an opacity of more than
17 sixty (60) percent.

18 (C) Shall not obstruct the clear vision triangle.

19 (D) Fences may be constructed of stone, brick, wood, vinyl, chain link or wire,
20 wrought iron, aluminum, and ornamental concrete block, provided all
21 other requirements herein are met. Barbed wire, concertina, razor, and
22 electric fences shall be prohibited in the residential zoning districts.

ARTICLE 8

ARTICLE	SECTION	PAGE	TITLE
8			BUSINESS DISTRICTS REGULATIONS
	801	1 of 21	Purpose
	802	1 of 21	Permitted Principal and Accessory Uses
	803	5 of 21	Lot Provisions
	804	6 of 21	Setbacks
	805	10 of 21	Building Height
	806	10 of 21	Design and Performance Standards Generally Applicable within all Business Districts
	807	15 of 21	Design and Performance Standards Applicable within the B-1 District
	808	18 of 21	Design and Performance Standards Applicable within the B-2 District
	809	18 of 21	Design and Performance Standards Applicable within the B-3 and B-4 Districts
	810	21 of 21	Urban Canyon



ARTICLE 8 – BUSINESS DISTRICTS

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801 PURPOSE. The purpose of this Article is to establish permitted uses and the performance standards for the use, density, and dimensions for the Business Zoning Districts to advance the intent of each zoning district as established in Section 205 of this Chapter. Business Zoning Districts include the B-1, B-2, B-3, and B-4 Districts.

802 PERMITTED PRINCIPAL AND ACCESSORY USES.

802.1 The explanation of how to understand Land Use Tables is provided in Section 210 of this Chapter.

802.2 The following land use table identifies the permitted uses, conditional uses, special exception uses, accessory uses, and prohibited uses within each of the Business Zoning Districts.

- (A) "P" = Permitted Use.
- (B) "C" = Conditional Use.
- (C) "S" = Special Exception Use.
- (D) "A" = Accessory Use.
- (E) "----" = Prohibited Use.

802.3 If a land use is not included in the following table, then that use is not permitted in any of the Business Zoning Districts.

802.4 The following table also includes reference notations, if applicable, in the supplementation regulations' column, which immediately follows the land use table.

Land Uses	B-1	B-2	B-3	B-4	Supplemental Regulations
RESIDENTIAL USES					
Accessory Dwelling Unit (ADU)	A	A	----	----	(A)
Caretaker's Residence	A	A	A	A	(B)
Conversion Apartment	A	A	----	----	(A)
Garden Apartment	----	----	P	----	

Land Uses	B-1	B-2	B-3	B-4	Supplemental Regulations
Mixed-Use Dwelling	P	P	P	P	(C)
Multi-Family Dwelling	----	----	P	----	
Townhouse	----	----	P	----	
COMMERCIAL USES					
After-Hours Club	----	C	P	P	(D)
Agricultural Use – Beekeeping	A	A	A	A	(E)
Agricultural Use – Plant Nursery	----	P	P	----	
Animal Daycare	S	P	P	P	(D) (F)
Animal Hospital	----	P	P	P	(D)
Auto Repair Garage	----	P	P	----	
Auto Fuel/Service Station	----	P	P	----	
Bed-and-Breakfast	S	P	P	P	(D) (F)
Betting Use	----	P	P	P	(D)
Car Wash	----	P	P	----	
Childcare Center	S	P	P	P	(D) (F)
Daycare Center, Adult	S	P	P	P	(D) (F)
Family Childcare Home	A	A	A	A	
Financial Services	P	P	P	P	(D)
Funeral Home	S	P	P	P	(D) (F)
Home Occupation, Class I	A	A	A	A	
Home Occupation, Class II	S	S	S	S	
Hospital	----	----	C	P	(D)
Hotel, Motel, or Inn	----	P	P	P	(D)
Hotel, Motel, or Inn, Extended Stay	----	P	P	P	(D)
Kennel, Commercial	----	P	P	S	(D)
Medical Clinic	S	P	P	P	(D) (F)
Medical Office	S	P	P	P	(D) (F)
Mixed-Use Building	P	P	P	P	(D) (G)
Monument Retail Sales	----	P	P	----	
Night Club	----	----	P	P	(D)
Nursing Home	----	P	P	----	
Office	S	P	P	P	(D) (F)
Personal Care Home	----	P	P	----	

Land Uses	B-1	B-2	B-3	B-4	Supplemental Regulations
Personal Service Establishment	P	P	P	P	(D) (F)
Recreation Facility, Commercial, Indoor	S	P	P	P	(D) (F)
Recreation Facility, Commercial, Outdoor	----	P	P	----	
Repair Service Establishment	S	P	P	P	(D) (F)
Restaurant	S	P	P	P	(D) (F)
Retail Establishment	P	P	P	P	(D) (F)
Shopping Center	----	P	P	P	(D)
Tavern	S	P	P	P	(D) (F)
Theater	----	P	P	P	(D)
Trade School	----	P	P	P	(D)
Treatment Center	----	P	P	P	(D)
Veterinarian Office	S	P	P	P	(D) (F)
CIVIC AND INSTITUTIONAL USES					
Community Center	C	P	P	P	(D)
Dormitory	----	----	C	C	(H)
Membership Club	S	P	P	P	(D) (F)
Picnic Grove, Private	----	S	S	S	
Place of Worship	P	P	P	P	(D)
Public, Private, or Parochial School – Primary or Secondary	----	P	P	P	(D)
Recreation, Private	----	P	P	P	
Recreation, Publicly Owned	P	P	P	P	
Reuse of a Closed/Vacant Membership Club	C	C	C	C	(D)
Reuse of a Closed/Vacant Place of Worship	C	C	C	C	(D)
Reuse of a Closed/Vacant School	C	C	C	C	(D)
Swimming Pool, Nonhousehold	----	P	----	----	
PUBLIC SERVICES AND UTILITIES					
Emergency Services Station	P	P	P	P	
Essential Services	P	P	P	P	
INDUSTRIAL USES					
Data Center	----	----	S	----	

Land Uses	B-1	B-2	B-3	B-4	Supplemental Regulations
Industrial Assembly	----	----	C	----	
Industrial Services	----	----	C	----	
Industry, Light	----	----	C	----	
Warehouse	----	----	C	----	
Wholesale	----	----	C	----	

1 **802.5 Supplemental Regulations Pertaining to Land Use Table.** The following
2 supplemental regulations are in addition to those standards and conditions
3 provided in Section 1905 of this Chapter that are generally applicable in all
4 zoning districts, where permitted. Unless specified to the contrary, wherever
5 the supplemental regulations provided herein conflict with the standards and
6 conditions provided in Section 1905 of this Chapter conflict, the more
7 restrictive requirement shall apply.

8 (A) Accessory Dwelling Units (ADU) and Conversion Apartment uses are
9 permitted as accessory uses within existing nonconforming Single- and
10 Two-Family Dwellings within the Business Districts.

11 (B) A Caretaker’s Residence shall only be permitted on the same premises of
12 the main nonresidential use to which is serves and is accessory to, and
13 may only be occupied by a caretaker, caretaker’s family, or guard
14 employed on the premises.

15 (C) A Mixed-Use Dwelling shall only be permitted by-right within a permitted
16 Mixed-Use Building.

17 (D) Drive-Through Facilities are prohibited in the B-1 and B-4 Districts.

18 (E) An Agricultural Use – Beekeeping shall only be permitted as an accessory
19 use to a principal residential use, whether that principal use is permitted
20 in a Business District or considered a pre-existing nonconforming use.

21 (F) The maximum gross floor area (GFA) for the tenant space of noted uses
22 located in the B-1 District shall be 3,500 square feet. The hours of
23 operation for the noted uses shall be restricted to between 8 a.m. and 11
24 p.m. Monday through Saturday and to between 10 a.m. and 9 p.m. on
25 Sunday.

(G) Within the B-1 District, the maximum gross floor area of all permitted nonresidential component space within a permitted mixed-use building shall be 3,500 square feet and any permitted food service establishment shall not exceed seven hundred fifty (750) square feet of customer seating area.

(H) Within the B-3 and B-4 Districts, a Dormitory:

(1) May be accessory to a permitted Public, Private, or Parochial School (primary or secondary) use or a permitted Trade School use; provided, if accessory, it shall be on the same premises as the permitted principal use to which it serves.

(2) May be permitted with Conditional Use approval as the principal use of the premises; provided:

(a) The Dormitory is discernably associated with and linked to advancing the educational function and purposes of a permitted Public, Private, or Parochial School use or a permitted Trade School use; and,

(b) The Dormitory is located within a ten (10) minute walk of the permitted Public, Private, or Parochial School use or the permitted Trade School use to which it is associated. For the purposes of this standard, a ten (10) minute walk shall mean within a 1/3 mile (radial buffer) or 1/2 mile along a pedestrian way network.

803 LOT PROVISIONS. The following table establishes minimum and maximum lot provisions within the business zoning districts.

LOT PROVISION	B-1	B-2	B-3	B-4
Minimum Lot Size				
Townhouse	Not Permitted	Not Permitted	1,600 sq. ft.	Not Permitted
Multi-Family	Not Permitted	Not Permitted	7,000 sq. ft.	Not Permitted
All Other Permitted Uses	3,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	1,500 sq. ft.
Minimum Lot Frontage				
Interior Lot	30 ft.	60 ft.	60 ft.	30 ft.
Corner Lot	45 ft.	75 ft.	75 ft.	45 ft.

LOT PROVISION	B-1	B-2	B-3	B-4
Townhouse Interior	Not Permitted	Not Permitted	20 ft.	Not Permitted
Townhouse Corner	Not Permitted	Not Permitted	35 ft.	Not Permitted
Maximum Lot Coverage				
Maximum Lot Building Coverage	70%	60%	60%	90% See 803.1

1 **803.1** In no case shall the lot coverage exceed that which will permit adequate space
2 for the provision and servicing of a dumpster on an approved pad.

3 **804** **SETBACKS.** The following table establishes the minimum and maximum setback
4 requirements for principal buildings in the business zoning districts.

YARD SETBACK	B-1	B-2	B-3	B-4
Front Facade Setback Zone				
Minimum Front Setback	see Subsection 804.1	10 ft.	see Subsection 804.1	see Subsection 804.1
Maximum Front Setback	10 ft.	30 ft.	see Subsection see 804.2	see Subsection see 804.2
Side Setback				
Minimum Side Setback abutting a residentially zoned lot	5 ft.	20 ft.	10 ft.	10 ft.
Minimum Side Setback abutting a nonresidentially zoned lot	see Subsection 804.3	5 ft.	see Subsection 804.3	see Subsection 804.3
Minimum Street Side Setback (abutting a public right-of-way)	see Subsection 804.1	15 ft.	see Subsection 804.1	see Subsection 804.1
Maximum Street Side Setback (abutting a public right-of-way)	10 ft.	N/A	see Subsection 804.2	see Subsection 804.2
Maximum Interior Side Setback	N/A	N/A	N/A	N/A
Rear Setback				
Minimum Rear Setback	15 ft.	30 ft.	10% of the lot depth or 10 ft., whichever is less	10% of the lot depth or 10 ft., whichever is less

1 **804.1** No minimum front or street side setback is required.

2 (A) B-1 District. One hundred (100) percent of the front façade and one
3 hundred (100) percent of the street side façade shall be located within
4 the respective Setback Zone. This standard shall only be applied to that
5 portion of the respective facades below the top of the 2nd story.

6 (B) B-3 and B-4 Districts. One hundred (100) percent of the front façade and
7 one hundred (100) percent of the street side façade shall be located
8 within the respective Setback Zone. This standard shall only be applied
9 to that portion of the respective facades below the top of the 3rd story.

10 **804.2** **Maximum Front and Street Side Setback.** Except in the B-2 District, the
11 maximum front and street side building setback may not exceed the maximum
12 contextual setback of the nearest two (2) lots on either side of the subject lot
13 or ten (10) feet, whichever is less. A contextual setback shall not be applied
14 within the B-2 District.

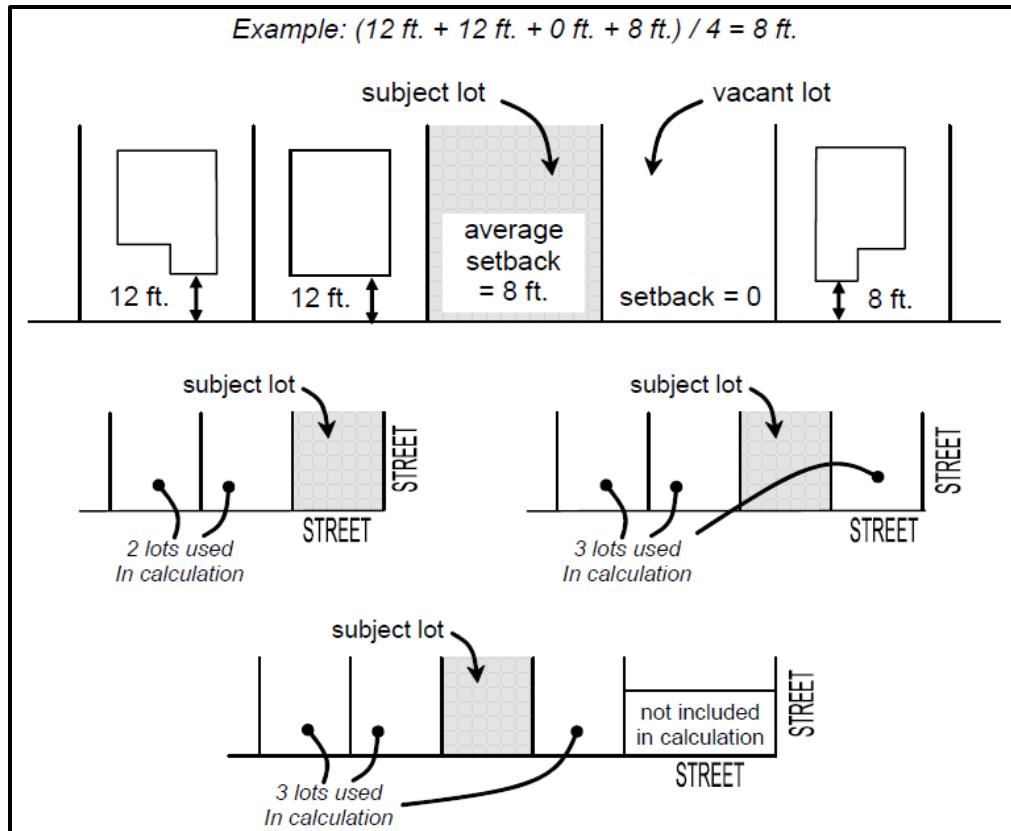
15 (A) If one or more of the lots required to be included in determining the
16 contextual setback are vacant, such vacant lots will be deemed to have a
17 yard depth of zero (0) feet.

18 (B) When the subject lot is a corner lot, the contextual setback will be
19 computed on the basis of the two (2) adjacent lots that front the same
20 street as the subject lot.

21 (C) When the subject lot abuts a corner lot fronting the same street, the
22 contextual setback will be computed on the basis of the abutting corner
23 lot and the nearest two (2) lots that front the same street as the subject
24 lot.

25 (D) Lots fronting a different street than the subject lot or separated by the
26 subject lot by a street or alley may not be used in computing the average.

27 (E) See the following graphic illustrating the maximum contextual setback
28 determination.

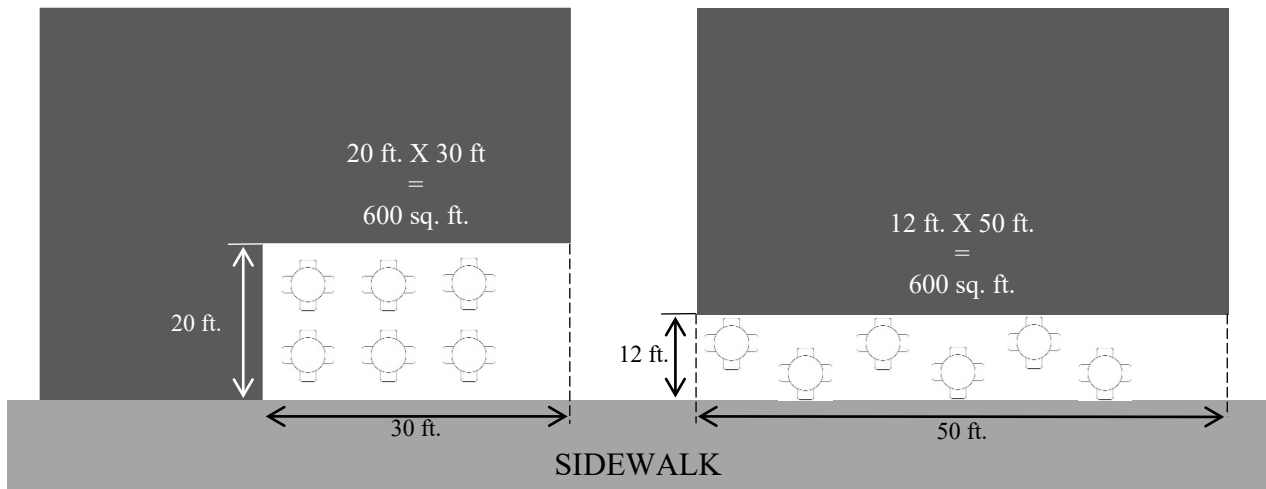


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(F) The following exceptions to the maximum front and street side building setbacks apply within the B-1, B-3, and B-4 Districts:

- (1) Buildings taller than three (3) stories above the top of the third story may be set back farther than the maximum setback in order to accommodate design elements that minimize canyon effects as required in Section 810.
- (2) A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one (1) square foot for every one (1) linear foot of building frontage.
- (3) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than twelve (12) feet from the front or street side property line; or, at least forty (40) percent of the building façade may not be located beyond the maximum setback line. The total

1 area of an outdoor eating area that is located between a public
2 sidewalk and the building façade may not exceed twelve (12) times
3 the building's street frontage in linear feet. See the following
4 graphic illustrating the outdoor dining area exception calculation.



- 5
- 6 **804.3** No minimum interior side setback is required for the first story when abutting
7 a nonresidentially zoned lot. For stories above the 1st story, interior side
8 setbacks shall be sufficient to comply with the Pennsylvania Uniform
9 Construction Code, as amended.
- 10 **804.4** Accessory Structures. The minimum setback for permitted accessory
11 structures on a lot shall be ten (10) feet from the rear property line and ten
12 (10) feet from an interior side property line. No accessory structures are
13 permitted within the front or street side yard.
- 14 **804.5** Street Furniture – B-3 and B-4 Districts. With the exception of street furniture
15 including benches, outdoor dining tables and chairs, newspaper/periodical
16 racks, parcel post drop boxes, automatic teller machines, and the like, no
17 vending machines (i.e. soft drink, etc.) or storage units (i.e. ice, etc.) shall be
18 permitted within the front or street side yard within the B-3 and B-4 Districts.
- 19 **804.6** Clear Vision Triangle. Where public rights-of-way intersect or where driveways
20 enter a street or alley, the front and street side setback for principal buildings
21 shall not obstruct the Clear Vision Triangle as determined by the City Engineer.
22 The City Engineer may supersede maximum front and street side setback
23 standards only to the extent safe sight lines are provided. The City Engineer
24 shall evaluate, among other factors, the presence of traffic controls within the

1 intersection, sidewalks, pedestrian crossing facilities, curbside parking spaces,
2 etc.

3 **804.7** Transitional buffer yards required under this Chapter shall supersede minimum
4 side and rear yard setbacks established within the business zoning districts.

5 **805 BUILDING HEIGHT.** The following table establishes the minimum and maximum building
6 height standards within the business zoning districts.

BUILDING HEIGHT	B-1	B-2	B-3	B-4
Principal Building				
Maximum Building Height – In Stories	4 stories	N/A	10 stories	10 stories
Maximum Building Height – In Feet	45 feet	75 feet	120 feet	120 feet
Minimum Building Height – In Stories	2 stories	N/A	2 stories	3 stories
Minimum Building Height – In Feet	N/A	N/A	N/A	N/A
Accessory Structure – Detached Subordinate Building				
Maximum Structure Height – In Stories	1 story	1 story	1 story	1 story
Maximum Structure Height – In Feet	15 feet	15 feet	15 feet	15 feet

7 **805.1 Height Standards in Stories and in Feet.** For business zoning districts that
8 include a minimum and/or maximum building height standard in both stories
9 and feet, the lesser of the two (2) standards shall be observed. See Subsection
10 1904.5(A) and (B) for calculating building height.

11 **805.2 Detached Accessory Dwelling Unit.** An accessory structure may have a second
12 story only if the second story contains an Accessory Dwelling Unit (ADU), in
13 which case the maximum building height in feet shall be twenty (20) feet.

14 **805.3 Maximum Building Height Exceptions.** See Subsection 1904.5 of this Chapter
15 for exceptions to maximum building height standards.

16 **806 DESIGN AND PERFORMANCE STANDARDS GENERALLY APPLICABLE WITHIN ALL**
17 **BUSINESS DISTRICTS.**

18 **806.1 Principal Building Orientation.** All construction of principal buildings shall
19 substantially conform in street orientation and massing to adjacent structures,
20 except where this shall cause conflict with other provisions, and shall include a
21 functional entrance for ingress and egress to the building, to individual building
22 spaces, and/or to a lobby, courtyard or plaza entrance(s).

1 **806.2** Important structures should be built so that they terminate street vistas
2 whenever possible and should be of sufficient design to create visual anchors
3 for the community. All principal structures within a development shall maintain
4 a consistent architectural style.

5 **806.3 Building design and performance standards for townhouse and multi-family,**
6 **where permitted.**

7 (A) Building design standards shall not be construed as to prohibit the
8 innocuous use of materials designed, intended, and used for renewable
9 energy systems.

10 (B) Prohibited facade materials include glare producing materials; unfinished
11 wood; wood board sheathing products; ribbed, corrugated, and
12 galvanized metal panels; and, materials designed and intended for
13 interior use.

14 (C) Prohibited facade primary materials include synthetic stucco systems and
15 concrete masonry units (CMU).

16 (D) For new construction of permitted townhouse and multi-family
17 development, unit masonry or manufactured masonry shall be used as
18 the primary material on one hundred percent (100%) of the net facade
19 areas of exposed basement exterior walls and shall be used as the
20 primary material on at least seventy-five percent (75%) of the net area of
21 principal facades. Manufactured masonry must appear identical to
22 traditional unit masonry construction.

23 (E) Permitted facade accent materials include unit masonry, manufactured
24 masonry, masonry detailed concrete, smooth metal panel systems,
25 concrete, synthetic stucco systems, concrete masonry units (CMU), and
26 fiber cement siding.

27 (F) Synthetic stone may be used if it is detailed to have the appearance of
28 authentic stone. At a building corner, the synthetic stone must wrap
29 around the corner and, at a minimum, extend to a depth of traditional
30 stone.

31 (G) Building Articulation. New development shall incorporate articulation
32 techniques that divide the overall building mass into modules in order to

1 provide a sense of human scale and reinforce, where applicable, the
2 traditionally-scaled building pattern within the surrounding built
3 environment.

4 (1) The following design options may be used individually, or in
5 combination, to meet the intent of desired building articulation.
6 Other creative building articulation strategies may also be
7 appropriate.

8 (a) Wall offsets.

9 (b) Wall projections.

10 (c) Step backs.

11 (d) Variations in material or colors/textures.

12 (e) Base, middle, cap design.

13 (2) Appropriate vertical articulation techniques include:

14 (a) Wall plane offsets such as notches or varied facade setbacks.

15 (b) Wall projections such as columns, moldings, or pilasters.

16 (c) Vertical variations in material.

17 (3) Appropriate horizontal articulation techniques include:

18 (a) Stepping back taller building elements.

19 (b) Belt courses, expression lines, or other techniques that
20 provide horizontal expression.

21 (c) Awnings, canopies, or other features that help define the
22 ground floor of a building.

23 (d) Varied roof forms.

24 (e) Horizontal variations in material.

25 (f) Horizontally dividing the facade into a distinct base, middle,
26 and cap.

- 1 (g) Uniformity of window and door fenestration.
- 2 (H) Roof Form. New construction of permitted townhouse and multi-family
3 development shall incorporate roof forms that convey compatible mass
4 and scale, add visual interest, and are appropriate to a building's use.
5 The roof form for multi-family development may be flat or pitched.
- 6 (1) Unless the roof is flat and generally not visible from the adjoining
7 grade, roofing shall be consistent in material, style, pattern, and
8 color throughout. Glare producing materials and unpainted metal
9 roofing is prohibited.
- 10 (2) Appropriate techniques to create a sense of visual interest along
11 the street include:
 - 12 (a) Using a combination of gable, hip, and flat roof forms to
13 provide visual interest.
 - 14 (b) Varying the roof profile by stepping down some parts of the
15 facade.
 - 16 (c) Defining a flat roof form with a distinct parapet or cornice line
17 to help reinforce a vertical base, middle and cap building
18 articulation, and contribute to a sense of iconic design.
 - 19 (d) Using an overhang on sloped roof forms.
 - 20 (e) Other creative roof form strategies may also be appropriate
21 including, but not limited to, entry features, tower elements,
22 and rounded elements.
- 23 (I) No security bars, screens, or gates may be permitted to be attached to
24 the front or street side façade.

25 **806.4 Screening of Surface Parking.** Surface parking areas within the B-1, B-2, and B-
26 3 Districts should, and within the B-4 District shall be concealed along the
27 street frontage by an architectural screen wall between three and one-half
28 (3.5) feet and five (5) feet in height, and by dense landscaping along property
29 lines not adjoining a public street. The material and finish of the architectural
30 screen shall be consistent with the materials and finish of buildings with which
31 it is associated or buildings in the immediate vicinity.

1 **806.5 Sidewalks.** Sidewalks shall be constructed along the frontage of a lot upon
2 which a use is to be constructed as follows:

3 (A) Sidewalks shall be constructed of concrete to current construction
4 specifications published by the Pennsylvania Department of
5 Transportation.

6 (B) The public sidewalk shall remain open so that no less than a four (4) foot
7 wide unobstructed path is maintained at all times. Examples of potential
8 obstructions include, but are not limited to, street furniture, merchandise
9 display, outdoor dining, etc.

10 (C) B-1 and B-2 Districts. Sidewalks shall be constructed along the frontage
11 of a lot upon which a use is to be constructed. New sidewalks shall be at
12 least five (5) feet wide, or the same width as an existing but incomplete
13 sidewalk along the same side of street.

14 (D) B-3 and B-4 Districts. Sidewalks shall be constructed along the frontage
15 of a lot upon which a use is to be constructed. New sidewalks shall be at
16 least ten (10) feet wide, or the same width as an existing but incomplete
17 sidewalk along the same side of street, or the width remaining between
18 the existing curb and the front and street side building setback.

19 **806.6 Exterior Lighting.** All exterior lights shall be designed, located, installed,
20 aimed, and shielded in such a manner as to prevent glare from encroaching
21 onto adjoining properties or public rights-of-way.

22 **806.7 Fences.** The following design and performance standards are established for
23 fences erected in a business zoning district, whether required or not:

24 (A) Shall not exceed a height of eight (8) feet.

25 (B) Shall not obstruct the clear vision triangle.

26 (C) May be constructed of stone, brick, wood, vinyl, wire, metal ornamental
27 concrete block, etc.; except, in the B-4 District, where vinyl, chain link or
28 other wire fence material shall be prohibited. For purposes of this
29 Subsection, ornamental concrete block shall mean pre-formed concrete
30 blocks that are modified by covering the exposed surfaces with stucco, or
31 using split-faced block, or ornamental landscaping blocks commonly

1 found in home improvements stores and typically used for planting beds
2 and retaining walls.

3 (D) Fences of at least eight (8) feet in height may have barbed wire placed
4 above the eight (8) foot mark except in the B-1 and B-4 Districts, where
5 barbed wire shall be prohibited. Concertina, razor, and electric fences
6 shall be prohibited in all business zoning districts.

7 **806.8 HVAC Mechanical Units.**

8 (A) HVAC mechanical units may be roof mounted.

9 (B) Ground mounted HVAC mechanical units shall not be located in the front
10 or street side yard.

11 (C) HVAC mechanical units shall not be wall mounted on a front or street
12 side façade.

13 (D) Except within the B-1 and B-2 Districts, through-the-wall heating and/or
14 cooling packs and window mounted units are prohibited in front or street
15 side façades.

16 **807 DESIGN AND PERFORMANCE STANDARDS APPLICABLE WITHIN THE B-1 DISTRICT.**

17 **807.1 Materials.**

18 (A) Building design standards shall not be construed as to prohibit the
19 innocuous use of materials designed, intended, and used for renewable
20 energy systems.

21 (B) Prohibited façade materials include glare producing materials; unfinished
22 wood; wood board sheathing products; ribbed, corrugated, and
23 galvanized metal panels; and, materials designed and intended for
24 interior use.

25 (C) Prohibited façade primary materials include synthetic stucco systems and
26 concrete masonry units (CMU).

27 (D) Permitted accent materials for façades include unit masonry,
28 manufactured masonry, metal, concrete, synthetic stucco systems,
29 concrete masonry units (CMU), and fiber cement siding.

1 (E) For new construction, unit masonry and/or manufactured masonry
2 should be used as the primary material on at least seventy-five (75)
3 percent of the net area of each facade. Manufactured masonry must
4 appear identical to traditional unit masonry construction.

5 (F) Synthetic stone may be used if it is detailed to have the appearance of
6 authentic stone. At a building corner, the synthetic stone must wrap
7 around the corner and, at a minimum, extend to a depth of traditional
8 stone.

9 (G) Unless the roof is flat and generally not visible from the adjoining grade,
10 roofing shall be consistent in material, style, pattern, and color
11 throughout. Glare producing materials and unpainted metal roofing is
12 prohibited.

13 **807.2 Configuration.**

14 (A) Floor-to-Floor Heights. All floor space provided on the ground floor of a
15 building, regardless of use, must have a minimum floor-to-ceiling height
16 of at least eleven (11) feet.

17 (B) Floor Area of Ground-floor Space. The ground-floor of a mixed-use
18 building must contain the following minimum nonresidential component
19 net floor area space. Floor area of enclosed off-street parking areas may
20 not be counted toward meeting minimum nonresidential component
21 space requirements.

22 (1) At least 1,200 square feet or fifty-five (55) percent of the premises
23 area, whichever is greater, on development sites with street
24 frontage of less than 50 feet; or

25 (2) At least fifty-five (55) percent of the premises area on development
26 sites with 50 feet of street frontage or more.

27 (C) Doors and Entrances.

28 (1) Buildings must have a primary entrance door facing a public
29 sidewalk. Entrances at building corners may be used to satisfy this
30 requirement.

- 1 (2) Building entrances may include doors to individual shops or
2 businesses, lobby entrances, entrances to pedestrian-oriented
3 plazas, or courtyard entrances to a cluster of shops or businesses.
- 4 (D) Two (2) wall materials may be combined horizontally on one (2) façade.
5 The heavier material shall be below and should not extend above the first
6 story.
- 7 (E) Skylights shall be flat (non-bubble).
- 8 (F) Windows shall be of square or vertical proportion, unless they are
9 transom windows.
- 10 (G) The ground floor transparency of the front façade between two (2) feet
11 and eight (8) feet above the finished ground level shall be at least sixty
12 (60) percent. The street side façade a distance of 1/3 the depth of the
13 building measured from the building corner at the intersecting streets
14 (not including alleys) shall also have a ground floor transparency of sixty
15 (60) percent between two (2) feet and eight (8) feet above the finished
16 ground level.

17 **807.3 Techniques.**

- 18 (A) Stucco should be float finish, not of the synthetic variety.
- 19 (B) Windows should be set to the inside of the building face wall to create
20 depth and texture to the exterior wall face.
- 21 (C) Building corners at the intersection of two (2) streets (not including
22 alleys) should be of sufficient design to create a visual anchor for the
23 neighborhood. Oblique, rounded, bubble out, and similar architectural
24 design techniques are encouraged.
- 25 (D) All rooftop equipment that is enclosed should be enclosed in building
26 material that matches the principal building or is visually compatible with
27 the principal building.
- 28 (E) Sidewalk Awnings. Non-rigid canvas, fabric, or coated fabric awnings are
29 encouraged to be placed extending from a building over the sidewalk and
30 into the public right-of-way; provided, such awning may be placed no
31 lower than nine (9) feet above the sidewalk and extend no closer than

1 three (3) feet from the curb line. Rigid awning materials such as vinyl,
2 metal, fiberglass, wood, and the like are prohibited.

3 **808 DESIGN AND PERFORMANCE STANDARDS APPLICABLE WITHIN THE B-2 DISTRICT.**

4 **808.1 Materials.**

5 (A) Building design standards shall not be construed as to prohibit the
6 innocuous use of materials designed, intended, and used for renewable
7 energy systems.

8 (B) Metal paneling may be used for exterior wall surfaces, but the area of the
9 metal paneling should not exceed twenty (20) percent of any one wall
10 face.

11 (C) Unless the roof is flat and generally not visible from the adjoining grade,
12 roofing shall be consistent in material, style, pattern, and color
13 throughout. Glare producing materials and unpainted metal roofing is
14 prohibited.

15 **808.2 Techniques.**

16 (A) Windows should be set to the inside of the building face wall.

17 (B) All primary entrance exterior doors should have rectangular recessed
18 panels or glass.

19 (C) All rooftop equipment that is enclosed should be enclosed in building
20 material that matches the principal building or is visually compatible with
21 the principal building.

22 **808.3** Playground equipment, if provided, shall be located entirely behind the
23 principal structure and shall meet required setbacks for accessory structures.

24 **809 DESIGN AND PERFORMANCE STANDARDS APPLICABLE WITHIN THE B-3 AND B-4**
25 **DISTRICTS.**

26 **809.1 Materials.**

27 (A) Building design standards shall not be construed as to prohibit the
28 innocuous use of materials designed, intended, and used for renewable
29 energy systems.

- 1 (B) Prohibited façade materials include glare producing materials; unfinished
2 wood; wood board sheathing products; galvanized metal panels; and,
3 materials designed and intended for interior use. In addition, synthetic
4 stucco systems and fiber cement siding shall be prohibited in the B-4
5 District.
- 6 (C) Prohibited façade primary materials include:
- 7 (1) In the B-3 District, synthetic stucco systems and fiber cement siding.
8 (2) In both the B-3 and B-4 Districts, concrete masonry units (CMU).
9 (3) In the B-4 District, ribbed, corrugated, and alloy-coated metal
10 panels shall not be used on the front or street side façade.
- 11 (D) Permitted accent materials for facades include:
- 12 (1) In the B-3 District, unit masonry, manufactured masonry, metal,
13 concrete, synthetic stucco systems, concrete masonry units (CMU),
14 and fiber cement siding.
15 (2) In the B-4 District, unit masonry, manufactured masonry, metal,
16 concrete, and concrete masonry units (CMU).
- 17 (E) For new construction in the B-3 District, unit masonry and/or
18 manufactured masonry shall be used as the primary material on at least
19 fifty (50) percent of the net area of each facade. Manufactured masonry
20 must appear identical to traditional unit masonry construction.
- 21 (F) For new construction in the B-4 District, unit masonry and/or
22 manufactured masonry shall be used as the primary material on at least
23 seventy-five (75) percent of the net area of each facade. Manufactured
24 masonry must appear identical to traditional unit masonry construction.
- 25 (G) Synthetic stone may be used if it is detailed to have the appearance of
26 authentic stone. At a building corner, the synthetic stone, if used, must
27 wrap around the corner and, at a minimum, extend to a depth of
28 traditional stone.
29

1 **809.2 Configuration.**

2 (A) Floor-to-Floor Heights. With the exception of multi-family dwelling
3 development permitted in the B-3 District, all floor space provided on the
4 ground floor of a building, regardless of use, must have a minimum floor-
5 to-ceiling height of at least eleven (11) feet.

6 (B) Floor Area of Ground-floor Space. The ground-floor of a mixed-use
7 building must contain the following minimum nonresidential component
8 net floor area space. Floor area of enclosed off-street parking areas may
9 not be counted toward meeting minimum nonresidential component
10 space requirements.

11 (1) At least 1,200 square feet or fifty-five (55) percent of the premises
12 area, whichever is greater, on development sites with street
13 frontage of less than 50 feet; or

14 (2) At least fifty-five (55) percent of the premises area on development
15 sites with 50 feet of street frontage or more.

16 (C) Doors and Entrances.

17 (1) Buildings must have a primary entrance door facing a public
18 sidewalk. Entrances at building corners may be used to satisfy this
19 requirement.

20 (2) Building entrances may include doors to individual shops or
21 businesses, lobby entrances, entrances to pedestrian-oriented
22 plazas, or courtyard entrances to a cluster of shops or businesses.

23 (D) Transparency.

24 (1) Ground Floor Transparency. With the exception of multi-family
25 dwelling development permitted in the B-3 District, the ground
26 floor transparency of the front façade between two (2) feet and
27 eight (8) feet above the finished ground level shall be at least sixty
28 (60) percent. The street side façade a distance of 1/3 the depth of
29 the building measured from the building corner at the intersecting
30 streets (not including alleys) shall also have a ground floor
31 transparency of sixty (60) percent between two (2) feet and eight
32 (8) feet above the finished ground level.

1 (2) Upper Floor Transparency. The upper floor transparency of the
2 front and street side façade shall be at least forty (40) percent.

3 (E) Skylights shall be flat (non-bubble).

4 (F) Windows shall be of square or vertical proportion, unless they are
5 transom windows.

6 **809.3 Techniques.**

7 (A) Building corners at the intersection of two (2) streets (not including
8 alleys) should be of sufficient design to create a visual anchor for the
9 commercial and mixed-use block. Oblique, rounded, bubble out, and
10 similar architectural design techniques are encouraged.

11 (B) Windows shall be set to the inside of the building face wall to create
12 depth and texture to the exterior wall face.

13 (C) The roof form for development in the B-4 District may be flat or pitched.

14 (D) All rooftop equipment that is enclosed shall be enclosed in building
15 material that matches the principal building or is visually compatible with
16 the principal building.

17 (E) Sidewalk Awnings. Non-rigid canvas, fabric, or coated fabric awnings are
18 encouraged to be placed extending from a building over the sidewalk and
19 into the public right-of-way; provided, such awning may be placed no
20 lower than nine (9) feet above the sidewalk and extend no closer than
21 three (3) feet from the curb line. Rigid awning materials such as vinyl,
22 metal, fiberglass, wood, and the like are prohibited.

23 **810 URBAN CANYON.** To minimize urban canyon effects created by tall structures, buildings
24 in the B-3 and B-4 Districts taller than three (3) stories shall incorporate design elements
25 that serve to minimize adverse impacts to wind speed, wind direction, temperature and
26 consequently air quality. Desired design elements include, but are not limited to, one or
27 a combination of recessing or “stepping back” upper floors, building corner softening,
28 alternating the building’s profile, increasing building porosity (“cutting out” parts of the
29 structure), etc. The recommended recessing or “stepping back” of floors above the
30 third story is at least five (5) feet.

ARTICLE 9

ARTICLE	SECTION	PAGE	TITLE
9			INDUSTRY DISTRICTS REGULATIONS
	901	1 of 25	Purpose
	902	1 of 25	Permitted Principal and Accessory Uses
	903	6 of 25	Lot Provisions
	904	7 of 25	Setbacks
	905	8 of 25	Building Height
	906	9 of 25	Design and Performance Standards Generally Applicable within All Industry Districts
	907	10 of 25	Design and Performance Standards for Non-Industrial Uses
	908	10 of 25	Design and Performance Standards for Light Industrial and Light Manufacturing Uses
	909	12 of 25	Design and Performance Standards for Heavy Industrial and Heavy Manufacturing Uses
	910	17 of 25	Design and Performance Standards for Extractive Industry Uses



1 **ARTICLE 9 – INDUSTRY DISTRICTS**

2 **901 PURPOSE.** The purpose of this Article is to establish permitted uses and the performance
3 standards for the use, density, and dimensions for the Industry Zoning Districts to advance
4 the intent of each zoning district as established in Section 205 of this Chapter. Industry
5 Zoning Districts include the I-1 and I-2 Districts.

6 **902 PERMITTED PRINCIPAL AND ACCESSORY USES.**

7 **902.1** The explanation of how to understand Land Use Tables is provided in Section
8 210 of this Chapter.

9 **902.2** The following land use table identifies the permitted uses, conditional uses,
10 special exception uses, accessory uses, and prohibited uses within each of the
11 Industry Zoning Districts.

12 (A) "P" = Permitted Use.

13 (B) "C" = Conditional Use.

14 (C) "S" = Special Exception Use.

15 (D) "A" = Accessory Use.

16 (E) "----" = Prohibited Use.

17 **902.3** If a land use is not included in the following table, then that use is not permitted
18 in any of the Industry Zoning Districts.

19 **902.4** The following table also includes reference notations, if applicable, in the
20 supplementation regulations' column, which immediately follows the land use
21 table.

Land Uses	I-1	I-2	Supplemental Regulations
RESIDENTIAL USES			
Caretaker's Residence	A	A	(A)
Mixed-Use Dwelling	P	----	(B)
COMMERCIAL USES			
Adult Use	C	C	

Land Uses	I-1	I-2	Supplemental Regulations
After-Hours Club	P	P	
Agricultural Operation	P	P	
Agricultural Use - Beekeeping	A	A	(C)
Agricultural Use - Plant Nursery	P	P	
Airport	C	C	
Animal Day Care	P	P	
Animal Hospital	P	P	
Auto Repair Garage	P	P	
Auto Fuel/Service Station	P	P	
Auto, Boat, and/or Mobile/Manufactured Home Sales	P	P	
Betting Use	P	P	
Car Wash	P	P	
Childcare Center	P	P	
Daycare Center, Adult	P	----	
Farm-related Use	P	P	
Financial Services	P	----	
Funeral Home	P	----	
Heliport	C	C	
Home Occupation, Class I	A	A	
Home Occupation, Class II	S	S	
Hospital	P	----	
Hotel, Motel or Inn	P	----	
Hotel, Motel or Inn, Extended Stay	P	----	
Kennel, Commercial	P	----	
Medical Clinic	P	----	
Medical Office	P	----	
Mixed-Use Building	P	P	
Monument Retail Sales	P	----	
Motor Vehicle Racetrack	C	C	
Nightclub	P	P	
Nursing Home	P	----	
Office	P	P	

Land Uses	I-1	I-2	Supplemental Regulations
Personal Care Home	P	----	
Personal Service Establishment	P	----	
Recreation Facility, Commercial, Indoor	P	P	
Recreation Facility, Commercial, Outdoor	P	----	
Repair Service Establishment	P	P	
Restaurant	P	----	
Retail Establishment	P	----	
Self-Storage Development	P	P	
Shopping Center	P	----	
Tavern	P	P	
Theater	P	----	
Theater, Outdoor Drive-In	P	----	
Trade School	P	P	
Treatment Center	P	----	
Veterinarian Office	P	----	
INDUSTRIAL USES			
Bulk Recycling Center	P	P	(D)
Data Center	P	P	(D)
Distribution	P	P	(D)
Extractive Industry	----	C	
Industrial Assembly	P	P	(D)
Industrial Processing	P	P	(D)
Industrial Services	P	P	(D)
Industry, Heavy	C	P	(D)
Industry, Light	P	P	(D)
Industry, Medium	P	P	(D)
Junkyard	----	P	
Mineral Extraction	C	C	
Order Fulfilment Center	P	P	(D)
Recycling Collection Center	C	C	
Sanitary Landfill (or Solid Waste Landfill)	----	C	
Slaughterhouse	C	C	
Solid Waste Facility	----	C	

Land Uses	I-1	I-2	Supplemental Regulations
Solid Waste Transfer Facility	C	C	
Solid-Waste-to-Energy Facility	C	C	
Trucking Terminal	P	P	(D)
Warehouse	P	P	(D)
Wholesale	P	P	(D)
CIVIC AND INSTITUTIONAL USES			
Dormitory	C	----	(E)
Membership Club	P	----	
Picnic Grove, Private	S	----	
Public, Parochial, or Private School, Primary or Secondary	P	----	
Recreation, Private	P	----	
Recreation, Publicly Owned	P	P	
Reuse of a Closed/Vacant Membership Club	C	C	
Reuse of a Closed/Vacant Place of Worship	C	C	
Reuse of a Closed/Vacant School	C	C	
Swimming Pool, Nonhousehold	P	----	
PUBLIC SERVICES AND UTILITIES			
Emergency Services Station	P	P	
Essential Services	P	P	

1 **902.5 Supplemental Regulations Pertaining to Land Use Table.** The following
2 supplemental regulations are in addition to those standards and conditions
3 provided in Section 1905 of this Chapter that are generally applicable in all
4 zoning districts, where permitted. Unless specified to the contrary, wherever
5 the supplemental regulations provided herein conflict with the standards and
6 conditions provided in Section 1905 of this Chapter conflict, the more restrictive
7 requirement shall apply.

- 8 (A) A Caretaker’s Residence shall only be permitted on the same premises of
9 the main nonresidential use to which is serves and is accessory to, and may
10 only be occupied by a caretaker, caretaker’s family, or guard employed on
11 the premises.

- 1 (B) A Mixed-Use Dwelling shall only be permitted by-right within a permitted
2 Mixed-Use Building.
- 3 (C) Shall only be permitted as an accessory use to a principal dwelling use,
4 whether that principal dwelling use is permitted in an Industry District or
5 considered a pre-existing nonconforming use.
- 6 (D) A Heavy Industry or Heavy Manufacturing Use is one which generally
7 requires both buildings and open area and is engaged in the storage of or
8 manufacturing processes with significant external effects, or which pose
9 significant risks due to the involvement of flammable or explosive
10 materials, radioactive materials, poisons, pesticides, herbicides, other
11 hazardous materials, or commonly recognized offensive conditions in the
12 manufacturing or other process. Uses within the I-1 District determined to
13 be one which is a Heavy Industry or Heavy Manufacturing use shall require
14 Conditional Use approval as provided in Section 506 of this Chapter.
- 15 (E) A Dormitory use:
- 16 (1) May be accessory to a permitted Public, Private, or Parochial School
17 (primary or secondary) use or a permitted Trade School use;
18 provided, if accessory, it shall be on the same premises as the
19 permitted principal use to which it serves.
- 20 (2) May be permitted with Conditional Use approval as the principal use
21 of the premises; provided:
- 22 (a) The Dormitory is discernably associated with and linked to
23 advancing the educational function and purposes of a
24 permitted Public, Private, or Parochial School use or a
25 permitted Trade School use; and,
- 26 (b) The Dormitory is located within a ten (10) minute walk of the
27 permitted Public, Private, or Parochial School use or the
28 permitted Trade School use to which it is associated. For the
29 purposes of this standard, a ten (10) minute walk shall mean
30 within a 1/3 mile (radial buffer) or 1/2 mile along a pedestrian
31 way network.

1 **903 LOT PROVISIONS.** The following table establishes minimum and maximum lot provisions
 2 within the industry zoning districts.

LOT PROVISION	I-1	I-2
RESIDENTIAL USES		
Minimum Lot Size	N/A	N/A
Minimum Lot Frontage	N/A	N/A
Maximum Lot Building Coverage	N/A	N/A
COMMERCIAL USES		
Minimum Lot Size	6,000 sq. ft.	6,000 sq. ft.
Minimum Lot Frontage – Interior Lot	60 ft.	60 ft.
Minimum Lot Frontage – Corner Lot	75 ft.	75 ft.
Maximum Lot Building Coverage	60%	60%
INDUSTRIAL USES		
Minimum Lot Size	1.5 acres	3 acres
Minimum Lot Frontage	60 ft.	100 ft.
Maximum Lot Building Coverage	40%	50%
CIVIC AND INSTITUTIONAL USES		
Minimum Lot Size	6,000 sq. ft.	6,000 sq. ft.
Minimum Lot Frontage – Interior Lot	60 ft.	60 ft.
Minimum Lot Frontage – Corner Lot	75 ft.	75 ft.
Maximum Lot Building Coverage	60%	60%
PUBLIC SERVICES AND UTILITIES		
Minimum Lot Size	6,000 sq. ft.	6,000 sq. ft.
Minimum Lot Frontage	60 ft.	100 ft.
Maximum Lot Building Coverage	40%	50%

3

4

1 **904 SETBACKS.** The following table establishes the minimum and maximum setback
 2 requirements for principal buildings in the industry zoning districts.

YARD SETBACK	I-1	I-2
RESIDENTIAL USES		
Minimum Front Setback	15 ft.	15 ft.
Maximum Front Setback	30 ft.	30 ft.
Minimum Side Setback	10 ft.	10 ft.
Minimum Rear Setback	25 ft.	25 ft.
COMMERCIAL USES		
Minimum Front Setback	10 ft.	10 ft.
Maximum Front Setback	30 ft.	30 ft.
Minimum Side Setback	10 ft.	10 ft.
Minimum Rear Setback	30 ft.	30 ft.
INDUSTRIAL USES		
Minimum Front Setback	50 ft.	50 ft.
Maximum Front Setback	N/A	N/A
Minimum Side Setback	30 ft.	30 ft.
Minimum Rear Setback	30 ft.	30 ft.
CIVIC AND INSTITUTIONAL USES		
Minimum Front Setback	10 ft.	10 ft.
Maximum Front Setback	N/A	N/A
Minimum Side Setback	10 ft.	10 ft.
Minimum Rear Setback	30 ft.	30 ft.
PUBLIC SERVICES AND UTILITIES		
Minimum Front Setback	10 ft.	10 ft.
Maximum Front Setback	N/A	N/A
Minimum Side Setback	10 ft.	10 ft.
Minimum Rear Setback	30 ft.	30 ft.

3 **904.1** Accessory Structures.

4 (A) Non-Industrial Uses. The minimum setback for permitted non-industrial
 5 use accessory structures on a lot shall be ten (10) feet from the rear

property line and ten (10) feet from an interior side property line. No accessory structures are permitted within the front or street side yard. The minimum setback for accessory structures from the low waterline of the Monongahela River is seventy-five (75) feet.

(B) Industrial Uses. The minimum setback for permitted industrial use accessory structures on a lot shall be thirty (30) feet. The minimum setback for accessory structures from the low waterline of the Monongahela River is seventy-five (75) feet.

904.2 Transitional buffer yards required under this Chapter shall supersede minimum side and rear yard setbacks established within the industry zoning districts.

905 BUILDING HEIGHT. The following table establishes the minimum and maximum building height standards within the industry zoning districts.

BUILDING HEIGHT	I-1	I-2
RESIDENTIAL USES		
Maximum Building Height – Principal Building	35 ft.	35 ft.
Maximum Building Height – Accessory Structure	15 ft.	15 ft.
COMMERCIAL USES		
Maximum Building Height – Principal Building	55 ft.	55 ft.
Maximum Building Height – Accessory Structure	15 ft.	15 ft.
INDUSTRIAL USES		
Maximum Building Height – Principal Building	80 ft.	80 ft.
Maximum Building Height – Accessory Structure	40 ft.	40 ft.
CIVIC AND INSTITUTIONAL USES		
Maximum Building Height – Principal Building	55 ft.	55 ft.
Maximum Building Height – Accessory Structure	15 ft.	15 ft.
PUBLIC SERVICES AND UTILITIES		
Maximum Building Height – Principal Building	55 ft.	55 ft.
Maximum Building Height – Accessory Structure	15 ft.	15 ft.

905.1 Maximum Building Height Exceptions. See Subsection 1904.5 of this Chapter for exceptions to maximum building height standards.

1 **906 DESIGN AND PERFORMANCE STANDARDS GENERALLY APPLICABLE WITHIN ALL**
2 **INDUSTRY DISTRICTS.**

3 **906.1 Sidewalks.** Sidewalks shall be constructed along the frontage of a lot upon
4 which a use is to be constructed as follows:

5 (A) Sidewalks shall be constructed of concrete to current construction
6 specifications published by the Pennsylvania Department of
7 Transportation.

8 (B) The public sidewalk shall remain open so that no less than a four (4) foot
9 wide unobstructed path is maintained at all times. Examples of potential
10 obstructions include, but are not limited to, street furniture, merchandise
11 display, outdoor dining, etc.

12 (C) Sidewalks shall be constructed along the frontage of a lot upon which a use
13 is to be constructed. New sidewalks shall be at least five (5) feet wide, or
14 the same width as an existing but incomplete sidewalk along the same side
15 of street.

16 **906.2 Exterior Lighting.** All exterior lights shall be designed, located, installed, aimed,
17 and shielded in such a manner as to prevent glare from encroaching onto
18 adjoining properties or public rights-of-way.

19 **906.3 Fences.** The following design and performance standards are established for
20 fences erected in an industry zoning district, whether required or not:

21 (A) Shall not exceed a height of ten (10) feet.

22 (B) Shall not obstruct the clear vision triangle.

23 (C) Fences of at least eight (8) feet in height may have barbed wire placed
24 above the eight (8) foot mark. Concertina, razor, and electric fences shall
25 be prohibited in all industry zoning districts.

26 **906.4 HVAC Mechanical Units.**

27 (A) HVAC mechanical units should be roof mounted.

28 (B) Ground mounted HVAC mechanical units shall not be located in the front
29 or street side yard.

1 **907 DESIGN AND PERFORMANCE STANDARDS FOR NON-INDUSTRIAL USES.**

2 **907.1 Screening of Surface Parking.** Surface parking areas serving non-industrial uses
3 shall be concealed by dense landscaping along the street frontage and along
4 property lines not adjoining a public street.

5 **907.2 Materials.**

6 (A) Building design standards shall not be construed as to prohibit the
7 innocuous use of materials designed, intended, and used for renewable
8 energy systems.

9 (B) Metal paneling may be used for exterior wall surfaces, but the area of the
10 metal paneling should not exceed twenty (20) percent of any one wall face.

11 (C) Unless the roof is flat and generally not visible from the adjoining grade,
12 roofing shall be consistent in material, style, pattern, and color
13 throughout. Glare producing materials and unpainted metal roofing is
14 prohibited.

15 **907.3 Techniques.**

16 (A) Windows should be set to the inside of the building face wall.

17 (B) All primary entrance exterior doors should have rectangular recessed
18 panels or glass.

19 (C) All rooftop equipment that is enclosed should be enclosed in building
20 material that matches the principal building or is visually compatible with
21 the principal building.

22 **907.4** Playground equipment, if provided, shall be located entirely behind the principal
23 structure and shall meet required setbacks for accessory structures.

24 **908 DESIGN AND PERFORMANCE STANDARDS FOR LIGHT INDUSTRIAL AND LIGHT**
25 **MANUFACTURING USES.** A Light Industry and Light Manufacturing Use is one which
26 ordinarily uses only light machinery; is conducted entirely within enclosed substantially-
27 constructed buildings; does not use the open area around such buildings for storage of
28 raw materials or manufactured products or for any other industrial purpose. Light
29 Industry and Light Manufacturing uses shall conform to the following performance
30 standards:

- 1 **908.1 Smoke.** No smoke is emitted of a density greater than No. 1 according to the
2 Ringlemann's Scale, except that smoke of a density not in excess of No. 2 of
3 Ringlemann's Scale shall be permitted for a period not in excess of six (6)
4 minutes in any one (1) hour.
- 5 **908.2 Fly Ash.** No particles from any flue or smokestack shall be permitted to escape
6 beyond the confines of the building in which it is produced.
- 7 **908.3 Dust.** No dust of any kind produced by the industrial operations shall be
8 permitted to escape beyond the confines of the building in which it is produced.
- 9 **908.4 Odor.** No noxious or obnoxious odor of any kind shall be permitted to extend
10 beyond the lot line.
- 11 **908.5 Gases and Fumes.** No gases or fumes toxic to persons or injurious to property
12 shall be permitted to escape beyond the building in which they occur.
- 13 **908.6 Glare.** No glare shall be seen from any street or any residential area.
- 14 **908.7 Vibration.** No intense earth-shaking vibration shall be created or maintained by
15 any industry beyond the property on which it is located.
- 16 **908.8 Noise and Sound.** A maximum of seventy (70) decibels at the property line is
17 permitted. Noise is required to be muffled so as not to become objectionable
18 due to intermittence, beat frequency or shrillness. Sound may equal but may
19 not exceed street traffic noise in the vicinity during a normal day shift work
20 period.
- 21 **908.9 Exhaust Control.** Exhaust from any internal combustion engine or compressor,
22 stationary or mounted on wheels, used in connection with any operation shall
23 not be discharged into the open air unless it is equipped with an exhaust muffler,
24 mufflers, or an exhaust box constructed of noncombustible materials designed
25 and installed to sufficiently suppress disruptive noise and vibrations and prevent
26 the escape of noxious or obnoxious gases or fumes. All such equipment shall be
27 maintained in good operating condition according to manufacturer's
28 specifications.
- 29 **908.10** Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks,
30 water towers, transmission towers, derricks or essential mechanical
31 appurtenances may be erected to any height not prohibited by other City, State,
32 or Federal laws or regulations.

- 1 **909 DESIGN AND PERFORMANCE STANDARDS FOR HEAVY INDUSTRIAL AND HEAVY**
2 **MANUFACTURING USES.** A Heavy Industry or Heavy Manufacturing Use is one which
3 requires both buildings and open area for manufacturing, fabricating, processing,
4 extraction, heaving, repairing, dismantling, storage or disposal of equipment, raw
5 materials, and/or manufactured products or wastes. Heavy Industry and Heavy
6 Manufacturing uses shall conform to the following performance standards:
- 7 **909.1 Smoke.** No smoke is emitted of a density greater than No. 2 according to the
8 Ringlemann's Scale, except that smoke of a greater density shall be permitted
9 for a period not in excess of six (6) minutes in any one (1) hour.
- 10 **909.2 Fly Ash.** No particles from any flue or smokestack shall exceed 0.3 grains per
11 cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
- 12 **909.3 Dust.** No dust of any kind produced on the development site shall be permitted
13 to escape beyond the limits of the property being used. Watering, wetting, or
14 other methods or materials must be used to control dust to adjacent properties.
15 Watering, wetting, chemical suppression, or any other dust control measures
16 which result in deposition of the dust control media and/or the captured dust
17 upon the ground surface, or upon surfaces draining to the ground surface, shall
18 be subject to regulation under Monessen City Code Chapter 338 "Stormwater
19 Management."
- 20 **909.4 Odor.** No noxious or obnoxious odor of any kind shall be permitted to extend
21 beyond the lot lines.
- 22 **909.5 Gases and Fumes.** No gases or fumes toxic to persons or injurious to property
23 shall be permitted to escape beyond the building in which they occur.
- 24 **909.6 Glare.** No glare shall be seen from any street or any residential area.
- 25 **909.7 Vibration.** No intense earth-shaking vibration shall be created or maintained by
26 any industry beyond the property on which it is located.
- 27 **909.8 Noise and Sound.** A maximum of seventy (70) decibels at the property line is
28 permitted. Noise is required to be muffled so as not to become objectionable
29 due to intermittence, beat frequency or shrillness. Sound may equal but not
30 exceed street traffic noise in the vicinity during a normal day shift work period.
- 31 **909.9 Exhaust Control.** Exhaust from any internal combustion engine or compressor,
32 stationary or mounted on wheels, used in connection with any operation shall

1 not be discharged into the open air unless it is equipped with an exhaust muffler,
2 mufflers, or an exhaust box constructed of noncombustible materials designed
3 and installed to sufficiently suppress disruptive noise and vibrations and prevent
4 the escape of noxious or obnoxious gases or fumes. All such equipment shall be
5 maintained in good operating condition according to manufacturer's
6 specifications.

7 **909.10 Perimeter Landscaping and Fencing.** For the purpose of screening, buffering,
8 and security, the following improvements shall be installed within thirty (30)
9 days after commencement of development.

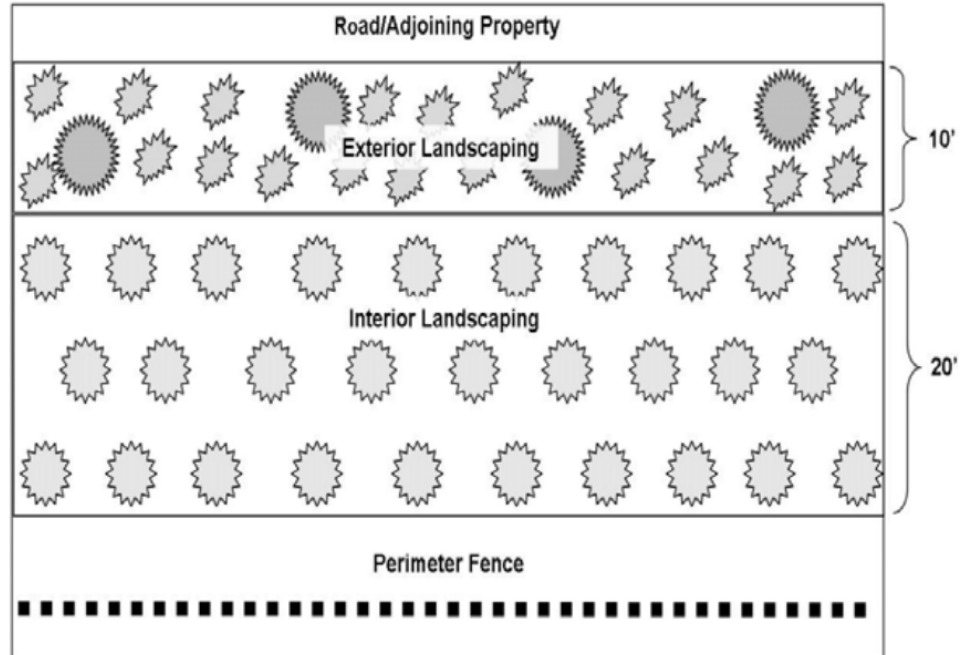
10 (A) **Landscaping.** Where a heavy industry, heavy manufacturing, or extractive
11 industry development site abuts a nonindustrial property (zoned or used)
12 or public or private street, a thirty (30) foot landscaping transitional yard
13 shall be installed the length of said common border as follows:

14 (1) A ten (10) foot wide exterior landscaping transition area containing
15 three (3) to four (4) medium to large trees and fifteen (15) to twenty
16 (20) evergreen shrubs per 100 linear feet.

17 (2) A twenty (20) foot wide interior landscaping transition area
18 containing parallel, staggered and/or concentric rows of evergreen
19 trees or evergreen hedge planted eight (8) to twelve (12) feet on
20 center per 100 linear feet.

21 (3) Trees shall have a minimum two (2) inch caliper and shrubs shall be
22 at least three (3) gallons in size.

23 (B) **Fencing.** A color vinyl-coated chain link fence not less than ten (10) feet in
24 height shall be erected the entire perimeter of a heavy industry, heavy
25 manufacturing, or extractive industry development site between the
26 landscaping transitional yards and the development site. Prominently
27 displayed no trespassing signs are required on all four (4) or more sides of
28 the perimeter fencing.



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(C) **Entrance Gate Specifications.** All perimeter fences shall be equipped with at least one (1) entrance gate. The gate shall meet the following specifications:

- (1) Each gate shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span.
- (2) The gates shall be provided with a combination catch and locking attachment device and shall be kept locked except when being used for access to the site.
- (3) The person in charge of the development site must provide the Monessen Fire Department No. 1 (“downtown”) and Monessen Fire Department No. 2 (“hilltop”) with a Knox Padlock or Knox Box entry system or equivalent on the gate to access the site in case of an emergency.

(D) **Administrative Adjustment.** The Zoning Officer may approve administrative adjustments to the perimeter landscaping and fencing design if it is found that the adjustments:

- 1 (1) Are consistent with the spirit and intent of the landscaping and
2 fencing requirements; and,
- 3 (2) Will not adversely affect the proposed development, use of adjacent
4 property, or obstruct clear vision triangles; and,
- 5 (3) Are necessary to accommodate an alternative or innovative design
6 that achieves to the same or better degree the objective of the
7 landscaping and fencing standard to be modified.

8 **909.11 Signage.** For development that involves the use, storage, or generation of highly
9 flammable, toxic, explosive, or hazardous materials, the following signage shall
10 be provided as approved or designated by the Municipal Fire Chief.

11 (A) Prominently displayed permanent weatherproof retroreflective signs
12 reading "DANGER NO SMOKING OR OPEN FLAME ALLOWED" shall be
13 posted upon completion of the perimeter fencing at the entrance gate(s)
14 or in any other appropriate location. Sign lettering shall be at least four (4)
15 inches in height and shall be red on a white background or white on a red
16 background.

17 (B) Prominently displayed permanent weatherproof labels must be located on
18 each tank containing highly flammable, toxic, explosive, or hazardous
19 materials indicating the exact chemicals that are contained in the tank.
20 Sign lettering shall be at least six (6) inches in height, contrasting with the
21 background color.

22 **909.12 Waste Disposal.** All waste and hazardous materials used, stored, or generated
23 by the use may only be discharged into above-ground and/or axle-mounted
24 tanks. Waste materials shall be removed from the site and transported to an
25 approved and permitted off-site disposal facility no less frequently than every
26 thirty (30) days. Wastewater stored in on-site above-ground and/or axle-
27 mounted tanks shall be removed as necessary, except:

28 (A) Domestic sanitary sewage shall be discharged to a public sanitary sewer,
29 as required under Monessen City Code Chapter 317 "Sewer Regulations."
30 Such discharge shall conform to the rules and regulations of the
31 Morgantown Utility Board; and,

1 (B) Certain limited process/industrial waste may be discharged to the public
2 sanitary sewer, but only as allowed and regulated under Monessen City
3 Code Chapter 317 "Sewer Regulations." Any such allowed industrial
4 discharge shall conform to the laws, regulations, and rules of the
5 Commonwealth of Pennsylvania.

6 (C) Any liquid, or semi-liquid, waste not characterized as domestic sanitary
7 sewage or as allowed industrial discharge, as described in items (A) and/or
8 (B) above, shall be disposed of as herein provided above.

9 **909.13 Security.** At all times, the development site shall have a minimum of one (1)
10 security camera mounted inside the perimeter fencing. Signs shall be posted on
11 the fence or wall of the site to indicate that activity on the site may be recorded
12 by video surveillance. The person in charge of the development site shall
13 maintain video data for a period of five (5) business days. At the request of City
14 law enforcement officials, the person in charge of the development shall make
15 available recorded footage required herein. Camera systems shall be
16 maintained in proper operating condition and shall be designed and located to
17 meet the following requirements:

18 (A) Capture clear video images (day and night) of all traffic entering and exiting
19 the gate(s).

20 (B) Be equipped with motion detection technology.

21 (C) Be equipped with panning technology to pan immediately to any motion
22 detected at or near the gate(s).

23 (D) Show the date and time of all activity on the footage.

24 (E) Be capable of being viewed at the monitoring facility.

25 **909.14 Storage of Equipment.** On-site storage of equipment is prohibited on the
26 development site except when servicing on-going operations. No vehicle or
27 item of machinery shall be parked or stored on any public street, right-of-way,
28 or in any development site driveway entrance which constitutes a fire hazard or
29 an obstruction to or interference with fighting or controlling fires except that
30 equipment which is necessary for the operations of the development site. The
31 Municipal Fire Chief shall determine whether equipment on the site constitutes
32 a fire hazard.

1 **909.15 Private Roads and Driveway Entrances.** Prior to the commencement of
2 development, all private roads and driveway entrances to the development site
3 shall be at least twenty-four (24) feet wide and have an overhead clearance of
4 at least fourteen (14) feet. At a minimum, the road shall be surfaced with
5 bituminous asphalt surface treatment, however concrete paving is preferred.
6 Roads shall not be surfaced with gravel or caliche. All private roads shall have a
7 concrete drive approach constructed to the reasonable satisfaction of the City
8 Engineer. In particular cases these requirements governing surfacing of private
9 roads may be altered at the discretion of the City Engineer after consideration
10 of all circumstances including, but not limited to, distances from public streets
11 and highways; distances from nonindustrial property (zoned or used);
12 topographical features; nature of the soil; and, exposure to wind.

13 **909.16** Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks,
14 water towers, transmission towers, derricks or essential mechanical
15 appurtenances may be erected to any height not prohibited by other City, State,
16 or Federal laws or regulations.

17 **910 DESIGN AND PERFORMANCE STANDARDS FOR EXTRACTIVE INDUSTRY USES.** An
18 Extractive Industry use involves the extraction of minerals, including solids, such as coal
19 and ores; liquids, such as crude petroleum; and gasses, such as natural gasses. In addition
20 to the heavy industry or heavy manufacturing use performance standards provided in
21 Section 909 of this Article, Extractive Industry uses shall conform to the following
22 performance standards:

23 **910.1 Minimum Area.** The tract of land on which an extractive industry use is to be
24 developed must have a minimum area of five (5) acres.

25 **910.2 External Setbacks.** An extractive industry development must be a distance,
26 calculated from the outermost boundary of its development site in a straight
27 line without regard to intervening structures or objects, of no less than:

28 (A) 250 feet from the B-3 and B-4 Districts.

29 (B) 500 feet from the R-1A, R-1B, R-2, R-3, P-1, and P-2 Districts.

30 (C) 500 feet from the property boundary on which the following protected
31 uses exist:

- 1 (1) A dwelling unit located within any zoning district other than the R-
2 1A, R-1B, R-2, and R-3 Districts.
- 3 (2) Place of Worship.
- 4 (3) Hospital.
- 5 (4) Public, Parochial, or Private School, Primary or Secondary
- 6 (5) Childcare Center
- 7 (6) Park
- 8 (D) 100 feet from the 1% (100-year) floodplain.
- 9 (E) 1,000 feet from a public source water supply intake.

10 **910.3 External Setback Exception.** With variance approval by the Zoning Hearing
11 Board, the external setbacks provided in Section 910.2 above may be reduced
12 to not less than two hundred fifty (250) feet when there is the written consent
13 of sixty percent (60%) of the surface property owners within the external
14 setback exception radius area between two hundred fifty (250) feet and five
15 hundred (500) feet around said extractive industry development site. In the
16 event such consent is not obtained, and upon providing evidence of an attempt
17 to obtain written consent of sixty percent (60%) of the surface property owners,
18 then the distance may be reduced to not less than two hundred fifty (250) feet
19 with variance approval by the Zoning Hearing Board. For protection of the public
20 health, safety and welfare, the Zoning Hearing Board may impose additional
21 requirements for a reduction of such distance and take into account the
22 presence of natural or man-made barriers.

23 (A) External setback exception applicants shall adhere to the following written
24 consent or objection verification methodology:

- 25 (1) A consent/objection form provided by the Zoning Officer shall be
26 used by the applicant to obtain consent or objection from all surface
27 property owners as described above. Only one consent/objection
28 form may be obtained from each property owner. Said form shall at
29 a minimum include the name and contact information of the
30 applicant and the operator; a description of the proposed extractive
31 industry development; a map illustrating the location and extent of

1 the proposed extractive industry development site and the external
2 setback exception radius area; the name and address of the surface
3 property owner; the tax map and parcel number(s) owned by the
4 individual surface property owner; and, signature lines to provide
5 written consent or objection by the individual surface property
6 owner.

7 (2) The applicant shall submit to the Zoning Officer a complete list of the
8 names and addresses of all property owners for parcels that are, in
9 whole or in part, within five hundred (500) feet of the proposed
10 extractive industry development site. Such information shall be
11 obtained from the Westmoreland County Recorder of Deeds' Office.

12 (3) The applicant shall be responsible for sending by certified mail the
13 consent/objection form described above to all property owners with
14 the radius of two hundred fifty (250) feet and five hundred (500) feet
15 around the proposed extractive industry development site.

16 (4) For those surface property owners for which consent or objection is
17 not obtained on the form described above, evidence of an attempt
18 to obtain same shall be provided by returned unopened certified
19 mailings and/or certified mail receipts. Certified unopened mailings
20 returned due to incorrect address shall not be sufficient evidence of
21 an attempt to obtain consent or objection.

22 (B) Applicants seeking a reduction of the external setback shall submit to the
23 Zoning Officer all obtained consent/objection forms, returned unopened
24 certified mailings, certified mail receipts, and a summary sheet of the
25 results of the effort to obtain written consent or objection from all of the
26 surface property owners within the external setback exception radius area.
27 The summary sheet shall include at a minimum the following:

28 (1) A map illustrating the location of the proposed extractive industry
29 development site and the external setback exception radius area.

30 (2) Total number of properties within the external setback exception
31 radius area.

32 (3) Total number of property owners within the external setback
33 exception radius area.

- 1 (4) Total number of consenting property owners within the external
2 setback exception radius area.
- 3 (5) Total number of objecting property owners within the external
4 setback exception radius area.
- 5 (6) Total number of nonresponsive property owners within the external
6 setback exception radius area.
- 7 (7) Total number of returned unopened certified mailings.
- 8 (8) Total number of certified mail receipts.
- 9 (9) Total number of obtained consent/objection forms.
- 10 (C) Applicants shall use ethical methods to obtain written consent/objection
11 forms. The Zoning Hearing Board should reject an external setback
12 exception variance request if it finds that there is evidence of coercion,
13 deception, compensation, or similar ethical misconduct on behalf of the
14 applicant seeking a reduction of the external setback.
- 15 (D) Pursuant to Section 508 of this Chapter, the applicant shall provide the
16 Zoning Officer addressed and postage paid envelopes that will be used by
17 the Zoning Officer to send mailed notice to all owners of property within
18 five hundred (500) feet of the extractive industry development site.
19 Mailed notice and, if applicable, electronic notice, shall be sent not less
20 than ten (10) days prior to the Zoning Hearing Board's hearing on the
21 external setback exception variance request.

22 **910.4 Signage.** A sign shall be prominently displayed at the perimeter gate(s)
23 enclosing the development site. Such sign(s) shall be durable weatherproof
24 material, maintained in good condition and, unless otherwise required by the
25 City, shall have a surface area of not less than two (2) square feet nor more than
26 four (4) square feet and shall be lettered with the following:

- 27 (A) Mine, quarry, or well name and number.
- 28 (B) Name of operator.
- 29 (C) The emergency 911 number.

1 (D) Telephone numbers of two (2) persons responsible for the extractive
2 industry site who may be contacted in case of emergency.

3 **910.5 Water Impoundment.** Freshwater impoundments are permitted on extractive
4 industry development sites. Freshwater impoundments may be earthen
5 impoundments or semi-portable axle-mounted above-ground storage tanks.

6 (A) Freshwater storage shall be prevented from putrefaction and/or becoming
7 a mosquito breeding habitat.

8 (B) Freshwater earthen pits shall be securely enclosed by a six (6) foot tall
9 black vinyl-coated chain link fence.

10 **910.6 Secondary Containment.** Secondary containment using existing best practices
11 shall be required for all equipment and storage facilities; be capable of
12 containing a release of no less than one hundred twenty-five (125) percent of
13 the total combined volume of all storage containers; and, have a freeboard of
14 no less than eight (8) inches. In addition, for oil and gas extraction development,
15 an earthen perimeter berm of not less than two (2) feet shall be developed
16 around the entire development site and meet at a minimum the following
17 standards:

18 (A) The earthen perimeter berm shall confine a containment volume of no less
19 than one hundred twenty-five percent (125%) of the total combined
20 volume of all liquids utilized in the preparation, drilling, and completion of
21 the well.

22 (B) The areas confined within the secondary containment facilities, and within
23 the earthen perimeter berm, including the walls of the secondary
24 containment facilities and the earthen berm, shall all be covered by a
25 synthetic impermeable liner. Joints and seams within said liner shall be
26 chemically or thermally fused so that it serves as a single, continuous unit.

27 (C) Access roadways into the development site shall be configured and
28 designed in such a way as to not compromise the containment integrity of
29 the perimeter earthen berm.

30 **910.7 Waste Disposal.**

31 (A) Portable closed steel storage tanks must be used for storing liquid
32 hydrocarbons. Tanks must meet American Petroleum Institute (API)

standards. All tanks must have a vent line, flame arrester, and pressure relief valve. No tank battery shall be within one hundred (100) feet of any combustible structure.

(B) Drilling mud, cuttings, liquid hydrocarbons, flowback, produced water, and all other field waste derived or resulting from or connected with extraction shall only be discharged into above-ground axle-mounted tanks (closed loop mud and closed loop fracking system).

(C) Waste materials shall be removed from the site and transported to an off-site disposal facility no less frequently than every thirty (30) days. Wastewater stored in on-site tanks shall be removed as necessary.

(D) All waste disposal shall be documented using manifest procedures. The manifests shall record the complete chain of custody from the retrieval at the development site to the ultimate disposal location, for all volumes/units of waste generated and removed from the development site. All such documentation shall be provided to the City of Monessen upon request.

910.8 Gas Emission or Burning. As a temporary and necessary safety function of the extractive industry operation, venting or burning by open flame (e.g., flaring) is exempt from light and glare regulations as required in this Article and acceptable under the following conditions:

(A) No person shall allow, cause, or permit gases to be vented into the atmosphere or to be burned by open flame except as allowed by applicable state and federal laws, rules, and regulations.

(B) Such venting or open flame shall not be located closer than three hundred (300) feet from any building not used in development site operations. Every reasonable effort should be made to screen such venting or open flame in such a way as to minimize detrimental effects to adjacent property owners.

(C) In order to ensure community awareness and security, the following notifications must be provided by the operator before any temporary burning or flaring activity is to begin:

- 1 (1) At least ten (10) calendar days, public educational press release and
2 advance notice sent to all primary local news media outlets.
- 3 (2) At least five (5) calendar days, published notice in a local newspaper
4 of general circulation.
- 5 (3) At least 72 hours, written notification to the City Fire Chiefs of the
6 Monessen Fire Department No. 1 (“downtown”) and the Monessen
7 Fire Department No. 2 (“hilltop”) and the Westmoreland 9-1-1
8 Emergency Communications Center.
- 9 (D) Flaring or burning of gas or petroleum of any kind after an oil or gas well is
10 in production is prohibited.

11 **910.9 Security.** In addition to the standards provided in Subsection 909.13 above,
12 camera systems shall be designed and located to meet the following
13 requirements:

- 14 (A) Be equipped to capture clear video images (day and night) of all production
15 equipment located on the site.
- 16 (B) Be equipped with panning technology to pan immediately to any motion
17 detected at or near production equipment located on the site.

18 **910.10 Cleanup and Maintenance.**

- 19 (A) With the exception of freshwater, any spill, leak, or malfunction resulting
20 in five (5) gallons or more shall be reported within twenty-four (24) hours
21 to the City of Monessen and the Pennsylvania Department of
22 Environmental Protection. Regardless of the amount of fluid resulting
23 from the spill, leak, or malfunction, the operator shall remove or cause to
24 be removed all waste materials from any public or private property
25 affected by such spill, leak, or malfunction. Clean-up operations must
26 begin immediately.
- 27 (B) The twenty-four (24) hour reporting period provided in item (A) above
28 shall apply to discharges occurring within a containment area of the
29 development site. For any discharge which occurs outside of a
30 containment area, the City of Monessen and the Pennsylvania Department
31 of Environmental Protection shall be notified immediately.

1 (C) Rainfall onto the development site for which containment barriers are
2 required shall be captured by the required containment barriers and be
3 collected and disposed of as is required for spilled wastes, except the
4 occurrence of rainfall shall not require report notification to the City of
5 Monessen and/or the Pennsylvania Department of Environmental
6 Protection. Rainfall may not be left to undermine the capability of
7 secondary containment to contain a release of no less than one hundred
8 twenty-five percent (125%) of the total combined volume of all storage
9 containers.

10 (D) The development site and public space within one hundred (100) feet shall
11 at all times be kept free of debris, pools of water or other liquids,
12 contaminated soil, weeds, brush, trash, or other waste material.

13 (E) Oil and gas extraction development. After well drilling has been completed
14 and the well is either producing or temporarily plugged for later
15 production and delivery to market, the operator shall clean the drill site,
16 remove derrick(s) and all appurtenant equipment thereto, complete
17 interim restoration activities, and repair all property damage caused by
18 such operations within ninety (90) days.

19 **910.11 Site Restoration.** Within six (6) months following the abandonment of an
20 extractive industry development site, including permanent well plugging, the
21 operator shall be responsible for the restoration of the development site to its
22 original condition as nearly as practicable. Abandonment shall be approved by
23 the City Engineer after restoration of the development site has been
24 accomplished in conformity with the following requirements at the discretion of
25 the City Engineer:

26 (A) All production, derricks, tanks, towers, and other appurtenant surface
27 equipment and installations shall be removed from the development site.

28 (B) All concrete foundations, piping, wood, guy anchors and other foreign
29 materials regardless of depth, except surface casing, shall be removed
30 from the development site, unless otherwise directed by the City.

31 (C) All holes and depressions shall be filled with clean, compactable soil.

32 (D) All waste, refuse or waste material shall be removed from the
33 development site.

1 **910.12** Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks,
2 water towers, transmission towers, derricks or essential mechanical
3 appurtenances may be erected to any height not prohibited by other City, State,
4 or Federal laws or regulations.

ARTICLE 10

ARTICLE	SECTION	PAGE	TITLE
10			PUBLIC, CIVIC, AND OPEN SPACE DISTRICTS REGULATIONS
	1001	1 of 8	Purpose
	1002	1 of 8	Permitted Principal and Accessory Uses
	1003	3 of 8	Lot Provisions
	1004	3 of 8	Setbacks
	1005	5 of 8	Building Height
	1006	6 of 8	Design and Performance Standards Generally Applicable within all Public, Civic, & Open Space Districts.

PUBLIC, CIVIC, AND OPEN SPACE DISTRICTS REGULATIONS



1 **ARTICLE 10 – PUBLIC, CIVIC, & OPEN SPACE DISTRICTS**

2 **1001 PURPOSE.** The purpose of this Article is to establish permitted uses and the performance
3 standards for the use, density, and dimensions for the Public, Civic, & Open Space Zoning
4 Districts to advance the intent of each zoning district as established in Section 205 of this
5 Chapter. Public, Civic, & Open Space Zoning Districts include the P-1 and P-2 Districts.

6 **1002 PERMITTED PRINCIPAL AND ACCESSORY USES.**

7 **1002.1** The explanation of how to understand Land Use Tables is provided in Section
8 210 of this Chapter.

9 **1002.2** The following land use table identifies the permitted uses, conditional uses,
10 special exception uses, accessory uses, and prohibited uses within each of the
11 Public, Civic, & Open Space Zoning Districts.

12 (A) "P" = Permitted Use.

13 (B) "C" = Conditional Use.

14 (C) "S" = Special Exception Use.

15 (D) "A" = Accessory Use.

16 (E) "----" = Prohibited Use.

17 **1002.3** If a land use is not included in the following table, then that use is not permitted
18 in any of the Public, Civic, & Open Space Zoning Districts.

19 **1002.4** The following table also includes reference notations, if applicable, in the
20 supplementation regulations' column, which immediately follows the land use
21 table.

Land Uses	P-1	P-2	Supplemental Regulations
RESIDENTIAL USES			
Accessory Dwelling Unit (ADU)	A	A	
Caretaker's Residence	P	P	(A)
Conversion Apartment	A	A	
Single-Family Dwelling (detached)	P	P	(B)

Land Uses	P-1	P-2	Supplemental Regulations
COMMERCIAL USES			
Agricultural Operation	C	C	
Agricultural Use - Beekeeping	A	A	(C)
Agricultural Use - Christmas Tree Farm or Tree Farm	C	C	
Agricultural Use - Crop Farming	C	C	
Agricultural Use - Livestock, Raising of	C	C	
Agricultural Use - Plant Nursery	C	C	
Animal Cemetery	C	----	
Cemetery	C	----	
Family Childcare Home	A	A	
Farm-Related Use	C	C	
Home Occupation, Class I	A	A	
Home Occupation, Class II	S	S	
Monument Retail Sales	A	----	(D)
Recreation Facility, Commercial, Indoor	C	----	
Recreation Facility, Commercial, Outdoor	S	----	
Theater, Outdoor Drive-In	C	----	
CIVIC AND INSTITUTIONAL USES			
Membership Club	C	----	
Picnic Grove, Private	C	C	
Public, Parochial, or Private School, Primary or Secondary	C	----	
Recreation, Private	C	----	
Recreation, Publicly Owned	P	P	
Reuse of a Closed/Vacant Membership Club	C	C	
Reuse of a Closed/Vacant Place of Worship	C	C	
Reuse of a Closed/Vacant School	C	C	
Swimming Pool, Nonhousehold	C	----	
PUBLIC SERVICES AND UTILITIES			
Emergency Services Station	P	----	
Essential Services	P	P	

1002.5 Supplemental Regulations Pertaining to Land Use Table. The following supplemental regulations are in addition to those standards and conditions provided in Section 1905 of this Chapter that are generally applicable in all zoning districts, where permitted. Unless specified to the contrary, wherever the supplemental regulations provided herein conflict with the standards and conditions provided in Section 1905 of this Chapter conflict, the more restrictive requirement shall apply.

(A) A Caretaker’s Residence shall only be permitted on the same premises of the main nonresidential use to which it serves and is accessory to, and may only be occupied by a caretaker, caretaker’s family, or guard employed on the premises.

(B) The following minimum lot size standards shall be required for the development of single-family dwelling (detached) and shall supersede lot provisions in Subsection 1003 below.

(1) P-1 District15,000 square feet

(2) P-2 District1.5 acres

(C) May be permitted as an accessory use to a permitted residential use or to a pre-existing residential nonconforming use. May be permitted as a principal use with Conditional Use approval.

(D) Monument Retail Sales uses are only permitted as an accessory use to a principal Cemetery use.

1003 LOT PROVISIONS. The following table establishes minimum and maximum lot provisions within the Public, Civic, & Open Space Zoning Districts.

LOT PROVISION	P-1	P-2
Minimum Lot Size	0.5 acres	2.0 acres
Minimum Lot Frontage	60 ft.	60 ft.
Maximum Lot Building Coverage	20%	10%

1004 SETBACKS. The following table establishes the minimum and maximum setback requirements for principal buildings in the Public, Civic, & Open Space Zoning Districts.

YARD SETBACK	P-1	P-2
Minimum Front Setback	20 ft.	20 ft.
Minimum Side Setback	10 ft.	10 ft.
Minimum Rear Setback	30 ft.	30 ft.

- 1 **1004.1** The required side yard setback in the Public, Civic, & Open Space Zoning Districts
2 for the principal building on the side facing a street (i.e., corner lot) shall be one
3 and one-half (1.5) times the normal side setback requirement.
- 4 **1004.2** Transitional buffer yards required under this Chapter shall supersede minimum
5 side and rear yard setbacks established within the Public, Civic, & Open Space
6 Zoning Districts.
- 7 **1004.3** Accessory Structures.
- 8 (A) Unless superseded under this Chapter, the minimum side and rear setback
9 for permitted detached accessory structures in the Public, Civic, & Open
10 Space Zoning Districts shall be ten (10) feet; provided the accessory
11 structure does not obstruct the clear vision triangle.
- 12 (B) For single-family dwellings (detached), accessory structures shall not be
13 located in the front yard or in the side yard of a corner lot between the
14 principal building and the side property boundary shared with the street.
15 Except that, when the single-family dwelling (detached) is located 150 feet
16 or more from the public street and existing woodlands and/or new trees
17 are planted that block the view of the single-family dwelling (detached)
18 from the public street, accessory structures may be located in the front
19 yard or in the side yard of a corner lot between the principal building and
20 the side property boundary shared with the street.
- 21 **1004.4** Uncovered pedestrian ways, stairs, landings, porch stoops, and the like that
22 provide ingress and egress to a building may extend into a required setback,
23 except that such features shall not extend closer than five (5) feet from property
24 line.
- 25 **1004.5** Fences, retaining walls, terraces, steps, or other similar features may encroach
26 into a required setback; provided, such features do not obstruct the clear vision
27 triangle. Such features shall not be located within access, drainage, or utilities
28 easements.
- 29 **1004.6** Garages attached to and/or integral to the principal building shall meet the
30 setback requirements for the principal building.

1 **1004.7** HVAC mechanical units may encroach into a required side or rear setback;
2 provided, such units shall not be located closer than five (5) feet from a side
3 property boundary. Such units shall not be located within the front yard,
4 regardless of the front setback requirement for the principal building.

5 **1005 BUILDING HEIGHT.** The following table establishes the minimum and maximum building
6 height standards within the Public, Civic, & Open Space Zoning Districts.

BUILDING HEIGHT	P-1	P-2
RESIDENTIAL USES		
Maximum Building Height – Principal Building (in stories)	2.5 stories	2.5 stories
Maximum Building Height – Principal Building (in feet)	35 ft.	35 ft.
Maximum Building Height – Accessory Structure (in stories)	1 story	1 story
Maximum Building Height – Accessory Structure (in feet)	15 ft.	15 ft.
NONRESIDENTIAL USES		
Maximum Building Height – Principal Building	50 ft.	50 ft.
Maximum Building Height – Accessory Structure	25 ft.	25 ft.

7 **1005.1 Height Standards in Stories and in Feet.** For residential zoning districts that
8 include a minimum and/or maximum building height standard in both stories
9 and feet, the lesser of the two standards shall be observed. See Subsection
10 1904.5(A) and (B) for calculating building height.

11 **1005.2 Detached Accessory Dwelling Unit.** An accessory structure to a single-family
12 dwelling (detached) may have a second story only if the second story contains
13 an Accessory Dwelling Unit (ADU), in which case the maximum building height
14 in feet shall be twenty (20) feet.

15 **1005.3** The accessory structures of Commercial Outdoor Recreation Facility uses (e.g.,
16 slides, zipline, aerial adventure, rock climbing, etc.), of Nonhousehold Swimming
17 Pool uses, and of Outdoor Drive-In Theater uses (e.g., projection screen) shall be
18 sixty (60) feet.

19 **1005.4 Maximum Building Height Exceptions.** See Subsection 1904.5 of this Chapter
20 for exceptions to maximum building height standards.

21

1 **1006 DESIGN AND PERFORMANCE STANDARDS GENERALLY APPLICABLE WITHIN ALL PUBLIC,**
2 **CIVIC, & OPEN SPACE DISTRICTS.**

3 **1006.1 Preservation of Existing Features.** The Public, Civic, & Open Space Zoning
4 Districts contain the City’s largest stands of urban forest. These areas play an
5 important role in the ecology of human habitats ways, including beautification
6 of the urban environment, benefit climate and the economy, shelter to wildlife,
7 and recreational and educational opportunities for Monessen’s residents and
8 visitors. Accordingly, existing woodlands and stands of trees and shrubs shall be
9 preserved to the greatest feasible and reasonably practicable.

10 (A) Trees and shrubs already existing on land subject to the provisions of this
11 Article shall be preserved wherever feasible. Criteria for judging the
12 feasibility of retaining existing vegetation include:

13 (1) The practicability of arranging site plan components around existing
14 features. In general, plans for groups of structures should be
15 designed so as to preserve tree masses, individual tree specimens,
16 and small stands of trees and shrubs;

17 (2) The condition of the vegetation with respect to continued vitality;

18 (3) The practical and economical possibility of designing the location and
19 grades of proposed structures and paving to preserve existing
20 vegetation;

21 (4) The desirability or lack thereof of a particular tree or species by
22 reason of its appearance; historic or ecological significance; botanical
23 characteristics; and, the function the vegetation would fulfill as a site
24 component;

25 (5) Interference with utility services or encroachments into the clear
26 vision triangle; and,

27 (6) The possibility of preserving the vegetation while meeting the
28 development needs through pruning rather than removal.

29 (B) See Article 13 “Landscaping and Screening” is it pertains to the
30 preservation of existing features, general maintenance requirements, etc.
31 New development within the Public, Civic, & Open Space Zoning Districts

1 shall be required to submit a Landscape and Screening Plan addressing, at
2 least, the preservation of existing features.

3 **1006.2 Building design standards for single-family dwelling (detached) new**
4 **construction, additions, and redevelopment projects.**

5 (A) Building design standards shall not be construed as to prohibit the
6 innocuous use of materials designed, intended, and used for renewable
7 energy systems.

8 (B) Buildings should be clad in one or a combination of wood siding, vinyl
9 siding, fiber cement siding, aluminum siding, wood shakes, unit masonry,
10 or manufactured masonry.

11 (C) Garden walls and retaining walls shall not be made from concrete masonry
12 units (CMU) unless of the split face ornamental variety designed for use in
13 landscaping projects.

14 (D) Covered, but unenclosed, front porches shall not count toward the
15 permitted maximum lot coverage.

16 **1006.3 Building design standards for nonresidential new construction, additions, and**
17 **redevelopment projects, where permitted.**

18 (A) Building design standards shall not be construed as to prohibit the
19 innocuous use of materials designed, intended, and used for renewable
20 energy systems.

21 (B) Prohibited facade materials include glare producing materials; unfinished
22 wood; wood board sheathing products; and, materials designed and
23 intended for interior use.

24 (C) Synthetic stone may be used if it is detailed to have the appearance of
25 authentic stone. At a building corner, the synthetic stone must wrap
26 around the corner and, at a minimum, extend to a depth of traditional
27 stone.

28 (D) Roofing shall be consistent in material, style, pattern, and color
29 throughout. Glare producing materials and unpainted metal roofing is
30 prohibited.

1 **1006.4 Screening of Surface Parking.** With the exception of single-family dwelling
2 (detached) development, surface parking areas shall be concealed by a dense
3 landscaping along the street frontage and along property lines not adjoining a
4 public street.

5 **1006.5 Exterior Lighting.** All exterior lights shall be designed, located, installed, aimed,
6 and shielded in such a manner as to prevent glare from encroaching onto
7 adjoining properties or public rights-of-way.

8 **1006.6 Fences.** The following design and performance standards are established for
9 fences erected in a residential zoning district, whether required or not:

10 (A) Shall not exceed six and one-half (6.5) feet in height at any point unless the
11 entire fence or that portion of fence above six and one-half (6.5) feet has
12 an opacity of fifty (50) percent or less. Fences permitted to exceed six and
13 one-half (6.5) feet as provided herein may not be constructed of chain link
14 or wire and may not exceed eight (8) feet in height at any point.

15 (B) Shall not obstruct the clear vision triangle.

16 (C) Fences may be constructed of stone, brick, wood, vinyl, chain link or wire,
17 wrought iron, aluminum, and ornamental concrete block, provided all
18 other requirements herein are met. Barbed wire, concertina, razor, and
19 electric fences shall be prohibited in the Public, Civic, & Open Space Zoning
20 Districts.

ARTICLE 11

RESERVED



OVERLAY ZONING DISTRICTS (RESERVED)

ARTICLE 12

ARTICLE	SECTION	PAGE	TITLE
12			PARKING, LOADING, AND INTERNAL ROADWAYS
	1201	1 of 17	Purpose
	1202	1 of 17	Scope
	1203	2 of 17	Site Plan Drawing Necessary
	1204	2 of 17	General Provisions
	1205	4 of 17	Parking Stall, Drive Aisle, and Driveway Design
	1206	10 of 17	Parking and Use Restrictions
	1207	10 of 17	Loading Facility Requirements
	1208	12 of 17	Maintenance
	1209	12 of 17	Minimum Off-Street Parking Requirements for Specified Uses and Zoning Districts
	1210	13 of 17	Parking Generation Management Plan
	1211	15 of 17	Shared Parking Facilities
	1212	16 of 17	Off-Street Parking Facilities



PARKING, LOADING, AND INTERNAL ROADWAYS

1 **ARTICLE 12 – PARKING, LOADING, AND INTERNAL ROADWAYS**

2 **1201 PURPOSE.** It is the purpose of this Article to establish minimum requirements for the
3 location, design, operation, and maintenance of off-street parking spaces, loading
4 facilities, and internal roadways, whether required under this Chapter or not:

5 **1201.1** To advance the safety and general welfare of the walking, biking, and motoring
6 public;

7 **1201.2** To enhance the quality, care, and protection of public and private property;

8 **1201.3** To alleviate or prevent the congestion of the public right-of-way;

9 **1201.4** To establish standards for the adequate provision of the same based on the
10 anticipated demand created by each use of buildings, structures, and land;

11 **1201.5** To utilize land in an efficient and orderly manner; and,

12 **1201.6** To mitigate the excessive development of impervious surfaces which otherwise
13 contributes to the amount of stormwater runoff and adversely impacts water
14 quality.

15 **1202 SCOPE.**

16 **1202.1** Off-street parking, loading, and internal roadways, whether required by this
17 Chapter or not, shall be located, designed, developed, operated, and maintained
18 in accordance with the provisions of this Article, used in whole or in part for
19 purposes permitted by this Chapter, and shall apply to all zoning districts, unless
20 superseded in other Sections of this Chapter.

21 **1202.2** No Zoning Permit or Zoning Certificate of Compliance shall be issued, no use
22 shall be established or changed, and no building or structure shall be erected,
23 enlarged, or reconstructed unless the landowner has presented to the Zoning
24 Officer satisfactory evidence via a site plan drawing, that the off-street parking,
25 loading facilities, and internal roadways herein are provided in the minimum
26 amounts and maintained in the manner specified; provided, however:

27 (A) For the enlargement of a building or structure or for the expansion of a use
28 of building, structure, or land there shall be required only the number of
29 additional off-street parking spaces and loading facilities as would be

1 required if such enlargement or expansion were a separate new building,
2 structure, or use; and,

- 3 (B) For a change in the class or type of use of a building, structure, or land, the
4 number o additional off-street parking spaces and loading facilities
5 required shall be equal to the number required for the new use, less the
6 number of parking spaces which would have been required for the
7 previous use if it had been established in conformance with this Article;
8 but in no case shall the total number of parking spaces and/or loading
9 facilities furnished be required to exceed the minimum required for the
10 new use.

11 **1203 SITE PLAN DRAWING NECESSARY.** All applications for permits, certificates, approvals,
12 and other forms of authorization granted under this Chapter that include the
13 development parking, loading, and/or internal roadways, whether required by this
14 Chapter or not, shall be accompanied by a site plan drawn to scale and dimensioned
15 indicating the location of off-street parking, loading, and internal roadways in compliance
16 with the requirements set forth in this Article.

17 **1204 GENERAL PROVISIONS.**

18 **1204.1 Floor Area.** The term "floor area" for the purpose of calculating the number of
19 off-street parking spaces required shall be determined on the basis of the
20 exterior floor area dimensions of the buildings, structure or use times the
21 number of floors, minus ten (10) percent, except as may hereinafter be provided
22 or modified.

23 **1204.2 Reduction of Existing Off-Street Parking Space, Loading Facility, or Lot Areas.**

- 24 (A) Off-street parking spaces and loading facilities existing upon the effective
25 date of this Article shall not hereafter be reduced below, or if already less
26 than, shall not be further reduced in number or size unless said number or
27 size exceeds the requirements set forth herein for a similar new use.

- 28 (B) Off-street parking spaces and loading facilities provided to comply with the
29 provisions of this Chapter shall not subsequently be reduced below the
30 requirements of this Chapter.
31

1 **1204.3 Voluntary Establishment.** Nothing in this Article shall be deemed to prevent the
2 voluntary establishment of off-street parking spaces or loading facilities to serve
3 any existing use of buildings, structures, or land, provided that all regulations
4 herein governing the location, design, operation, and maintenance of such
5 facilities are adhered to.

6 **1204.4 Nonconforming Provisions.** For any nonconforming use which is hereafter
7 damaged or partially destroyed, and which is lawfully reconstructed, re-
8 established, or repaired, off-street parking and loading facilities equivalent to
9 those maintained at the time of such damage or partial destruction shall be
10 restored and continued in operation; provided, however, in no case shall it be
11 necessary to restore or maintain parking or loading facilities in excess of those
12 required by this Chapter for equivalent new uses.

13 **1204.5 Change of Use or Occupancy of Land.** No change of use or occupancy of land
14 already dedicated to a parking area, parking spaces, loading facilities, or internal
15 roadway shall be made, nor shall any sale of land or division nor subdivision of
16 land be made which reduces area required for parking spaces, loading facilities,
17 and internal roadways below the minimum requirements prescribed by this
18 Chapter.

19 **1204.6 Change of Use or Occupancy of Buildings.** Any change of use or occupancy of
20 any building or buildings including additions thereto requiring more parking area
21 shall not be permitted until there is furnished such additional parking spaces as
22 prescribed by this Chapter.

23 **1204.7 Increase in the Intensity of Use.** When the intensity of use of any building,
24 structure, or land is increased through the addition of dwelling units, floor area,
25 seating capacity, commercial or industrial activity, or other unit of
26 measurement, parking and loading facilities as required herein shall be provided
27 for such increase in intensity of use.

28 **1204.8 Residential Use Limitations.** Off-street parking facilities accessory to residential
29 use shall be utilized solely for the parking of licensed and operable passenger
30 automobiles; no more than one (1) truck not to exceed gross capacity of twelve
31 thousand (12,000) pounds; and, recreational vehicles and equipment. Under no
32 circumstances shall minimum required parking facilities accessory to residential
33 buildings be used for the storage of commercial vehicles or equipment or for the
34 parking of automobiles belonging to the employees, owners, tenants, or

1 customers of business or manufacturing establishments, unless permitted or
2 required for accessory Class II Home Occupation uses.

3 **1204.9 Calculating Space.**

4 (A) When determining the number of off-street parking spaces results in a
5 fraction, each fraction of one-half (1/2) or more shall constitute another
6 space.

7 (B) In stadiums, sports arenas, places of worship, and other places of public
8 assembly in which patrons, spectators, and attendees occupy benches,
9 pews, or other similar seating, each twenty-two (22) inches of such seating
10 facilities shall be counted as one (1) seat for the purpose of determining
11 requirements. For places of public assembly where no fixed seats are used,
12 one (1) parking space per sixty (60) square feet of main assembly shall be
13 used for the purpose of determining requirements.

14 (C) Except as provided for under the shared parking analysis provision set
15 forth under Section 1211 of this Article, should a building, structure, or
16 land contain two (2) or more uses, each use shall be calculated separately
17 for determining the total off-street parking spaces required.

18 (D) Proof of parking for shared and for off-site parking facilities shall be
19 provided in accordance with Sections 1211 and 1212 of this Article.

20 **1205 PARKING STALL, DRIVE AISLE, AND DRIVEWAY DESIGN.**

21 **1205.1 PARKING SPACE SIZE AND DRIVE AISLE DESIGN.**

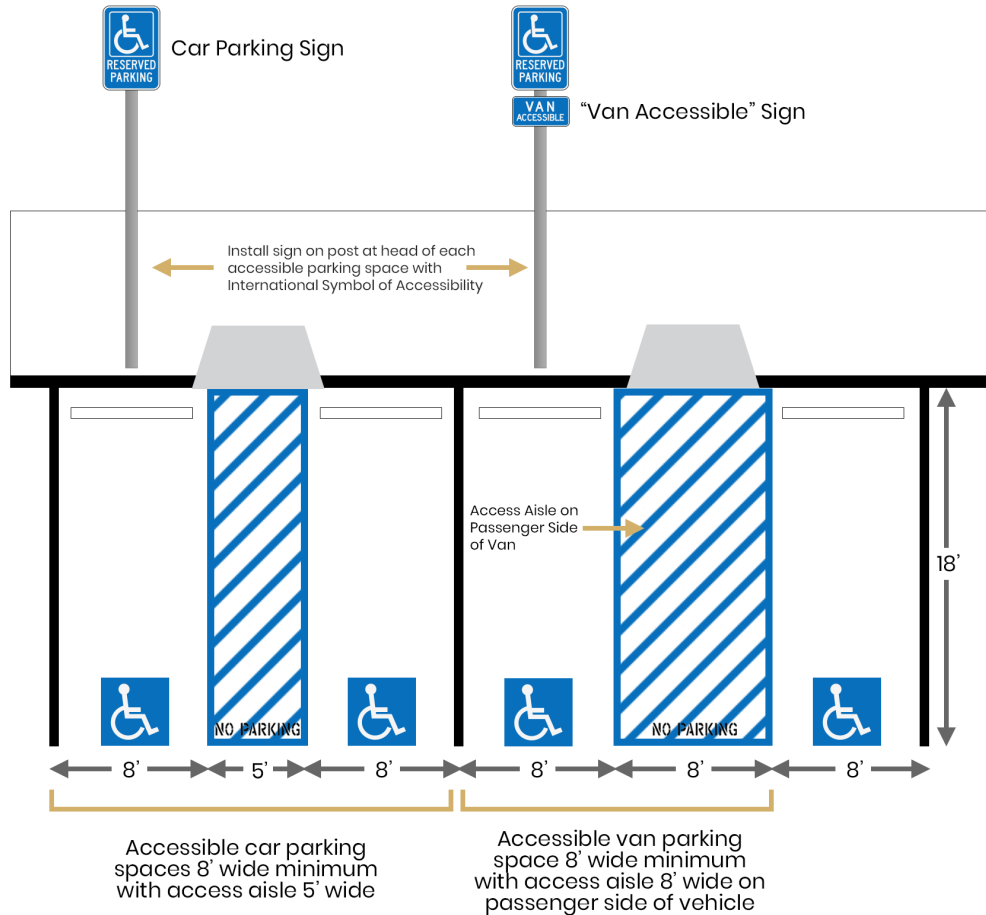
22 (A) **Regular Parking Spaces.** Each regular parking space and drive aisle shall
23 have the following minimum dimensions:

Regular Parking Space Minimum Dimensions				
Angle	Width	Length	Drive Aisle Width – 1-way	Drive Aisle Width – 2-way
45 degrees	12 feet	18 feet	15 feet	20 feet
60 degrees	10 feet	18 feet	18 feet	20 feet
75 degrees	9 feet	19 feet	24 feet	24 feet
90 degrees	9 feet	18 feet	24 feet	24 feet
Parallel	8 feet	20 feet	12 feet	20 feet

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(B) **Accessible Parking Spaces.** The City of Monessen encourages all development within the City serving the public to comply with the accessibility standards of the Americans with Disabilities Act of 1990, as amended. When parking spaces are developed, whether required by the Chapter or not, the following minimum number of accessible parking spaces dimensions shall be required and must connect to the shortest accessible route to the building entrance or facility they serve.

Minimum Required Accessible Parking Spaces	
Total Number of Parking Spaces Provided	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking spaces provided
1,001 and over	20 accessible parking spaces, plus 1 accessible parking space for each 100 regular parking spaces provided over 1,000
For every six (6) or fraction of six (6) accessible parking spaces, at least one (1) accessible space shall be designed as a van-accessible or universal-accessible parking space. See Graphic below	



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(C) **Compact Parking Spaces.** Compact parking spaces shall not exceed thirty-three percent (33%) of the total number of parking spaces. Compact stalls must be identified by appropriate signage. Compact stalls shall be distributed throughout the parking area so as to have reasonable proximity to the structure served but shall not have generally preferential locations such that their use by non-compact cars will be encouraged. Each compact parking space shall have the following minimum dimensions:

Compact Parking Space Minimum Dimensions				
Angle	Width	Length	Drive Aisle Width – 1-way	Drive Aisle Width – 2-way
45 degrees	8 feet	16 feet	15 feet	18 feet
60 degrees	8 feet	16 feet	18 feet	18 feet
75 degrees	8 feet	16 feet	22 feet	22 feet
90 degrees	8 feet	16 feet	22 feet	22 feet
Parallel	8 feet	16 feet	12 feet	18 feet

2 **1205.2 Within Structures.** The off-street parking requirements may be furnished by
3 providing parking spaces so designed within the principal building or structure
4 accessory thereto; however, unless provisions are made, no Zoning Permit shall
5 be issued to convert said parking structure into a dwelling unit or living area or
6 other activity until other adequate provisions are made to comply with the
7 required off-street parking provisions of this Chapter.

8 **1205.3** Except in the case of single- and two-family dwellings and townhouses, parking
9 areas shall be designed so that circulation between parking bays or aisles occurs
10 within the designated parking area or lot and does not depend upon a public
11 street or alley. Except in the case of single- and two-family dwellings and
12 townhouses, parking area design which requires backing into the public street is
13 prohibited.

14 **1205.4 Curb Cuts.**

15 (A) Each property shall be allowed one (1) curb cut access for each one
16 hundred twenty-five (125) feet of street frontage. All property shall be
17 entitled to at least one (1) curb cut. Single-family uses shall be limited to
18 one (1) curb cut access per property.

19 (B) No curb cut access shall be located less than forty (40) feet from the
20 intersection of two (2) or more street rights-of-way. This distance shall
21 be measured from the intersection of lot lines.

22 (C) No curb cut shall exceed twenty-four (24) feet in width unless approved
23 by the Zoning Officer only to ensure safe and efficient turning
24 movements given site specific conditions including but not limited to
25 topography, sight lines, unique vehicle turning movement requirements

1 served by the curb cut access, etc. All entrances serving two-way traffic
2 shall have a minimum width of twenty-four (24) feet as well as two-way
3 travel lanes without parking spaces. One-way entrances shall have a
4 minimum width of twelve (12) feet without parking spaces.

5 (D) Curb cut and driveways shall be a minimum of five (5) feet from the side
6 yard property line in all zoning districts except that up to two (2) single-
7 family dwellings on separate parcels and townhouses may be served by
8 a shared curb cut access and driveway. Proper cross access easements
9 and a cooperative maintenance agreement must be filed with
10 Westmoreland County Recorder of Deeds before a shared curb cut
11 access and driveway will be permitted.

12 (E) Except for single- and two-family dwellings and townhouses, curb cuts
13 on a public street shall not be located less than forty (40) feet from one
14 another.

15 **1205.5 Slope.** Individual parking spaces on lots with five percent (5%) average slope or
16 greater shall be provided with anchored bumper guards or wheel guards. Under
17 no circumstances shall parking spaces be provided on lots in excess of ten
18 percent (10%) percent slope.

19 **1205.6 Surfacing.**

20 (A) All areas intended to be utilized for parking spaces and driveways shall be
21 surfaced with an all-weather, dust-free concrete, asphalt, or equivalent
22 material approved by the City Engineer suitable to control dust and
23 drainage.

24 (B) Except for single- and two-family dwellings and townhouses served by
25 individual curb cuts and driveways, all parking stalls shall be marked with
26 painted lines not less than four (4) inches wide in accordance with the
27 approved site plans.

28 (C) Plans for surfacing and drainage of driveways and stalls for five (5) or more
29 vehicles shall be submitted to the City Engineer for review and final
30 approval.

31 (D) Parking areas shall be graded and properly drained in such a manner that
32 there will be no free flow of water onto adjacent property, public

1 sidewalks, or public rights-of-way. Further, any run-off generated by such
2 paved areas shall be disposed of in accordance with Chapter 338
3 “Stormwater Management Ordinance.”

4 **1205.7 Lighting.** Any lighting used to illuminate an off-street parking area shall be so
5 arranged as to reflect the light away from adjoining property abutting residential
6 uses and public rights-of-way and be in compliance with Article 14 “Lighting” of
7 this Chapter.

8 **1205.8 Signs.** No sign shall be so located as to obstruct a clear vision triangle or restrict
9 orderly operation and traffic movement within any parking lot. All signs shall
10 conform to Article 15 “Signs” of this Chapter.

11 **1205.9 Residential Driveway Setback.** In R-1A, R-1B, and R-2 zoning districts, the area
12 within five (5) feet of a side or rear lot line, shall not be paved and shall not be
13 used for the storage of recreational vehicles. The area within five (5) feet of the
14 lot lines must be landscaped with grass, plantings, or vegetative ground cover.

15 **1205.10 Parking Lot Curbing and Landscaping.** Except for the R-1A, R-1B, and R-2 zoning
16 districts, all open off-street parking shall have a perimeter portland cement curb
17 barrier not less than 6” in height around the entire parking lot, said curb barrier
18 shall not be closer than five (5) feet to any lot line except along the street right
19 of way where a minimum of ten (10) feet is required unless otherwise stated for
20 a specific zoning district. There shall be no off-street parking within ten (10) feet
21 of any street right of way. Grass, plantings, vegetative ground cover, or
22 surfacing material shall be provided in all areas bordering the parking area.

23 **1205.11 Perimeter Tree Planting Requirements.** The perimeter of parking areas for all
24 commercial, industrial, institutional, and multi-family properties shall be
25 planted with deciduous shade trees at least two (2) inch in diameter at a number
26 equal to one (1) tree per four (4) parking spaces, and spaced to provide
27 maximum shading of the parking area.

28 **1205.12 Required Parking Lot Screening.** All open, non-residential, off-street parking
29 areas of five (5) or more spaces shall be screened and landscaped from abutting
30 or surrounding residential districts in compliance Article 13 “Landscaping and
31 Screening” of this Chapter.
32

1 **1206 PARKING AND USE RESTRICTIONS.**

2 **1206.1** The landscaped portion of a private property shall also not be used for the
3 parking or storing of vehicles.

4 **1206.2** Head-in parking spaces, directly off of and adjacent to a public street, with each
5 stall having its own direct access to the public street, shall be prohibited.

6 **1206.3** In all residential districts, parking shall be prohibited in any portion of the
7 property except designated and paved driveways leading directly into a garage
8 or one (1) open, paved space located on the side of a driveway, away from the
9 principal use.

10 **1206.4 Parking Lot Use.** Required off-street parking spaces in any zoning district shall
11 not be utilized for open storage, sale or rental of goods, or storage of inoperable
12 vehicles.

13 **1207 LOADING FACILITY REQUIREMENTS.** Uses and buildings with a gross floor area of 5,000
14 square feet or more shall provide the following off-street loading facilities; provided,
15 loading facilities shall not be required for uses which do not receive or transmit goods or
16 wares by truck delivery. For the purposes of this Subsection, non-express package
17 delivery services (e.g., UPS, FedEx, etc.) shall not be considered truck delivery.

Required Loading Facility Spaces		
Use Description	Floor Area in Square Feet	Minimum number of Loading Facility Spaces Required
Type I: 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
Type II: Office buildings, hotels and motels, retail sales, hospitals, institutions and similar uses.	5,000 to 60,000	1
	60,001 to 100,000	2
	Each 20,000 above 100,000	1

18 **1207.1 Location.** All off-street loading facilities (spaces, berths, etc.), whether required
19 under this Chapter or not, shall:

1 (A) Be located on the same lot as the use to be served, and no portion of the
2 vehicle shall project into a street, alley, off-street drive aisle, or internal
3 roadway;

4 (B) Not be located less than forty (40) feet from the intersection of two (2) or
5 more street rights-of-way. This distance shall be measured from the
6 intersection of lot lines; and,

7 No curb cut access shall be located less than forty (40) feet from the
8 intersection of two (2) or more street rights-of-way. This distance shall be
9 measured from the intersection of lot lines.

10 (C) Not be located in a required front yard nor in a side yard adjoining a
11 residential use or residential zoning district.

12 **1207.2 Design.** All off-street loading facilities (spaces, berths, etc.), whether required
13 under this Chapter or not, shall be of a size not less than that required for
14 expected delivery vehicles, logically and conveniently located for bulk pickups
15 and deliveries, and accessible to such vehicles when required off-street parking
16 spaces are filled; provided, that the off-street area required for the receipt or
17 distribution by vehicles of materials or merchandise is held to be as follows:

18 (A) Minimum dimensions for local pick-up and delivery trucks: twelve (12)
19 feet in width by thirty (30) feet in length with a forty-five (45) foot
20 maneuvering apron, and a twelve (12) foot height clearance.

21 (B) Minimum dimensions for over-the-road tractor-trailers: fourteen (14)
22 feet in width by sixty (60) feet in length with a sixty (60) foot
23 maneuvering apron, and a fourteen (14) foot height clearance.

24 **1207.3 Surfacing.** Loading facilities shall be paved as set forth for parking in Subsection
25 1205.6 of this Article.

26 **1207.4 Lighting.** Any lighting used to illuminate an off-street loading facility shall be so
27 arranged as to reflect the light away from adjoining property abutting residential
28 uses and public rights-of-way and be in compliance with Article 14 "Lighting" of
29 this Chapter.
30

1 **1207.5 Screening.** Loading facilities (spaces, berths, etc.) shall be screened by either
2 building walls, a solid fence, densely planted shrubbery, or any combination
3 thereof, none of which may be less than six (6) feet in height at maturity, unless
4 located at the rear of a building.

5 **1208 MAINTENANCE.** It shall be the joint and severally responsibility of the lessee and owner
6 of the principal use, uses, or building(s) to maintain in a neat and adequate manner, the
7 driveways, parking spaces, drive aisles, loading facilities, curbing, landscaping, and
8 required fences. All areas intended to be utilized for driveways, parking spaces, drive
9 aisles, and loading facilities shall be maintained in good condition and free of weeds, dirt,
10 potholes, trash, and debris.

11 **1209 MINIMUM OFF-STREET PARKING REQUIREMENTS FOR SPECIFIED USES AND ZONING**
12 **DISTRICTS.**

13 **1209.1 Specified Residential Uses.**

14 (A) Unless superseded by another Section of this Chapter, the minimum
15 number of off-street parking spaces for residential dwelling units shall be
16 provided as follows:

Residential Dwelling Type	Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit
Single-Family Dwelling (detached) Unit	0.75 spaces per bedroom
Two-Family Dwelling Unit	0.75 spaces per bedroom
Townhouse Dwelling Unit	0.75 spaces per bedroom
Multi-Family Dwelling Unit and Dwelling Units in a Mixed-Use Building	1.0 space per dwelling unit
Accessory Dwelling Unit	1 space

17 (1) The minimum off-street parking requirement for the following
18 occupant-restricted housing types shall be fifty percent (50%) of the
19 minimum number of off-street spaces that would otherwise be
20 required.

21 (a) Dwelling units restricted to Senior-aged residents (62 years of
22 age or older).

1 (b) Dwelling units restricted to low- and moderate-income
2 residents.

3 (c) Dwelling units restricted to residents with disabilities.

4 (B) Whenever feasible, off-street parking serving single- and two-family
5 dwellings and townhouses shall not be accessed directly from the primary
6 street frontage. When off-street parking is accessed directly from the
7 primary street frontage, the minimum required off-street parking spaces
8 shall not be located within the front yard. Parking spaces in excess of the
9 minimum number may only be located within the front yard if sited on an
10 approved paved driveway leading to the required parking spaces that are
11 located at or behind the front setback of the principal building.

12 **1209.2 Specified Zoning District.** A minimum number of off-street parking spaces shall
13 not be required for uses and buildings located within the following specified
14 zoning districts; provided, loading facility requirements set forth in Subsection
15 1207 of this Article shall be observed.

16 (A) B-1 Neighborhood Business District.

17 (B) B-4 Central Business District.

18 **1209.3 Uses and Zoning Districts Not Specified.** See Section 1210 “Transportation
19 Demand Management” of this Article for determining minimum off-street
20 parking requirements.

21 **1210 PARKING GENERATION MANAGEMENT PLAN.** Except for the minimum off-street parking
22 provisions for specified uses and zoning districts set forth in Section 1209 of this Article,
23 the minimum number of off-street parking spaces required under this Chapter shall be
24 equal to the number of parking spaces needed to meet parking generation demand
25 projected for the proposed development’s land use(s). The applicant shall prepare a
26 Parking Generation Management (PGM) Plan calculating projected parking generation
27 demand based on accepted standards, such as published in the Institute of Transportation
28 Engineer's Parking Generation Manual, newest edition.
29

1 **1210.1 PGM Plan Applicability.** A PGM Plan must be prepared by the applicant and
2 submitted to the Zoning Officer for certain developments, as follows:

3 (A) All new construction.

4 (B) For substantial renovation of a principal building with a gross floor area of
5 at least 2,500 and involving a change in use.

6 **1210.2 PGM Plan Submission.** Not less than fifteen (15) days prior to the applicant's
7 submission of any application for a permit, certificate, approval, or other form
8 of authorization granted under this Chapter, the applicant shall submit a fully
9 completed PGM Plan to the Zoning Officer to initiate staff review. If the
10 proposed development requires review and/or approval by the Planning
11 Commission, the Zoning Hearing Board, and/or City Council, then the Zoning
12 Officer shall include in his/her staff report to those approval authorities the
13 findings and recommendations of his/her review of the applicant's PGM Plan.

14 **1210.3 PGM Plan Approval.** The applicant's PGM Plan, shared parking analysis, and
15 methodologies used therein must be reviewed and approved, approved with
16 modifications, or disapproved by the proposed development's highest approval
17 authority, dependent up the type of development for which approval is required
18 under this Chapter (i.e., Zoning Officer, Planning Commission, Zoning Hearing
19 Board, or City Council). In reviewing the PGM Plan, the approval authority shall,
20 as a part of its development approval decision, make written findings of fact on
21 the following matters:

22 (A) That the PGM Plan clearly demonstrates that the proposed development
23 will meet anticipated parking generation demand through the proposed
24 number of parking spaces and the location(s) of proposed parking areas.

25 (B) That the PGM Plan clearly demonstrates that the proposed development
26 will meet the anticipated parking generation demand without placing an
27 unreasonable burden on the immediate area, including public rights-of-
28 way, on-street parking, and the surrounding vicinity.

29 **1210.4 PGM Plan Requirements.**

30 (A) The PGM Plan must be prepared by a qualified licensed professional with
31 demonstrated experience in transportation planning, traffic engineering,
32 or comparable field.

- 1 (B) The PGM Plan must:
- 2 (1) Determine the anticipated travel demand for the development.
- 3 (2) Determine how the anticipated travel demand for the development
- 4 will be met on-site or off-site, including the number of on-street
- 5 vehicle parking spaces, off-street vehicle parking spaces, and/or
- 6 shared vehicle parking arrangements.
- 7 (3) Provide a succinct and non-expert synopsis summarizing the Plan’s
- 8 findings and recommendations.
- 9 (4) Provide a clear explanation of the standards and methodologies
- 10 relied upon to support the Plan’s findings and recommendations.
- 11 (5) Provide a clear demonstration of calculations relied upon to support
- 12 the Plan’s findings and recommendations.

13 **1210.5 Accessible Parking Spaces.** The required off-street parking spaces shall include
14 the minimum number of accessible parking spaces required under Subsection
15 1205.1(B) of this Article.

16 **1211 SHARED PARKING FACILITIES.**

17 **1211.1 Shared Parking Analysis.** The Parking Generation Management Plan (PGM) Plan
18 for a proposed mixed-use development shall provide parking according to a
19 Shared Parking Analysis that projects parking needs based on the peak hour of
20 parking generation demand. For example, a building with first-floor retail and
21 office space and upper-floor residential will be able to adjust total parking
22 demand to address the fact that peak residential parking demand will occur in
23 the evening, while peak office parking demand will occur during the day. This
24 analysis shall be based on accepted methodologies, such as the Urban Land
25 Institute Shared Parking Study, newest edition.

26 **1211.2 Shared Parking Conditions.**

- 27 (A) The building or use for which shared parking is proposed that will be
- 28 provided by another building or use shall be located within three hundred
- 29 (300) feet of such shared parking facilities.

1 (B) The applicant shall demonstrate that there is no substantial conflict in the
2 principal operating hours of the buildings or uses for which shared parking
3 facilities are proposed.

4 (C) A properly drawn legal instrument running with the land, executed by the
5 parties concerned for the shared parking facilities, duly approved as to
6 form and manner of execution by the City Solicitor, shall be filed with the
7 Westmoreland County Recorder of Deeds prior to the issuance of a Zoning
8 Certificate of Compliance.

9 **1212 OFF-SITE PARKING FACILITIES.** Any off-site parking which is used to meet the minimum
10 requirements of this Chapter may only be approved as a Conditional Use by City Council
11 as set forth in Article 5 “Development Review Procedures” of this Chapter and shall be
12 subject to the conditions listed below:

13 **1212.1** Except for off-site parking facilities serving a multi-family development and
14 located within the same zoning district as the multi-family use being served, the
15 location of a proposed off-site parking facility shall not be permitted in a
16 residential zoning district.

17 **1212.2** Off-site parking shall be developed and maintained in compliance with all
18 requirements and standards of this Article.

19 **1212.3** Reasonable access from off-site parking facilities to the use being served shall
20 be provided with particular concern with safe pedestrian connections (e.g., the
21 presence of sidewalks, crosswalks at street intersections, etc.).

22 **1212.4** Off-site parking facilities shall not be used to comply with the minimum number
23 of accessible parking spaces required under Subsection 1205.1(B) of this Article.

24 **1212.5** The site used for meeting the minimum number of off-street parking space
25 requirements of this Chapter through an off-site parking facility be under the
26 same ownership as the principal use being served or under public ownership.

27 **1212.6** Any use which depends upon off-site parking to meet the requirements of this
28 Chapter shall maintain ownership and parking utilization of the off-site location
29 until such time as on-site parking is provided or a site in closer proximity to the
30 principal use is acquired and developed for parking.
31

1 **1212.7** A properly drawn legal instrument running with the land restricting the use,
2 reuse, development, redevelopment, and sale of the off-site parking facility
3 property and binding same to the principal use property, duly approved as to
4 form and manner of execution by the City Solicitor, shall be filed with the
5 Westmoreland County Recorder of Deeds prior to the issuance of a Zoning
6 Certificate of Compliance.

7 **1212.8** Off-site parking for multi-family developments shall not be located more than
8 one hundred (100) feet from normally used entrance of the principal use served.

9 **1212.9** Off-site parking for nonresidential uses shall not be located more than three
10 hundred (300) feet from the main entrance of the principal use being served.
11 No more than one (1) main entrance shall be recognized for each principal
12 building.

13

ARTICLE 13

ARTICLE	SECTION	PAGE	TITLE
13			LANDSCAPING AND SCREENING
	1301	1 of 17	Purpose
	1302	1 of 17	Applicability
	1303	1 of 17	Enforcement
	1304	1 of 17	Preservation of Existing Features
	1305	2 of 17	General Maintenance Requirements
	1306	4 of 17	Content of Landscape and Screening Plan
	1307	5 of 17	General Landscaping Requirements
	1308	6 of 17	Transitional Buffer Yard and Screening Requirements
	1309	9 of 17	Parking Lot Landscaping Requirements
	1310	13 of 17	Modifications
	1311	14 of 17	Acceptable Landscaping Materials



1 **ARTICLE 13 – LANDSCAPING AND SCREENING**

2 **1301 PURPOSE.** The purpose of this Article is to establish minimum standards for the provision,
3 installation, and maintenance of landscape plantings and screening in order to achieve a
4 healthy, attractive, and safe community.

5 **1302 APPLICABILITY.**

6 **1302.1** The landscape and screening regulations set forth in the Article and other like
7 provisions of this Chapter shall apply to all new construction of townhouse,
8 multi-family, commercial, institutional, and industrial development; provided,
9 these regulations shall not apply to previously approved development unless
10 new site development approval is being sought.

11 **1302.2** If the proposed addition or renovation to an existing building equals or exceeds
12 fifty percent (50%) of the assessed value of the building, the site must be
13 brought into compliance with the landscaping and screening provisions of this
14 Chapter; provided, where it is clearly demonstrated that compliance with this
15 this Article and other like provisions of this Chapter will reduce the minimum
16 number of required parking spaces for the use, compliance shall be required
17 only to the degree that the minimum parking requirement can still be met.

18 **1303 ENFORCEMENT.** Wherever development permits, certificates, approvals, or other forms
19 of authorization are required for development under this Chapter, a Landscape and
20 Screening Plan shall be required. No Zoning Certificate of Compliance shall be issued
21 without completion of all landscaping shown on the approved Landscape and Screening
22 Plan required herein. A Temporary Zoning Certificate of Compliance may be issued for
23 the development for a period of not more than one (1) year when weather conditions do
24 not permit landscape installation. Failure to implement the approved Landscape and
25 Screening Plan, including preservation of existing features, and maintenance provided
26 under this Article shall be a violation of this Chapter subject to Article 6 “Enforcement and
27 Penalties” of this Chapter.

28 **1304 PRESERVATION OF EXISTING FEATURES.**

29 **1304.1** Trees and shrubs already existing on land subject to the provisions of this Article
30 should be preserved wherever feasible. Criteria for judging the feasibility of
31 retaining existing vegetation include:

- 1 (A) The practicability of arranging site plan components around existing
2 features. In general, plans for groups of structures should be designed so
3 as to preserve tree masses, individual tree specimens, and small stands of
4 trees or shrubs;
- 5 (B) The condition of the vegetation with respect to continued vitality;
- 6 (C) The practical and economical possibility of designing the location and
7 grades of proposed structures and paving to preserve existing vegetation;
- 8 (D) The desirability or lack thereof of a particular tree or species by reason of
9 its appearance; historic or ecological significance; botanical characteristics;
10 and, the function the vegetation would fulfill as a site component;
- 11 (E) Interference with utility services or encroachments into the clear vision
12 triangle; and,
- 13 (F) The possibility of preserving the vegetation while meeting the
14 development needs through pruning rather than removal.

15 **1304.2** Existing trees that are preserved will contribute to the required landscaping. For
16 each tree that is preserved, which is greater than eight (8) inch caliper, and is
17 found on the approved list, the number of new trees to be install shall be
18 reduced by two (2) trees.

19 **1304.3** Substantial barriers shall be specified on the Landscape and Screening Plan and
20 shall be placed at or beyond the drip line of trees to be protected. These barriers
21 shall remain in place during heaving construction on the site, and no vehicle,
22 machinery, tools, chemicals, construction materials, or temporary soil deposits
23 may be permitted within the barriers, nor may any notice other object be nailed
24 or stabled to protected trees.

25 **1305 GENERAL MAINTENANCE REQUIREMENTS.**

26 **1305.1 Health.** The landowner of the premises shall, at the landowner’s expense,
27 perpetually maintain all landscaping, ground cover, shrubs, and trees in a
28 healthy, growing condition so as to present a neat and orderly appearance and
29 safe condition.
30

1 **1305.2 Trimming and Pruning.** Whether trees and shrubs are required under this
2 Chapter or not, it shall be the responsibility of each landowner to remove any
3 dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang
4 or interfere with clear vision triangles, traffic control devices, public sidewalks,
5 streets, rights-of-way, adjacent private property, or property owned by the City.
6 Any tree or shrub that overhangs any street shall be trimmed to a minimum
7 height of fourteen (14) feet above the roadway. Any tree or shrub that
8 overhangs any public pedestrian walkway shall be trimmed to a minimum height
9 of eight (8) feet above the walking surface. The City shall have the authority to
10 order the removal of any such trees or shrubs.

11 **1305.3 Installation.**

12 (A) Plant materials required herein shall conform to the requirements
13 described in the latest edition of the American Standard for Nursery Stock,
14 which is published by the American Association of Nurserymen. Plant
15 materials required herein shall be nursery grown.

16 (B) Plants shall conform to the measurements specified below:

17 (1) The minimum size for deciduous shade trees shall be two (2) inch
18 caliper.

19 (2) The minimum size for ornamental trees shall be one and one half
20 (1.5) inch caliper.

21 (3) The minimum size for evergreen trees shall be four (4) feet above
22 grade.

23 (C) After cultivation, all plant materials shall be mulched with a two (2) to
24 three (3) inch layer of shredded bark, peat moss, or another suitable
25 material over the entire area of the bed.

26 **1305.4 Maintenance.** The landowner of the premises shall, at the landowner's
27 expense, be responsible for the perpetual care, condition, maintenance, repair,
28 and replacement of all plantings required under this Chapter and included in an
29 approved Landscape and Screening Plan, including watering, weeding, pruning,
30 pest control, and replacement of dead or diseased plant materials. Fences,
31 retaining walls, and other barriers shall be perpetually maintained in good
32 repair.

1 **1305.5 Litter and Weeds.** The landowner shall be responsible for keeping the site free
2 of refuse, debris, trash, litter, and weeds.

3 **1305.6 Irrigation.** Hose attachments must be located within seventy-five (75) feet to
4 one hundred (100) feet of all landscaping required under this Chapter and
5 include in an approved Landscape and Screening Plan.

6 **1306 CONTENT OF LANDSCAPE AND SCREENING PLAN.** All Landscape and Screening Plans
7 submitted for approval as a required component of permits, certificates, approvals or
8 other forms of authorization for development under this Chapter shall show the entire
9 site to scale and shall contain the following information:

10 **1306.1** The location and dimensions of all existing and proposed structures, parking lots
11 and drives, internal roadways, abutting rights-of-way, sidewalks, bicycle paths,
12 ground signs, refuse disposal areas, freestanding electrical equipment,
13 recreation facilities, utility lines and easements, freestanding structural
14 features, and other landscape improvements, such as earth berms, walls,
15 fences, screens, sculptures, fountains, street furniture, lights, and courts or
16 paved areas;

17 **1306.2** The names, addresses and phone numbers of the owner, the developer, and the
18 plan preparer, the date the plan was prepared, the plan scale, and north arrow;

19 **1306.3** The location, size, and common name of existing trees over eight (8) inch caliper,
20 areas of dense trees or shrubs, and other natural features, indicating which are
21 to be preserved and which are to be removed;

22 **1306.4** Existing and proposed grading of the site, including any berming proposed as a
23 screening measure;

24 **1306.5** Specification of the type and boundaries of all proposed vegetative ground
25 cover;

26 **1306.6** Design of fences, retaining walls, and other significant accessory structures;

27 **1306.7** Planting and installation details as necessary to ensure conformance with all
28 required standards; and

29 **1306.8** Details indicating specific grading measures or other protective devices where
30 trees are to be preserved in areas of cut and fill.

31

1 **1307 GENERAL LANDSCAPING REQUIREMENTS.**

2 **1307.1** All land areas that are not covered with buildings and pavement or used for
3 agricultural purposes shall be appropriately landscaped in accordance with the
4 requirements of this Article. Landscaping shall be provided in the areas specified
5 and of the minimum intensity as specified in this Article.

6 **1307.2** The scale and nature of landscape materials shall be appropriate to the size of
7 the structures and the available space. Materials shall be located to avoid
8 interference with overhead and underground utilities and utility easements or
9 vehicular or pedestrian movement and visibility. Growth characteristics should
10 be carefully considered.

11 **1307.3** Trees shall be planted to maintain a minimum of ten (10) to fifteen (15) feet of
12 clearance between the tree trunk and structures, building overhangs, walls,
13 fences, property lines, and other trees.

14 **1307.4** Plantings should be arranged to promote energy conservation wherever
15 practicable (e.g., use of tall deciduous trees on the south and west sides of
16 buildings to provide shade from the summer sun and planting evergreens on the
17 north side of buildings to dissipate the effect of winter winds.)

18 **1307.5** Grass and/or other vegetative ground cover shall be used for all open space,
19 including parking lot islands, except for:

20 (A) Decorative mulch planting beds containing trees and/or shrubs; or,

21 (B) Inert stabilization in areas subject to severe runoff, erosion, or ponding.

22 **1307.6** Where stone or other inert materials are to be used for ground cover, they shall
23 be specifically identified on the Landscape and Screening Plan. Any area not so
24 designated shall be required to have grass or vegetative ground cover.

25 **1307.7** All trash dumpsters, trash pads, loading areas consisting of two (2) or more
26 loading spaces, loading docks, building service, and outside storage areas shall
27 be screened from land in a residential zoning district and must be screened if
28 visible from a public street. Such screening may be achieved by using a
29 minimum six (6) foot high, completely opaque fence, a six (6) foot high berm, or
30 a six (6) foot high evergreen screen. Height of the screening shall be measured
31 from the grade. See the following image for an example of an acceptable trash
32 dumpster enclosure.



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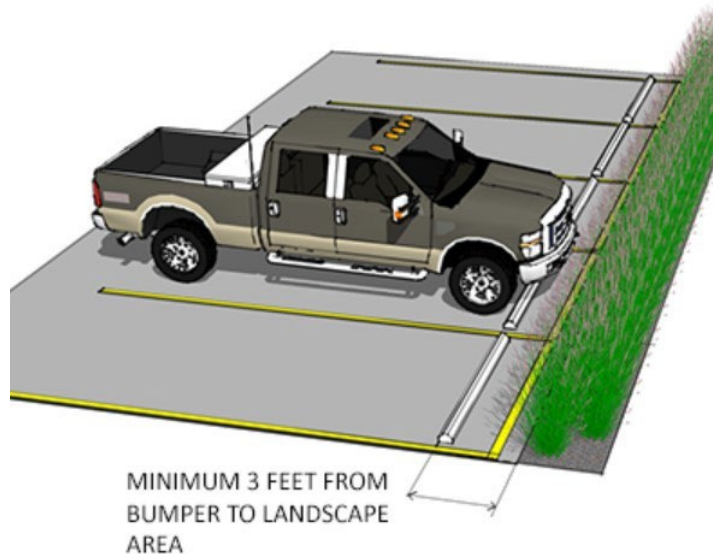
1307.8 All landscaping and screening shall conform to the regulations established for clear vision triangles to maintain safe sight distances at intersections and points of access as designated in Subsection 14904.11 of this Chapter.

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1307.9 All landscaped areas at the head of off-street parking spaces shall be protected from encroachment or intrusion of vehicles (e.g., wheel stops, curbs, bollards, etc.) by a minimum of three (3) feet. See graphic below illustrating this standard.



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9

1308 TRANSITIONAL BUFFER YARD AND SCREENING REQUIREMENTS.

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1308.1 When new nonresidential buildings abut a residential property (zoned or used) or new multi-family residential or townhouse buildings abut a single- or two-family residential property (zoned or used), the following transitional buffer yard landscaping shall be provided.

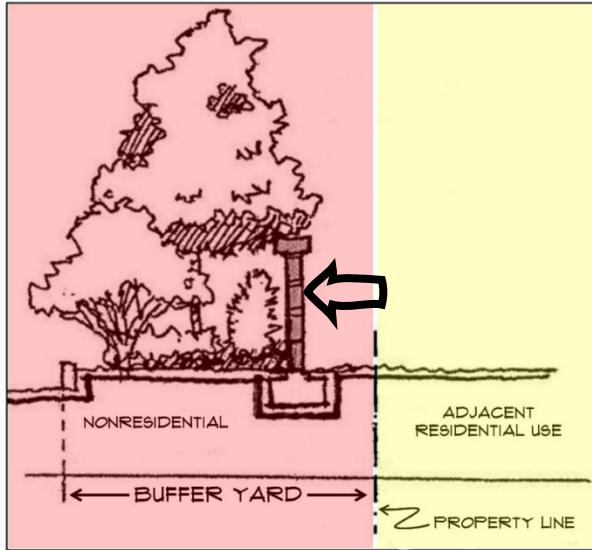
- 1 (A) A minimum landscaped transitional buffer yard of ten (10) feet wide
2 planted with five (5) medium to large trees and ten (10) to fifteen (15)
3 shrubs per one hundred (100) linear feet of transitional buffer yard
4 between the new nonresidential and residential uses or the new multi-
5 family or townhouses and single- or two-family uses. This requirement
6 may supersede the minimum setback requirement for the zoning district.
7 See graphic below that generally illustrates this required design element.



- 8
- 9 **1308.2** To promote public safety and to ensure the convenience and enjoyment of
10 adjoining properties, a fence, architectural wall, or similar vertical screen may
11 be required, in addition to required landscaping material, if the site, the
12 proposed site design, and/or the adjoining use warrants mitigation measures to
13 deter vehicle headlight glare onto adjoining property. Such screening shall meet
14 the following design and performance standards:

- 15 (A) The screening measure shall be opaque.
16 (B) The screening measure shall be not less than four (4) feet and not more
17 than six (6) feet in height above the grade of the parking spaces.

- 18 **1308.3** When a fence, architectural wall, or similar vertical screening is required under
19 this Chapter, trees and shrubs shall be planted between the property boundary
20 and the fence or similar vertical screening. See the graphic below illustrating
21 this required design element.



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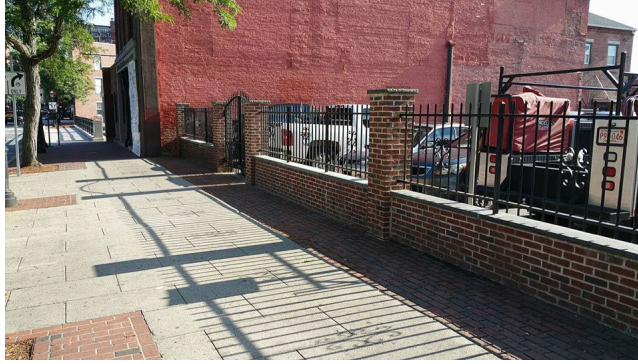
1308.4 The preferred screening measure for those portions of parking lots along the edge of a public sidewalk is an architectural screen wall between three and one-half (3.5) feet and five (5) feet in height as generally illustrated in the images below.

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1308.5 Developed lots or lots with unexpired Zoning Permits at the time of adoption of this Article are exempt from this requirement.

1308.6 Undeveloped properties, expansions of more than forty percent (40%) of existing gross floor area, and rezoned properties are subject to this requirement.

1309 PARKING LOT LANDSCAPING REQUIREMENTS. The following landscape requirements applied to parking lots are intended to screen parking spaces from the street, prevent large expanses of unbroken pavement, provide shade to cool paved areas during summer months, and promote nonmechanical stormwater management techniques (e.g., bioretention, vegetated swales/dry swales, curb and gutter reduction, vegetate filter strips, etc.).

1309.1 General Provisions.

(A) Parking lots with four (4) stalls or less are exempt from the requirements of this Section. If only four (4) stalls are required under this Chapter and the applicant chooses to provide more parking, then the requirements of this Section shall apply.

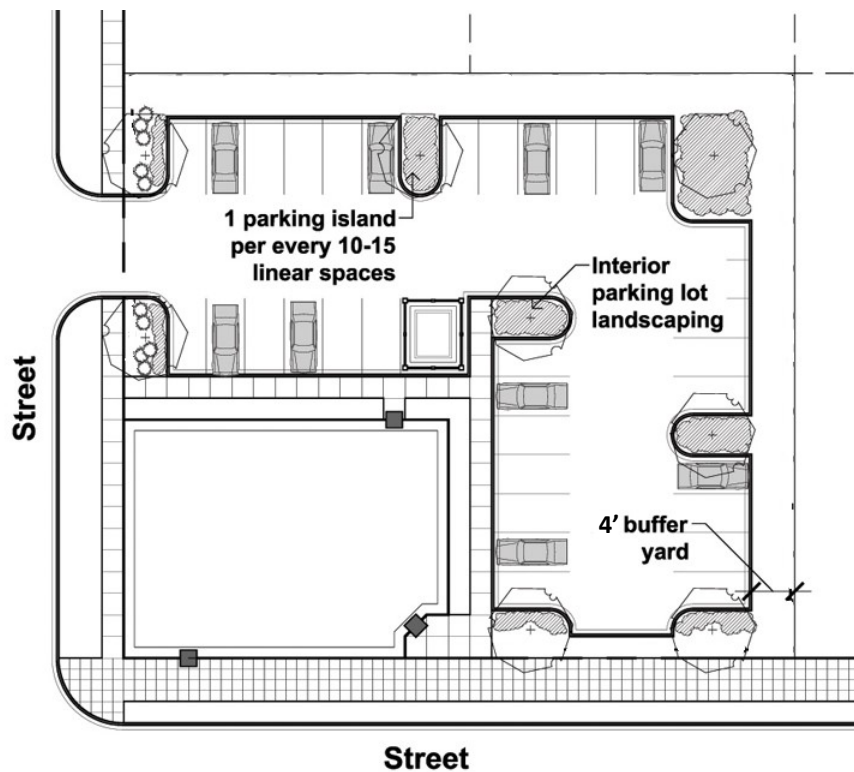
(B) All remaining unpaved areas of the parking lot shall be planted in grass or a ground cover, unless otherwise specified.

1309.2 Development with No Parking between Building Line and Street. If there is no parking anywhere between the street and the established or proposed building line, projected from the corner of the building to the property lines, the following shall apply:

(A) A four (4) foot perimeter buffer shall be provided for the length of any parking area, that contains at least two (2) inch caliper tree every fifteen

1 (15) to twenty (20) feet and at least three (3) shrubs of at least three (3)
2 gallons in size clustered between each two (2) trees.

3 (B) If the proposed parking lot contains twenty (20) or more stalls, an
4 additional five percent (5%) of the parking lot area shall be reserved for
5 interior landscaping. Planting beds running adjacent to and parallel with
6 the building, perimeter landscaping, and buffer requirements shall not
7 count towards this requirement. See the graphic below that generally
8 illustrates this required design element.



9
10 **1309.3 Development with Parking between Building Line and Street.** If any parking is
11 located anywhere between the street and the established or proposed building
12 line, projected from the corner of the building to the property lines, the
13 following shall apply:

14 (A) A ten (10) foot wide perimeter buffer shall be provided for the length of
15 any parking area abutting the street, that contains at least two (2) inch
16 caliper tree every fifteen (15) to twenty (20) feet and at least three (3)
17 shrubs of at least three (3) gallons in size clustered between each two (2)
18 trees.

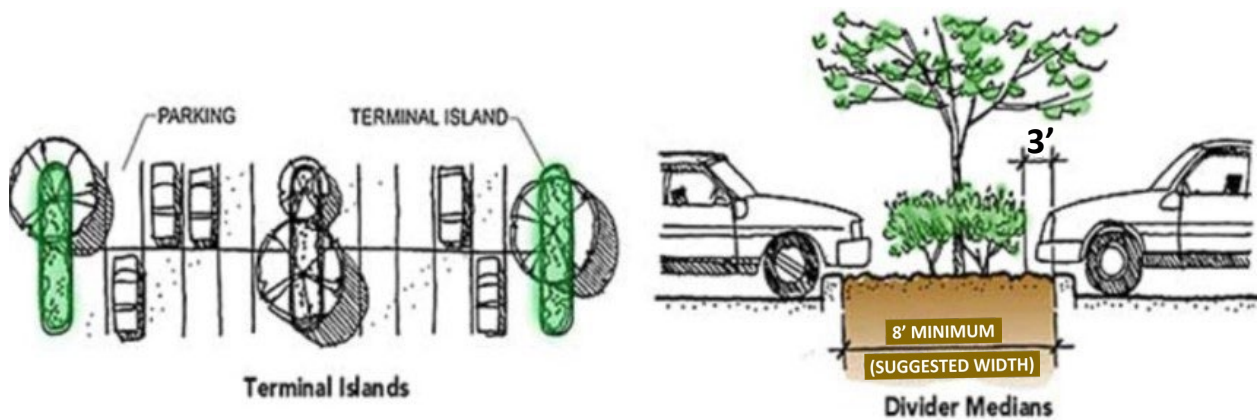
1 (B) A four (4) foot side and rear perimeter buffer shall be provided for the
2 length of any parking area, that contains at least two (2) inch caliper tree
3 every fifteen (15) to twenty (20) feet and at least three (3) shrubs of at
4 least three (3) gallons in size clustered between each two (2) trees.

5 (C) If the proposed parking lot contains twenty (20) or more stalls, an
6 additional five percent (5%) of the parking lot area shall be reserved for
7 interior landscaping. Planting beds running adjacent to and parallel with
8 the building, perimeter landscaping, and buffer requirements shall not
9 count towards this requirement.

10 **1309.4 Design Standards for Interior Landscaping.**

11 (A) All interior parking lot landscaping required under this Chapter shall be in
12 addition to perimeter buffers required in Subsections 1309.02 and 1309.03
13 of this Article.

14 (B) All rows of parking spaces, when a lot contains twenty (20) or more parking
15 stalls, shall provide a terminal island with concrete curbs and at least one
16 hundred thirty (130) square feet of area to protect parked vehicles,
17 provide visibility, confine moving traffic to drive aisles and driveways, and
18 provide space for landscaping. See the graphic below that generally
19 illustrates this required design element.



20
21 (C) Standard landscaped islands with concrete curbs and at least 130 square
22 feet of area shall be provided:

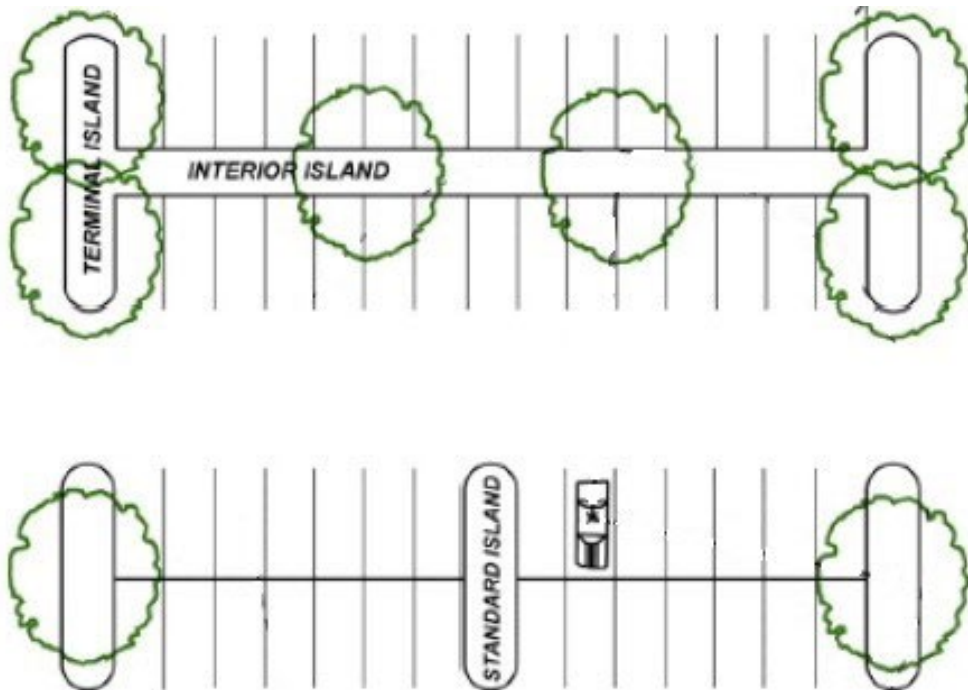
23 (1) Every ten (10) parking spaces or less within a row of spaces for multi-
24 family residential developments and townhouse developments

1 where parking spaces are provided in shared parking lots rather than
2 on individual townhouse dwelling premises.

3 (2) Every fifteen (15) parking spaces or less within a row of spaces for
4 nonresidential developments.

5 (D) Standard landscaped islands should be evenly spaced throughout the
6 parking lot to consistently shade paved areas.

7 (E) The use of interior landscaped islands with concrete curbs is strongly
8 encouraged. See the graphic below that generally illustrates the difference
9 between terminal, standard, and interior landscape islands.



10
11 (F) Landscape island types shall be utilized where needed to control vehicular
12 circulation and define drive aisles and access driveways. Planting islands
13 parallel to parking spaces must be a minimum of five (5) feet wide to allow
14 car doors to swing open. These landscape islands shall count toward
15 fulfilling the five percent (5%) internal landscaping requirement.

16

1 **1310 MODIFICATIONS.**

2 **1310.1** Under conditions where a strict interpretation of requirements of this Article
3 may be either physically impossible or create practical difficulties, an alternative
4 compliance procedure may be used to maintain the spirit—rather than the
5 letter—of the law. The proposed solution must equal or exceed standard
6 landscaping requirements. Requests to the Zoning Officer for use of alternative
7 landscaping schemes may be justified only when one (1) or more of the
8 following conditions apply; provided, the applicant must submit to the Zoning
9 Officer a justification statement that describes which of the requirements
10 established by this Article will be met with modifications, which project
11 conditions justify using alternatives, and how the proposed measures equal or
12 exceed normal compliance:

- 13 (A) The sites involve space limitations or unusually shaped parcels;
- 14 (B) Topography, soil, vegetation, or other site conditions are such that full
15 compliance is impossible or impractical;
- 16 (C) Due to a change of use of an existing site, the required buffer yard is larger
17 than can be provided; and/or,
- 18 (D) Existing utility lines or easements complicate the placement of required
19 plant materials.

20 **1310.2** Where compliance is required as a result of change in use or the expansion of
21 an existing building and compliance with this Article will necessitate removal of
22 existing parking, the Zoning Officer may approve a reduction of minimum
23 planting areas, provided that proposed plantings, screens, and other landscape
24 features are substantially equivalent to the minimum requirements of this
25 Article.

26 **1310.3** After initial approval of the Landscape and Screening Plan, the Zoning Officer
27 may approve any substitute landscaping material, landscape area design,
28 screening measure, etc. that he/she deems to be equivalent to the approved
29 Plan.

30 **1310.4** Occasionally, plant substitutions for species specified on approved Landscape
31 and Screening Plans are required due to seasonal planting problems and a lack
32 of plant availability. Minor revisions to planting plans can be approved by the

Zoning Officer if there is no reduction in the quantity of plant material, no significant change in size or location of plant materials, and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the microclimate of the site to ensure healthy plant growth.

1311 ACCEPTABLE LANDSCAPING MATERIALS. The following table identifies acceptable species for landscaping materials required under this Article. Plant materials proposed other than those listed in the following table may be approved by the Zoning Officer or his/her designee. The Landscape and Screening Plan preparer shall certify that proposed landscaping materials are not included on the current Invasive Plant List published by the Pennsylvania Department of Conservation & Natural Resources.

Trees and Shrubs to Avoid	
Genus/Species	Common Name and Additional Information
Acer negundo	Boxelder ¹
Acer saccharinum	Silver maple ²
Ailanthus altissima	Tree-of-heaven ³
Berberis thunbergii	Japanese barberry ⁴
Betula allegheniensis	Yellow birch ⁵
Betula papyrifera	Paper birch ⁵
Betula pendula	Silver birch ⁵
Broussonetia papyrifera	Paper-mulberry ³
Elaeagnus umbellata	Autumn-olive ⁴
Elaeagnus angustifolia	Russian-olive ⁴
Euonymus alatus	Winged burning bush ⁴
Fraxinus species	Ash species ⁶
Koelreuteria paniculata	Golden-rain tree ³
Lonicera species	Honeysuckle species ⁴
Nandina domestica	Heavenly-bamboo ⁴
Paulownia tomentosa	Royal paulownia ³
Phellodendron amurense	Amur cork-tree ⁷
Pyrus calleryana and cultivars	Callery pear and cultivars (especially 'Bradford') ³

Rhamnus cathartica	European buckthorn ⁷
Tamarix species	Tamarisk species and cultivars ⁴
General causes for avoidance: 1. Messy, weak, poor form 2. Very large, messy, weak-wooded 3. Invasive, messy, weak 4. Invasive 5. Borer-susceptible 6. Emerald ash borer 7. Invasive, messy	
Acceptable medium to large deciduous trees suitable for urban environments, but not under overhead utility wires or within restricted spaces	
Genus/Species	Common Name and Additional Information
Genus/Species	Common Name and Additional Information
Acer rubrum and cultivars	Red maple and cultivars
Betula lenta	Sweet birch
Betula nigra	River birch
Celtis occidentalis	Common hackberry
Cercidiphyllum japonicum	Japanese katsura
Cladrastis kentukea	American yellowwood
Corylus colurna	Turkish hazelnut
Diospyros virginiana	American persimmon
Fagus sylvatica and cultivars	European beech and cultivars
Ginkgo biloba male cultivars	Seedless ginkgo cultivars
Gleditsia triacanthos 'Inermis'	Thornless honey-locust
Gymnocaldus dioicus	Kentucky coffee-tree
Liriodendron tulipifera	Tulip tree
Liquidambar styraciflua	American sweetgum
Maclura pomifera cultivars	Osage-orange seedless and thornless cultivars
Nyssa sylvatica	Black tupelo
Oxydendrum arboreum	Sourwood
Platanus x hispanica and cultivars	London planetree disease-resistant cultivars
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus coccinea	Scarlet oak

Quercus muehlenbergii	Chinkapin oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus rubra	Northern red oak
Quercus shumardii	Shumard oak
Sassafras albidum	American sassafras
Taxodium distichum	Bald-cypress
Tilia cordata and cultivars	Little-leaf linden and cultivars
Ulmus americana resistant cultivars	American elm disease-resistant cultivars
Zelkova serrata	Japanese zelkova
Acceptable small deciduous trees suitable for planting under overhead utility wires or within restricted spaces	
Genus/Species	Common Name and Additional Information
Acer buergerianum	Trident Maple
Acer campestre	Hedge maple
Acer griseum	Paperbark maple
Acer japonicum	Full moon maple
Acer palmatum cultivars	Japanese maple and cultivars
Aesculus pavia	Red buckeye
Alnus glutinosa	European alder
Amelanchier species	Serviceberry species
Carpinus species	Hornbeam species
Chionanthus virginicus	American fringe tree
Cornus species	Dogwood species
Cornus mas	Cornelian-cherry dogwood
Cotinus coggygria and cultivars	European smoke tree and cultivars
Cotinus obovatus	American smoke tree
Crataegus species	Hawthorn species
Halesia carolina	Carolina silverbell
Hamamelis virginiana	American witch-hazel
Maackia amurensis	Amur maackia
Ostrya virginiana	Eastern hophornbeam

Parrotia persica	Persian parrotia
Prunus species	Flowering cherries and cultivars
Stewartia ovata	Mountain stewartia
Stewartia pseudocamellia	Japanese stewartia
Styrax japonicus	Japanese snowbell
Syringa reticulata	Japanese tree lilac
Acceptable evergreen trees suitable for urban environments, but not under overhead utility wires or within restricted spaces	
Genus/Species	Common Name and Additional Information
Abies alba	Silver fir
Abies nordmanniana	Nordmann fir
Cryptomeria japonica	Japanese-cedar
Picea abies	Norway spruce
Picea omorika	Serbian spruce
Picea pungens	Colorado blue spruce
Pinus sylvestris	Scotch pine
Pinus strobus	White pine
Pseudotsuga menziesii	Douglas-fir
Tsuga canadensis	Canadian hemlock

ARTICLE 14

ARTICLE	SECTION	PAGE	TITLE
14			LIGHTING
	1401	1 of 7	Purpose
	1402	1 of 7	Applicability
	1403	1 of 7	Criteria
	1404	5 of 7	Plan Submission
	1405	6 of 7	Compliance Monitoring
	1406	7 of 7	Nonconforming Lighting
	1407	7 of 7	Abatement of Nuisances



LIGHTING

1 **ARTICLE 14 – LIGHTING**

2 **1401 PURPOSE.** To require and set minimum standards for outdoor lighting to:

- 3 (A) Provide for and control lighting in outdoor public places where public health,
4 safety, and welfare are potential concerns.
- 5 (B) Protect drivers and pedestrians from the disabling glare of nonvehicular light
6 sources.
- 7 (C) Protect neighbors and the night sky from nuisance glare and light trespass from
8 poorly shielded, aimed, placed, applied, or maintained light sources.
- 9 (D) Promote energy-efficient lighting design and operation.
- 10 (E) Protect and retain the intended character of the City of Monessen.

11 **1402 APPLICABILITY**

- 12 (A) Outdoor lighting shall be required for safety and personal security for uses that
13 operate during hours of darkness where there is public assembly and/or traverse,
14 including but not limited to the following: commercial, industrial, public-
15 recreational, institutional, and multifamily residential developments.
- 16 (B) The Zoning Officer may, in his/her sole discretion, require that lighting be
17 incorporated for other uses or locations or may restrict lighting in any of the above
18 uses, as deemed necessary.
- 19 (C) The glare-control requirements herein contained apply to lighting in all above-
20 mentioned uses, as well as but not limited to, sign, architectural, landscape,
21 recreational, and residential lighting.
- 22 (D) Temporary decorative lighting is exempt from all but the glare-control requirements
23 of this Article.

24 **1403 CRITERIA**

- 25 (A) **Illumination Levels.** Lighting, where required or permitted by this Chapter, shall
26 have intensities and uniformity ratios in accordance with the recommended
27 practices of the Illuminating Engineering Society of North America (IESNA) as
28 contained in the IESNA Lighting Handbook, 10th Edition or subsequent editions, or

1 as contained in current publications of the IESNA Recommended Practices or Design
2 Guides.

3 **(B) Lighting Fixture Design.**

4 (1) Fixtures shall be of a type and design appropriate to the lighting application
5 and aesthetically acceptable to the City.

6 (2) For the lighting of predominantly horizontal surfaces, such as, but not limited
7 to, roadways, areas of vehicular and pedestrian passage, merchandising and
8 storage areas, automotive-fuel-dispensing facilities, automotive sales areas,
9 loading docks, cul-de-sacs, active and passive recreational areas, building
10 entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be
11 aimed straight down and shall meet IESNA full-cutoff criteria, unless the
12 aggregate wattage per fixture does not exceed the output of a standard sixty-
13 watt incandescent lamp, in which case non-cutoff fixtures shall be permitted.

14 (3) For the lighting of nonhorizontal surfaces, such as, but not limited to, facades,
15 landscaping, signs, fountains, displays, flags and statuary, the use of lighting
16 not meeting IESNA full-cutoff criteria shall be permitted only with the approval
17 of the Zoning Officer or his/her designee, based upon acceptable glare control
18 (approval shall not be required if the aggregate wattage per fixture does not
19 exceed the output of a standard sixty-watt incandescent lamp, i.e., 1,000
20 lumens).

21 (4) "Barn lights," aka "dusk-to-dawn lights," shall not be permitted where they are
22 visible from other uses or properties, unless fitted with a reflector or shield to
23 render them full cutoff.

24 **(C) Control of Nuisance and Disabling Glare.**

25 (1) All outdoor lighting, whether or not required or permitted by this Article, on
26 private, residential, commercial, industrial, municipal, recreational, or
27 institutional property, shall be aimed, located, designed, fitted, and
28 maintained so as not to present a hazard to drivers or pedestrians by impairing
29 their ability to safely traverse and so as not to create a nuisance by projecting
30 or reflecting objectionable light onto a neighbor's use and enjoyment of their
31 property.

- 1 (2) Floodlights, spotlights, and omnidirectional fixtures, regardless of whether for
2 residential or nonresidential applications, shall be so installed or aimed that
3 they do not project their output into the windows of neighboring residences,
4 adjacent uses, skyward, or onto a public roadway or pedestrian way.
- 5 (3) Unless the Zoning Officer specifically approves night lighting, lighting for
6 commercial, industrial, public recreational, and institutional uses shall be
7 controlled by automatic switching devices such as time clocks or combination
8 motion detectors and photocells, to extinguish outdoor lighting at the close of
9 business, but no later than 11:00 p.m.
- 10 (4) Lighting proposed for use after 11:00 p.m., or after normal hours of operation
11 of a business, whichever is earlier, for commercial, industrial, institutional, or
12 municipal applications, shall be reduced by at least 50% from the levels
13 normally required by this Article, from then until dawn.
- 14 (5) All illumination for advertising signs, buildings and/or surrounding landscapes
15 for decorative, advertising, or aesthetic purposes is prohibited between 11:00
16 p.m. and sunrise, except that such lighting situated on the premises of a
17 commercial establishment may remain illuminated while the establishment is
18 actually open for business and until one hour after closing.
- 19 (6) Only the United States and state flags shall be permitted to be illuminated
20 from dusk till dawn, and each flag shall be illuminated by a single source with
21 a beam spread no greater than necessary to illuminate the flag. Flag lighting
22 sources shall not exceed 10,000 lumens per flagpole.
- 23 (7) Vegetation screens shall not be employed to serve as the primary means for
24 controlling glare. Rather, glare control shall be achieved primarily through the
25 use of such means as cutoff fixtures, shields and baffles, and appropriate
26 application of fixture mounting height, wattage, aiming angle, and placement.
- 27 (8) The intensity of illumination projected onto a residential property from
28 another property shall not exceed 0.1 vertical footcandle, measured line-of-
29 sight, from any point on the adjacent residential property.
- 30 (9) Externally illuminated signs shall be lighted by fixtures mounted at the top of
31 the sign and aimed downward and shall also be subject to additional standards
32 as set forth in Article 15 "Signs" of this Chapter. Such lighting shall be
33 automatically extinguished between the hours of 11:00 p.m. and dawn. The

1 fixtures shall be designed, fitted, or aimed to concentrate the light output onto
2 and not beyond the sign.

3 (10) Directional fixtures, e.g., floodlights or spotlights, for such applications as
4 facade, fountain, feature, recreational, and landscape illumination, shall be
5 aimed so as not to project their output beyond the objects intended to be
6 illuminated, and shall be extinguished between the hours of 11:00 p.m. and
7 dawn, except as otherwise provided for herein.

8 (11) The use of white strobe lighting for tall structures, such as smokestacks,
9 chimneys, and radio/communications/television towers, is prohibited during
10 hours of darkness, except as specifically required by the FAA.

11 (D) **Installation.**

12 (1) Electrical feeds for fixtures mounted on poles shall be run underground or
13 concealed (i.e., not overhead).

14 (2) Lighting standards to the rear of parking spaces shall be placed a minimum of
15 five (5) feet outside paved area, curbing, or tire stops, or on concrete pedestals
16 at least thirty (30) inches high above the pavement, or suitably protected by
17 other approved means.

18 (3) Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of
19 twenty (20) feet above finished grade of the area being illuminated.

20 (4) Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess
21 of sixteen (16) feet above the grade of the area being illuminated.

22 (E) **Maintenance.** Lighting fixtures and ancillary equipment shall be maintained to
23 always meet the requirements of this Article.

24 (F) **Recreational Lighting.**

25 (1) When facilities for such outdoor recreational activities as baseball, tennis,
26 football, golf driving ranges, and miniature golf are specifically permitted by
27 the City for operation during hours of darkness, the following requirements
28 shall apply:

- 1 (a) Lighting shall be accomplished only through the use of fixtures
- 2 conforming to IESNA full-cutoff criteria, or as otherwise approved by the
- 3 City based on suitable control of glare and light trespass.

- 4 (b) For new recreational facilities and recreational facilities wishing to
- 5 change their hours of operation during hours of darkness, sporting
- 6 events shall be timed so that all lighting in the sports facility, other than
- 7 lighting for safe exit of patrons, shall be extinguished by 11:00 p.m.,
- 8 regardless of such occurrences as extra innings or overtimes.

- 9 (c) The foregoing outdoor recreational activities shall not be illuminated if
- 10 located within any residential zoning district or sited on a nonresidential
- 11 zoned property located within 1,200 feet of a residential use.

- 12 (d) Maximum mounting heights for recreational lighting shall be in
- 13 accordance with the following:

 - 14 (i) Basketball..... 20 feet
 - 15 (ii) Football, soccer, and golf 70 feet
 - 16 (iii) Youth baseball/softball
 - 17 Two-hundred-foot radius 60 feet
 - 18 Three-hundred-foot radius 70 feet
 - 19 (iv) Track, tennis, and miniature golf 20 feet

20 **1404 PLAN SUBMISSION**

- 21 (A) For subdivision and land development applications where site lighting is required or
- 22 proposed, lighting plans shall be submitted to the City for review and approval with
- 23 any preliminary or final subdivision/land development plan application, and with
- 24 any conditional use, special exception, variance application or any zoning permit
- 25 where requested, and shall include:

- 26 (1) A site plan, complete with all structures, parking spaces, building entrances,
- 27 traffic areas (both vehicular and pedestrian), vegetation that might interfere
- 28 with lighting, and adjacent uses that might be adversely impacted by the
- 29 lighting, and a layout of all proposed fixtures by location, mounting height, and
- 30 type. The submittal shall include, in addition to area lighting, exterior
- 31 architectural lighting, building entrance lighting, landscape lighting, etc.

- 1 (2) A ten-foot-by-ten-foot illuminance grid (point-by-point) plot of maintained
2 footcandles, plotted out to 0.0 footcandle, which demonstrates compliance
3 with the light trespass, intensity, and uniformity requirements as set forth in
4 this Article or as otherwise required by the City. The lamp lumen rating and
5 type, maintenance (light-loss) factors, and IES file names used in calculating
6 the illuminance levels shall be documented on the plan.
- 7 (3) A description of the proposed equipment, including fixture catalog cuts,
8 photometries, glare-reduction devices, lamps, on/off control devices,
9 mounting heights, pole foundation details, and mounting methods.
- 10 (B) When requested by the City, the applicant shall also submit a visual impact plan that
11 demonstrates appropriate steps have been taken to mitigate on-site and off-site
12 glare and light trespass and taken to retain the City's intended character.
- 13 (C) Plan Notes. The following notes shall appear on the lighting plans:
- 14 (1) Post-approval alterations to lighting plans or intended substitutions for
15 approved lighting equipment shall be submitted to the Zoning Officer for
16 review and approval.
- 17 (2) The City reserves the right to conduct post-installation nighttime inspections
18 to verify compliance with the requirements of this Article and as otherwise
19 agreed upon by the City, and if appropriate, to require remedial action at no
20 expense to the City.

21 **1405 COMPLIANCE MONITORING.**

22 (A) **Safety Hazards.**

- 23 (1) If the Zoning Officer judges that a lighting installation creates a safety or
24 personal-security hazard, the person(s) responsible for the lighting shall be
25 notified in writing and required to take remedial action.
- 26 (2) If appropriate corrective action has not been effected within thirty (30) days
27 of written notification, the City may commence legal action as provided for in
28 Article 6 "Enforcement and Penalties" of this Chapter.

29 (B) **Nuisance Glare and Inadequate Illumination Levels.**

- 30 (1) When the Zoning Officer judges that an installation produces unacceptable
31 levels of nuisance glare, direct skyward light, excessive or insufficient

1 illumination levels, or otherwise varies from this Article, the City may cause
2 written notification of the person(s) responsible for the lighting and require
3 appropriate remedial action.

4 (2) If appropriate corrective action has not been effected within thirty (30) days
5 of written notification, the City may commence legal action as provided for in
6 Article 6 “Enforcement and Penalties” of this Chapter.

7 **1406 NONCONFORMING LIGHTING.** Any lighting fixture or lighting installation existing on the
8 effective date of this Article that does not conform with the requirements of this Article
9 shall be considered as a lawful nonconformance, subject to the following.

10 (A) Unless minor corrective action is deemed by the City to be an acceptable alternative,
11 a nonconforming lighting fixture or lighting installation shall be made to conform
12 with the applicable requirements of this Article when:

13 (1) It is deemed by the City to create a nuisance or safety hazard;

14 (2) It is replaced or relocated; or,

15 (3) The use is abandoned or there is a change in use of the property on which the
16 area being illuminated is located.

17 **1407 ABATEMENT OF NUISANCES.** In addition to any other remedies provided in this Article,
18 any violation of the regulations controlling lighting and disabling glare shall constitute a
19 nuisance and shall be abated by the City by either seeking mitigation of the nuisance or
20 appropriate equitable or legal relief from a court of competent jurisdiction, including
21 enforcement under this Article.

ARTICLE 15

ARTICLE	SECTION	PAGE	TITLE
15			SIGNS
	1501	1 of 58	Legislative Findings
	1502	1 of 58	Purpose
	1503	2 of 58	Applicability
	1504	2 of 58	Internal Conflict
	1505	2 of 58	Rules of Interpretation and Definitions
	1506	9 of 58	Severability
	1507	9 of 58	Prohibited Signs
	1508	10 of 58	Dangerous and Unmaintained Signs
	1509	11 of 58	General Provisions and Standards for All Signs
	1510	16 of 58	Electronic Message Displays
	1511	18 of 58	Awning Signs
	1512	18 of 58	Marquee Signs
	1513	19 of 58	Monument Signs
	1514	21 of 58	Projecting Signs
	1515	22 of 58	Pylon Signs
	1516	23 of 58	Sidewalk Signs
	1517	25 of 58	Suspended Signs
	1518	25 of 58	Wall Signs
	1519	27 of 58	Window Signs
	1520	27 of 58	Permissible Signage
	Appendix A	32 of 58	Appendix A – Permissible Signage by Zoning District



1 **ARTICLE 15 – SIGNS**

2 **1501 LEGISLATIVE FINDINGS.** City Council makes the following legislative findings related to
3 signs:

4 **1508.1** In addition to signage allowed by this Chapter, individuals, groups of people, and
5 businesses have numerous means to communicate different types of speech,
6 including print media, broadcast media, direct mailings to households, and
7 dissemination of information on the Internet.

8 **1508.2** Sign regulations in this Article:

9 (A) Promote the public welfare, health, and safety of people using the public
10 roads and other public travel ways;

11 (B) Advance the aesthetic goals of the City while allowing creative and
12 effective signage; and,

13 (C) Reduce the visual clutter caused by advertising signage which is a
14 significant cause of unsafe traffic and visibility conditions.

15 **1508.3** Sign regulations in this Article are not intended to control the content of a
16 message, except as allowed by law, or to unduly restrict the appearance of a
17 sign.

18 **1508.4** The limitations placed on signs by this Article are deemed to be the minimum
19 necessary to accomplish the purposes of this chapter.

20 **1502 PURPOSE.** This Article promotes the public health, safety, and general welfare and is
21 intended to:

22 **1502.1** Encourage the effective use of signs as a means of communication in the City;

23 **1502.2** Maintain and enhance the aesthetic environment and the City’s ability to attract
24 sources of economic development and growth;

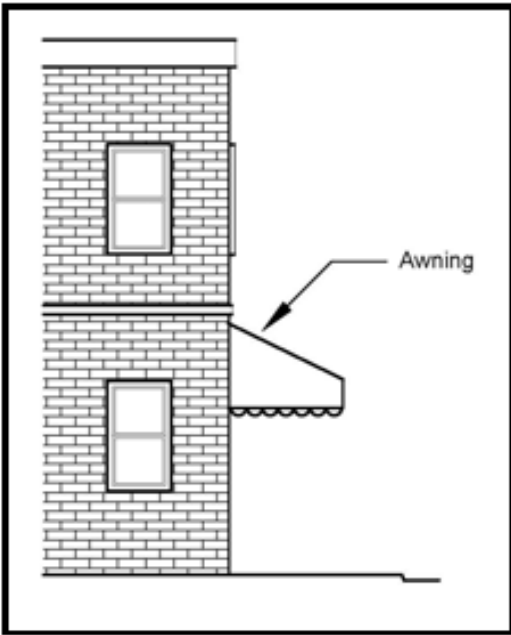
25 **1502.3** Promote the desired community and neighborhood character and aesthetics
26 described in the City’s Comprehensive Plan;

27 **1502.4** Protect the safety of the public by requiring property maintenance of signs and
28 establishing minimum design and construction standards;

1 **1505.2 Words and Phrases Not Defined.** Unless specifically defined in this Article,
2 words and phrases used in this Article shall be interpreted so as to give them the
3 meaning they have in common usage and to give this Article its most reasonable
4 application.

5 **1505.3 Words and Phrases Defined.** For the purpose of this Article, certain words and
6 phrases are defined below and shall have the meaning ascribed to them, except
7 where the context clearly indicates a different meaning.

8 AWNING – A sloped, roof-like feature that projects beyond the face of an
9 exterior wall. An awning is typically placed above a door or window to provide
10 protection from the sun and precipitation. An awning can be constructed of
11 various materials, including metal, fabric, or plastic. An awning may be
12 nonretractable or retractable so as to fold up against the building when not in
13 use. (Also see “Marquee.”)



14

15 BACKLIGHTED COPY – A channel letter and/or copy, with an open or translucent
16 back, that is illuminated. Light is directed against a surface behind the letter or
17 copy, producing a halo effect.



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BALLAST - An electrical device used in fluorescent lights to stabilize the flow of the electrical current.

BUILDING CODE – Those regulations enacted by the Commonwealth of Pennsylvania and adopted by the City of Monessen that regulate the construction, repair, alteration, and maintenance of buildings and related structures.

BUILDING CODE ENFORCEMENT OFFICER – The person so designated by the City of Monessen or his/her designee.

BUILDING FACE – That portion of a building which is parallel or nearly parallel to an abutting street.

CABINET SIGN – A sign structure comprised of a frame and face or faces. Though a “cabinet sign” may include electrical components or support structure, the term refers only to the frame and face.

CHANNEL LETTER – A three-dimensional letter that may include an internal light source.



17

1 COPY – See “Sign copy.”

2 DYNAMIC SIGN DISPLAY – See “Electronic message display.”

3 ELECTRONIC MESSAGE CENTER – See “Electronic message display.”

4 ELECTRONIC MESSAGE DISPLAY (EMD) – A sign message that can change by
5 electronic means. (In contrast, see “Static display.”)



6
7 ELECTRONIC READER BOARD – See “Electronic message display.”

8 EXTERIOR LIGHTING – Lighting that is mounted some distance from the face of
9 the sign. Depending on the location, “exterior lighting” may be limited to
10 lighting mounted on the ground or from above. (In contrast, see “Internal
11 lighting.”)

12 GOOSENECK FIXTURE – A light fixture characterized by a wall-mounted arm
13 attached to a shade that directs light towards the building face or structure on
14 which it is attached.



15
16 HALO LIGHTED COPY – See “Backlighted Copy.”

1 FOOTCANDLE – A unit of illumination equal to that given by a source of one (1)
2 candela at a distance of one (1) foot. One (1) footcandle is equivalent to one (1)
3 lumen per square foot or 10.764 lux.

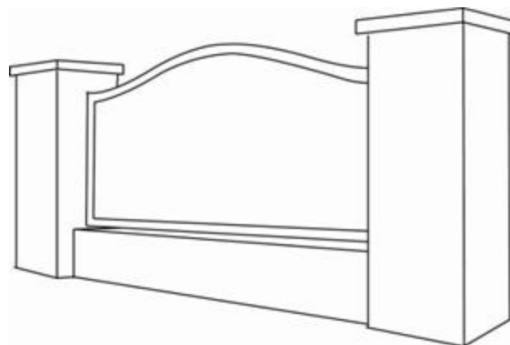
4 INFLATABLE SIGN – A sign that is inflated with air or gas, and which may be
5 stationary or have moving parts. The term includes “dancing man” inflatables.

6 INTERNAL LIGHTING – Lighting located within the sign element. (In contrast, see
7 “Exterior lighting.”)

8 MARQUEE – A flat, roof-like feature that projects beyond the face of an exterior
9 wall. A marquee is typically placed above a door or window to provide
10 protection from the sun and precipitation. (Also see “Awning.”)



11
12 MONUMENT SIGN – A freestanding sign that is affixed to the ground with a
13 decorative base below the sign face.



14
15 MENU BOARD – A sign that allows a retailer to list products and prices and is
16 associated with a drive-through window.

1 NONCONFORMING SIGN – An existing sign that does not meet the current
2 regulations of this Article but was permitted under a previous ordinance or
3 regulation.

4 PERSON – Any individual, firm, corporation, association, company, partnership,
5 or organization of any kind.

6 POLE SIGN – See “Pylon sign.”

7 PYLON SIGN – A sign mounted on one (1) or two (2) vertical poles.



8
9 PROJECTING SIGN – A sign, other than a wall sign, that is attached to and projects
10 more than eight (8) inches from a structure or building face.

11 READERBOARD – See “Electronic message display.”

12 ROOF SIGN – A sign erected upon or against a roof or above the roofline.

13 SANDWICH BOARD SIGN – See “Sidewalk sign.”

14 SIDEWALK SIGN – A freestanding, internally weighted portable sign frequently
15 but not exclusively having the cross-sectional shape of an “A.”



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SIGN – Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed for the purpose of conveying information or attracting attention.

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SIGN COPY – The advertising message, announcement, or decoration on a sign surface, including lettering, logos, graphics, and the like.

6

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STATIC DISPLAY – A sign message that does not change by electronic means. The term includes fuel prices on a freestanding sign. (In contrast, see “Electronic message display.”)

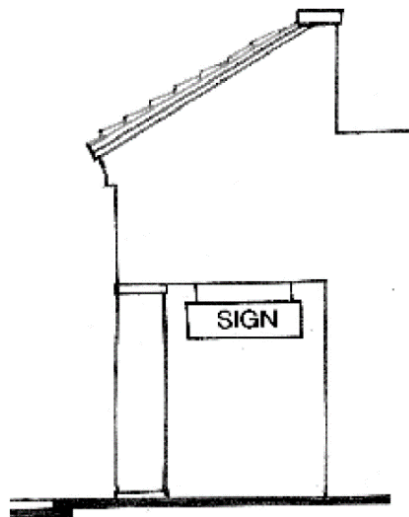
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SUSPENDED SIGN - A sign installed below and supported by a canopy or similar feature.

11



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TRANSFORMER – The electrical equipment that converts incoming voltage and current to a different outgoing voltage and current.

14

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UNDER-CANOPY SIGN – See “Suspended sign.”

1 VEHICLE SIGN – A sign mounted, painted, or otherwise placed on a trailer, truck,
2 automobile, or other vehicle that is parked within a public right-of-way or on
3 private property so as to be visible from the right-of-way. However, this does
4 not include signs affixed to vehicles and trailers, such as lettering on motor
5 vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

6 CLEAR VISION TRIANGLE – Shall have the meaning set forth in Section 1904.11
7 of this Chapter.

8 WALL SIGN – A sign that is permanently or temporarily affixed to the face of an
9 exterior wall of a building and does not project more than eight (8) inches from
10 the face of the wall.

11 WINDOW SIGN – A sign located inside of a building that is visible from outside
12 the premises and is attached to the face of the glass or is within twelve (12)
13 inches of an exterior face of the window or door.

14 **1506 SEVERABILITY.** If any clause, sentence, paragraph, section, or part of this Article be
15 adjudged by any court of competent jurisdiction to be invalid, such judgment shall not
16 affect, impair, or invalidate the remaining portions of this Article, but shall be confined in
17 its operation to such part in which said judgment shall have been rendered.

18 **1507 PROHIBITED SIGNS.**

19 **1508.1 Intent.** Some specific signs and classes of signs provide little value while harming
20 community aesthetics and/or the public welfare.

21 **1508.2 Undefined Signs.** A sign not specifically allowed in this Article is prohibited.

22 **1508.3 Unauthorized Signs on Public Property.** A sign located on public property,
23 including a public right-of-way, is prohibited unless specifically approved by the
24 jurisdiction having authority over such public property.
25

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Signage in Public Right-of-way



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1508.4 Projected Signs. Projected signs (e.g., holographic) are prohibited.

5

Projected (holographic) Sign



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1508 DANGEROUS AND UNMAINTAINED SIGNS.

8

1508.1 Intent. In order to ensure public welfare and safety, and to promote community aesthetics, the Zoning Officer shall order dangerous and unmaintained signs removed from the property upon which they are located.

9

10

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1508.2 Abandoned Signs. All signs or sign messages should be removed for any business within sixty (60) days by the owner or lessee of the premises, when the business it advertises is no longer conducted.

12

13

1 **1508.3 Dilapidated or Deteriorated Signs.** The Zoning Officer or the Code Enforcement
2 Officer may seek the removal of a sign determined to be deteriorated or
3 dilapidated subject to the procedures and requirements of the Building Code.

4 **1508.4 Maintenance and Repair.**

5 (A) A sign that is allowed under this Article, including nonconforming signs,
6 must be maintained so that it is (1) safe, (2) clean, (3) in proper working
7 condition, and (4) structurally sound.

8 (B) A sign must be kept neatly painted, including all metal parts and supports
9 that are not galvanized or of rust-resistant material.

10 (C) The Zoning Office or Code Enforcement Officer shall have the authority at
11 any time to inspect and order the painting, repair, alteration, or removal
12 of a sign which constitutes a hazard to the safety, health, or public welfare
13 by reason of inadequate maintenance, dilapidation, obsolescence, or
14 change in local conditions.

15 **1509 GENERAL PROVISIONS AND STANDARDS FOR ALL SIGNS.**

16 **1509.1 General Standards for all Signs.**

17 (A) A sign shall not resemble, imitate, or approximate traffic or railroad signs,
18 signals, or devices.

19 (B) A sign shall not obstruct or interfere with the effectiveness of railroad or
20 traffic signs, signals, or devices.

21 (C) A sign shall not cause glare, mislead, or confuse traffic, or impair driver
22 visibility on public ways, private roadways, or adjoining properties.

23 (D) A sign shall not be erected, relocated, or maintained so as to prevent free
24 ingress to or egress from any door, window, stairway, fire escape, or
25 driveway.

26 (E) A sign shall not be erected, relocated, or maintained within a clear vision
27 triangle.

28 (F) A sign shall not be attached to a standpipe or fire escape.

29 (G) A sign shall not be attached to a tree or painted on rocks.

- 1 (H) Balloons, ribbons, or any other attention-getting devices shall not be
2 attached to a sign, including any supports.
- 3 (I) A sign shall not flash, blink, strobe, or be animated, except as specifically
4 allowed in this Article.
- 5 (J) A sign shall not oscillate or rotate or move in any other manner.
- 6 (K) A sign shall not emit any sound, odor, or visible matter (e.g., bubbles,
7 steam).
- 8 (L) A sign must comply with any State and local building codes as applicable.
- 9 (M) When a sign is authorized to contain electrical power or when a sign is
10 illuminated by one or more external light fixtures, the electric wire
11 providing the electric power to the sign, or the light fixture must be placed
12 underground or be concealed.
- 13 (N) A sign shall not be placed on a telecommunication tower, except as
14 required by law.
- 15 (O) A freestanding sign may be double-faced, provided the angle between the
16 two (2) sign faces does not exceed thirty (30) degrees. If the angle
17 between sign faces is greater than thirty (30) degrees, both faces are
18 considered single-sided and included in determining the area of the sign.

19 **1509.2 General Provisions for all Signs.**

- 20 (A) **Permits Required.** In addition to any permits required under the Building
21 Code, it shall be unlawful for any person to alter, erect, construct, relocate,
22 enlarge, change copy, or structurally modify any sign in the City, or cause
23 the same to be done without first obtaining a Zoning Sign Permit for each
24 sign as required by this Article. Zoning Sign Permits are not required for
25 cleaning and other normal maintenance or repair of the sign or sign
26 structure or to change the copy for the same business.
- 27 (B) **Other Approvals.** It is the responsibility of those seeking to erect signage
28 within the City to obtain all applicable permits and other approvals as may
29 be required by the City, Westmoreland County, Commonwealth of
30 Pennsylvania, and Federal authorities.

1 (C) **Inspections.** The applicant shall, upon completion of the installation,
2 relocation, or alteration of a sign, notify the Zoning Officer within ten (10)
3 days of such date. The Zoning Officer may thereafter inspect the sign to
4 ensure it complies with the permit.

5 (D) **Zoning Sign Permit.**

6 (1) **Application and Permit Fees.** Zoning Sign Permit Applications shall
7 be accompanied by a filing fee and the Zoning Sign Permit fee shall
8 be paid before issuance of the Zoning Sign Permit. Such fees shall be
9 set by resolution of City Council as it deems necessary to defray the
10 costs of the administration of this Article. Zoning Permit Application
11 and Zoning Permit fees are nonrefundable, except when the
12 application and fee were accepted by the City staff in error.

13 (2) **Completeness.** Zoning Sign Permit applications must contain all
14 pertinent information as required on the form, and any additional
15 information as may be required by the Zoning Officer.

16 (3) **Review.** Zoning Sign Permit applications must be filed with the
17 Zoning Officer who shall review the application for accuracy and
18 completeness.

19 (4) **Zoning Sign Permit Issuance.** The Zoning Officer will issue a Zoning
20 Sign Permit when (1) the permit application is properly made, (2) all
21 appropriate fees have been paid as set by resolution of City Council,
22 and (3) the proposed sign complies with the applicable provisions of
23 this Article. If a Zoning Sign Permit is denied, written notice of the
24 denial must be given to the applicant, together with a written
25 statement of the reasons for the denial.

26 (5) **Approval Period.** A Zoning Sign Permit shall become null and void if
27 work authorized under the permit has not been completed within six
28 (6) months of the date of issuance. Prior to such expiration, the
29 property owner may request an extension to this time period and the
30 Zoning Officer may approve an extension with good cause.

31 (E) **Enforcing Officer.** The Zoning Officer shall enforce this Article and shall
32 perform the following duties:

- 1 (1) To prepare application forms and other materials related to this
2 Article and amend them from time to time.
- 3 (2) Issue Zoning Sign Permits and conduct inspections of property to
4 determine compliance with the terms of this Article;
- 5 (3) Establish and enforce necessary or desirable regulations in writing,
6 clarifying or explaining any provision of this Article;
- 7 (4) Receive and file any application for variances or appeals; and
- 8 (5) Maintain permanent and current records of this Article, including but
9 not limited to Zoning Sign Permits, plans, variances, and appeals.
- 10 (F) **Appeals.** A person may appeal an administrative decision made by the
11 Zoning Officer or designee under this Article to the Zoning Hearing Board
12 within thirty (30) days of the Date of the decision being appealed. See
13 Section 509 of this Chapter “Method of Appeal.”
- 14 (G) **Effect of an Outstanding Violation.** If the Zoning Officer determines that
15 a parcel is in violation of (1) this Article, (2) the City’s zoning regulation, or
16 (3) if the Code Enforcement Officer determines any applicable Building
17 Code violation on the parcel, no Zoning Sign Permit or related approval of
18 any kind shall be granted under this Article that would benefit such parcel,
19 except to correct the violation or as may be required by State law.
- 20 (H) **Penalties.** See Article 6 “Enforcement and Penalties” of this Chapter.

21 **1509.3 Nonconforming Sign Provisions.**

- 22 (A) **Nonconforming Signs.**
- 23 (1) **Change of Copy.** The copy of a nonconforming sign may be changed.
- 24 (2) **Change of Sign Face.** The face of a nonconforming sign may be
25 changed provided the Code Enforcement Officer determines that the
26 other features of the sign are structurally sound and properly
27 maintained.
- 28 (3) **Change in Location.** A nonconforming sign may not be relocated.

- 1 (4) **Change in Area.** The area of a nonconforming sign shall not be
2 enlarged or reconfigured in any manner.
- 3 (5) **Change in Height.** A nonconforming sign shall not hereafter be
4 placed higher even though the height is otherwise permitted.
- 5 (6) **Change in Lighting.** A nonconforming sign that is not illuminated may
6 not hereafter be illuminated even though such lighting may be
7 otherwise permitted. A nonconforming sign that is illuminated may
8 not hereafter be illuminated in any other manner even though such
9 lighting may be otherwise permitted, except to bring the existing
10 lighting into compliance (e.g., removal of exposed light bulbs).
- 11 (7) **Change to an Electronic Message Display.** A nonconforming sign
12 with a static display shall not be changed, in whole or in part, to an
13 electronic message display even though it may be otherwise
14 permitted.
- 15 (8) **Temporary Signs.** A nonconforming sign that is temporary in nature
16 must conform with all applicable standards or be removed within
17 thirty (30) calendar days of the date the sign became nonconforming
18 or within a lesser time period specified by the Code Enforcement
19 Officer if he/she determines that the sign poses an unacceptable risk
20 to public health or safety.
- 21 (9) **Ongoing Maintenance and Safety.** A nonconforming sign must
22 comply with all applicable provisions in this Article related to safety,
23 maintenance, and repair.
- 24 (10) **Abandonment.** A nonconforming sign that is abandoned for more
25 than sixty (60) days shall thereafter be made to conform with all
26 applicable standards or be removed.
- 27 (11) **Reconstruction Following Damage.** A nonconforming sign that is
28 damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or
29 infestation, not intentionally or negligently caused by the owner or
30 tenant, may be restored to its condition (e.g., size, location, and use)
31 prior to the damage, except the sign may be larger when necessary
32 to comply with State or Federal requirements.

1 (B) **Loss of Nonconforming Status.** A nonconforming sign that is moved to
2 another location or is used or modified in a way that is not specifically
3 allowed in this Article, is no longer considered to be a nonconforming sign
4 and must therefore conform with all applicable standards in effect on the
5 date of such work or be removed within forty-five (45) calendar days of the
6 date the Zoning Officer makes such determination in writing, or within a
7 lesser time period specified by the Code Enforcement Officer if he/she
8 determines the sign poses an unacceptable risk to public health or safety.

9 **1510 ELECTRONIC MESSAGE DISPLAYS.**

10 **1510.1 Findings.** City Council makes the following findings regarding electronic message
11 displays (EMDs):

12 (A) Electronic displays are designed to produce sufficient brightness to ensure
13 clear legibility during daylight hours. However, daytime brightness
14 settings are inappropriate for night-time viewing.

15 (B) Electronic displays that are too bright at night can be offensive, cause
16 glare, and reduce the legibility of the display copy.

17 (C) Technology exists to control lighting levels, with scheduled dimming based
18 on sunset-sunrise tables or with photocells.

19 (D) Appropriate standards are necessary to ensure electronic displays do not
20 become a nuisance to surrounding property owners or pedestrians or a
21 distraction to passing motorists.

22 **1510.2 General Standards.** An electronic message display when allowed by this chapter
23 must comply with the following minimum standards:

24 (A) An electronic message display must be equipped with technology the sign
25 owner can use to program lighting levels to comply with the lighting
26 standards in this Section (i.e., automatic dimming).

27 (B) Lighting levels shall not exceed 0.3 footcandles over ambient lighting
28 conditions when measured at the specified distance in the table below,
29 based on the size of the display. However, lighting levels shall not exceed
30 0.1 footcandles over ambient lighting conditions at the property boundary
31 line of a residential property or 0.2 footcandles over ambient lighting
32 conditions at the property boundary line of a nonresidential property.

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The publication titled, "Night-Time Brightness Level Recommendations for On-Premise Electronic Message Centers," as published by the International Sign Association, describes how lighting levels are to be measured. A copy of this publication is available for public review at the Zoning Officer's Office.

Sign Area (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63

Note: The sign areas listed in this table are for illustration only. The City's sign regulations may not allow the sign areas listed. For sign areas not listed, the measurement distance is calculated with the following formula:

$$\text{Measurement of distance} = \sqrt{\text{Sign area (in square feet)} \times 100}$$

- (C) No more than one (1) electronic message display may be permitted on one (1) parcel.
- (D) By installing an electronic message display, the property owner agrees to cooperate with the Code Enforcement Officer in testing the illuminance of the display.
- (E) An electronic message display must be placed, designed, and constructed to be an integral part of the sign to which it is attached.

1 **1511 AWNING SIGNS.**

2 **1511.1** The awning, whether existing or proposed, must be conforming to all applicable
3 regulations.

4 **1511.2** The awning material, whether existing or proposed, must be made of an opaque
5 material.

6 **1511.3** The sign copy on an awning may only be located above the primary public
7 access.

8 **1511.4** The sign copy on an awning may only be placed on the awning's valance (i.e.,
9 the vertical flap of the canopy) that is parallel to the face of the building.



Example of Sign placed on Awning Valance

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11 **1511.5** The sign copy on an awning must complement the scale and proportion of the
12 awning, and compliment the architectural style of the building on which it is to
13 be attached.

14 **1511.6** When located above a walkway, the bottom edge of the awning must be at least
15 eight (8) feet above the surface of the walkway.

16 **1511.7** If the awning extends over public property (e.g., above a public sidewalk in a
17 street right-of-way), the property owner must obtain a hold harmless
18 agreement, or equivalent written approval, from the City of Monessen.

19 **1512 MARQUEE SIGNS.**

20 **1512.1** The marquee, whether existing or proposed, must be conforming to all
21 applicable regulations.

- 1 **1512.2** The marquee must be located above the primary public access.
- 2 **1512.3** A marquee sign must complement the scale and proportion of the marquee, and
3 compliment the architectural style of the building on which it is to be attached.
- 4 **1512.4** When located above a walkway, the bottom edge of the marquee must be at
5 least eight (8) feet above the surface of the walkway beneath the canopy.
- 6 **1512.5** The sign copy shall only be placed on the vertical surface of the marquee.
- 7 **1512.6** If the marquee extends over public property (e.g., above a public sidewalk in a
8 street right-of-way), the property owner must obtain a hold harmless
9 agreement, or equivalent written approval, from the City of Monessen.
- 10 **1512.7** The area of a marquee sign without a distinctive border or background is the
11 smallest rectangle encompassing all words, letters, figures, emblems, and other
12 elements of the sign copy/message. The area of a marquee sign with a
13 distinctive border and/or background is the smallest rectangle encompassing
14 the border or background.

15 **1513 MONUMENT SIGNS.**

- 16 **1513.1** A monument sign must comply with all applicable building regulations, along
17 with any additional construction standards in this Article.
- 18 **1513.2** Lighting for a monument sign must comply with the Building Code.
- 19 **1513.3** Landscaping must be provided and maintained around the base of the sign.
20 Such landscaping may consist of turf, small shrubs, ground cover, or a
21 combination thereof so as to not block or interfere with the sign message. Upon
22 petition, and with good cause, the Zoning Officer may allow an exception to this
23 requirement.
- 24 **1513.4** The base of a monument sign must be covered with brick, stone, split-face
25 masonry block, wood, stucco, or other material that complements the exterior
26 building materials on the principal building.
- 27 **1513.5** The width of the base of a monument sign must be at least eighty (80) percent
28 of the width of the sign face.
- 29 **1513.6** A monument sign must be located at least five (5) feet from a public street right-
30 of-way.

1 **1513.7** A monument sign must be located at least fifteen (15) feet from an access drive.

2 **1513.8** A monument sign must be self-supporting (i.e., no guy wires or the like).

3 **1513.9** A monument sign must be attached to a permanent foundation set in the ground
4 that complies with the requirements of the Building Code adopted at the time
5 of the permit application.

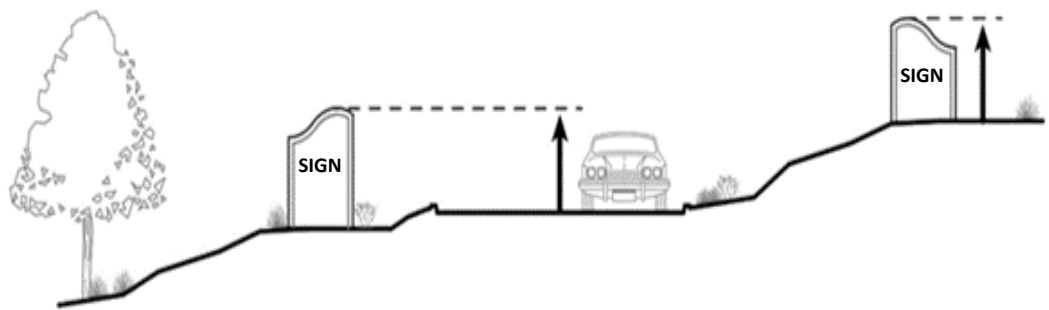
6 **1513.10** A monument sign shall not unreasonably obstruct the view of a conforming sign
7 on another property.

8 **1513.11** Electric service to a monument sign must be placed underground or concealed.

9 **1513.12** If internally illuminated, the sign face of a monument sign must be constructed
10 with an opaque surface to allow internal light to project only through the cut-
11 out lettering and/or logos.

12 **1513.13** The height of monument sign is measured from the surrounding grade to the
13 top of sign. If the monument sign is located within fifty (50) feet of the edge of
14 the street and the surrounding grade is below the grade of the abutting street,
15 then the sign height is measure from the street grade to the top of the sign as
16 illustrated below.

17 **1513.14 Measuring the Height of a Monument Sign**



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19 **1513.15** The area of a monument sign is actual area of the sign face. If a monument sign
20 is three-dimensional, the sign area is the area of the object projected on a flat
21 surface. The horizontal base, the vertical pillars, brackets, and other supports
22 are not included in the area calculation.

23 **Measuring the Height of a Monument Sign**



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3 **1514 PROJECTING SIGNS.**

4 **1514.1** A projecting sign must complement the scale, proportion, and architectural style
 5 of the building on which it is to be attached.

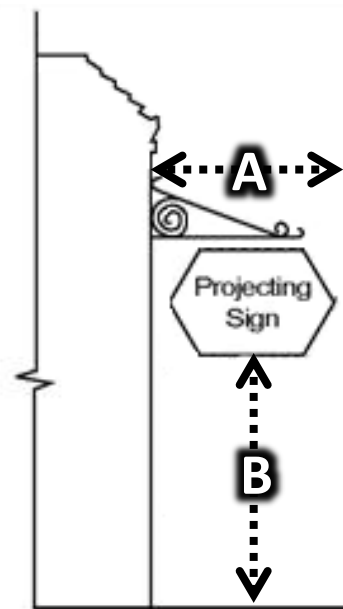
6 **1514.2** The bottom of the projecting sign must be at least eight (8) feet above grade and
 7 the top of the sign must not extend higher than the face of the building wall on
 8 which it is attached.

9 **1514.3** If a projecting sign extends over public property (e.g., above a public sidewalk in
 10 a street right-of-way), the property owner must obtain a hold harmless
 11 agreement, or equivalent written approval, from the City of Monessen.

12 **1514.4** The area of a projecting sign is the area of the sign face. If a projecting sign is
 13 three-dimensional, the sign area is the largest area of the object projected on a
 14 flat surface. Brackets and other supports are not included in the area
 15 calculation.

16 **1514.5** The maximum distance a projecting sign can
 17 extend past the face of the building on which it
 18 is attached (measurement "A" in the graphic
 19 below) is based on the distance from the grade
 20 below the sign to the bottom of the sign
 21 (measurement "B" in the graphic below) as
 22 follows:

- 23 (A) Two and one-half (2.5) feet from building
 24 face (measurement "A") for a sign eight (8)
 25 to ten (10) feet above grade (measurement
 26 "B").



1 (B) Three (3) feet from building face (measurement "A") for a sign eleven (11)
2 to thirteen (13) feet above grade (measurement "B").

3 (C) Four (4) feet from building face (measurement "A") for a sign fourteen (14)
4 to sixteen (16) feet above grade (measurement "B").

5 (D) Five (5) feet from building face (measurement "A") for a sign more than
6 sixteen (16) feet above grade (measurement "B").

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8 In no event, can a projecting sign be closer than three (3) feet to the curb line of
9 a street or internal vehicle use area including internal drives and parking areas.

10 **1515 PYLON SIGNS.**

11 **1515.1** A pylon sign must comply with all applicable building regulations, along with any
12 additional construction standards in this Article.

13 **1515.2** Balloons, ribbons, or any other attention-getting devices shall not be attached
14 to a pylon sign, including the support structure.

15 **1515.3** A pylon sign may be double-faced provided the two (2) faces are parallel to one
16 another.

17 **1515.4** A pylon sign shall not have more than two (2) sign areas.

18 **A pylon sign with two (2) sign areas**

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21 **1515.5** A pylon sign shall not incorporate a three-dimensional sign feature.

22 **1515.6** A pylon sign must be located at least fifteen (15) feet from an access drive.

1 **1517 SUSPENDED SIGNS.**

2 **1517.1** The feature to which the suspended sign is attached must be conforming to all
3 applicable regulations.

4 **1517.2** A suspended sign must be perpendicular to the face of the exterior wall.

5 **1517.3** The bottom of a suspended sign must be at least eight (8) feet above the surface
6 of the walkway beneath the sign.

7 **1517.4** A suspended sign must be located above the primary public entrance.

8 **1517.5** If a suspended sign extends over public property (e.g., above a public sidewalk
9 in a street right-of-way), the property owner must obtain a hold harmless
10 agreement, or equivalent written approval, from the City of Monessen.

11 **1517.6** The area of a suspended sign is the actual area of the sign face. If a suspended
12 sign is three-dimensional, the sign area is the area of the object projected on a
13 flat surface. Brackets and other supports are not included in the area
14 calculation.

15 **1518 WALL SIGNS.**

16 **1518.1** A wall sign must comply with all applicable building regulations, along with any
17 additional construction standards in this Article.

18 **1518.2** Balloons, ribbons, or any other attention-getting devices shall not be attached
19 to a wall sign.

20 **1518.3** A wall sign must complement the scale, proportion, and architectural style of
21 the building on which it is to be attached.

22 **1518.4** A wall sign must not project from the wall on which it is attached by more than
23 eight (8) inches.

24 **1518.5** A wall sign must not extend above the wall face on which the sign is located.

25 **1518.6** A wall sign shall be placed on an exterior wall that is designed and constructed
26 with sufficient strength to support such signage.

27 **1518.7** A wall sign may not be painted on the exterior surface of the building. "Ghost"
28 wall signs are a nonconforming sign and are permitted to remain on historical

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structures. For the purpose of this Section, "Ghost" wall signs are old hand-painted signs that have been preserved on a building for an extended period of time.

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1518.8 If a wall sign is internally illuminated (e.g., cabinet sign), the background of the sign face must be opaque to allow the internal light to project only through the cut-out lettering and/or logos. Channel letters may be opaque with backlit halo lighting or translucent. See graphics below.

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Nighttime – Not Permitted



Nighttime – Permitted



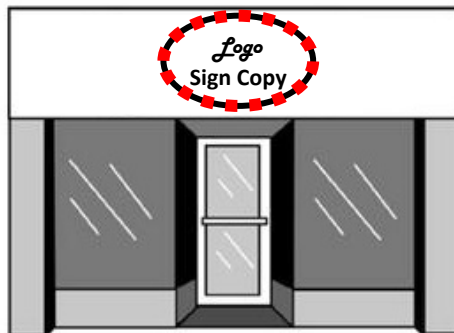
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1518.9 The area of a wall sign without a distinctive border or background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a wall sign with a distinctive border and/or background is the smallest rectangle encompassing the border or background. See graphics below.

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Measuring the area of a wall sign



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1 **1519 WINDOW SIGNS.**

2 **1519.1** A window sign shall not be placed on a door window or window so as to
3 constitute a hazard for pedestrian or guest traffic and safety.

4 **1519.2** A window sign may be painted/adhered on the interior or exterior pane of glass.
5 All other signs must be placed within the building.

6 **1519.3** The area of a window sign without a distinctive border and/or background is the
7 smallest rectangle encompassing all words, letters, figures, emblems, and other
8 elements of the sign message. The area of a window sign with a distinctive
9 border and/or background is the small rectangle encompassing the border or
10 background.

11 **Measuring the area of a window sign**



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13 **1520 PERMISSIBLE SIGNAGE.**

14 **1520.1 Permissible Signage by Zoning District.** Appendix A of this Article specifies what
15 type of signs are allowed in various parts of the City along with related standards
16 and requirements. Such signage, other than supplemental signage, is however
17 only allowed on developed premises. For purposes of this Section, a developed
18 premises has a building occupied and in operation by a legal use or is land that
19 is occupied and in operation by legal use. If the premises is undeveloped, the
20 only signage that is allowed is supplemental signage as set forth in Subsection
21 1520.3.

22 **1520.2 Permissible Signage by Use.**

23 (A) **Generally.** In addition to the signage that is allowed by Zoning District
24 (above), additional signage is allowed for those land uses listed in this
25 Section where permitted by the zoning regulations of this Chapter. In the
26 event the land use associated with the additional signage as allowed in this
27 Section is no longer in operation, such signage must be removed within

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thirty (30) days following the cessation of the specified use unless otherwise specifically allowed in this Article.

(B) **Restaurant with Drive-Through.** A parcel with a restaurant with a drive-through may have two (2) menu boards, provided (1) the menu board is placed within six (6) feet of the drive-through lane, (2) the total of all menu boards is no more than thirty-six (36) square feet; and (3) orders are taken via the menu board. The menu board may be static or consist of an electronic message display in whole or in part.

An example of menu board signage



(C) **Restaurant with Drive-in Service.** A restaurant with drive-in service may have menu boards, provided (1) each menu board is next to a parking space, (2) each menu board is no more than eighteen (18) square feet; and, (3) orders are taken via each menu board. In addition, no more than two (2) individual ground-mounted menu boards may also be permitted at individual pedestrian ordering locations, provided on-premises outdoor dining is available. The two (2) ground-mounted menu boards may be double-sided to permit four (4) pedestrian ordering locations.

(D) **Fuel Canopy Signage.** A parcel with fueling stations may have a fuel canopy with signage on the vertical face, provided (1) the sign does not extend above or below the horizontal edge of the canopy face, (2) the sign faces a public road, and (3) the sign copy does not exceed twenty-five (25) percent of the canopy face.

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An example of fuel canopy signage



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- (E) **Multi-Tenant Commercial Building with Single Entrance.** A building with a single entrance serving multiple businesses may place a business directory on the wall, provided (1) the sign area does not exceed seven (7) square feet, (2) the edge of the sign face is located within two (2) feet of the entrance, and (3) the sign copy is static.

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An example of a multi-tenant directory signage



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- (F) **Movie Theater.** A movie theater may have additional wall signage on the front face of the building, provided (1) each individual sign does not exceed six (6) square feet, (2) the wall signs are grouped together in a single row; (3) lighting is limited to ambient lighting; (4) the sign copy is static, and (5) the number of signs is limited based on the number screens as follows:

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- One (1) screen – two (2) signs;
- Two (2) screens – three (3) signs;

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- Three (3) screens – five (5) signs;
- Four (4) screens – seven (7) signs;
- Five (5) screens – nine (9) signs; and,
- Six (6) screens or more – eleven (11) signs.

An example of movie theater placard signage



(G) **Business Park Identification.** In those instances where a business park is established with six (6) or more individual parcels, a monument sign may be placed by the entrance to the business park: (1) in an outlot or, (2) within an easement, provided the easement is approved by the City and all of the property owners. Such monument sign must comply with the following standards:

- (1) Maximum area: sixty-four (64) square feet.
- (2) Maximum height: eight (8) feet.
- (3) Permitted illumination: ambient, internal, gooseneck, and ground mounted.
- (4) Permitted display type: static.

1 (5) Zoning Sign Permit issuance required along with any other City, County,
2 or State permit.

3 (H) **Subdivision Identification.** In those instances where a residential
4 subdivision is established with five (5) or more individual parcels, not
5 including outlots, a monument sign may be placed by the entrance to the
6 subdivision: (1) within the public right-of-way, with the approval of the
7 City with control of the right-of-way; (2) in an outlot within the subdivision;
8 or, (3) within an easement, provided the easement is approved by the City.
9 Such monument sign must comply with the following standards:

- 10 • Maximum area: thirty-two (32) square feet.
- 11 • Maximum height: six (6) feet.
- 12 • Permitted illumination: ambient, internal, backlighted, gooseneck, and
13 ground mounted.
- 14 • Permitted display type: static.
- 15 • Zoning Sign Permit issuance required along with any other City, County,
16 or State permit.

17 **1520.3 Supplemental Signage.** In addition to the signage allowed in the other sections
18 of this Article, an owner is allowed additional signage as specified in Appendix A
19 that can be used for a wall sign (permanent or temporary) and/or a free-
20 standing sign. Such signage may be used for commercial speech and
21 noncommercial speech, including political messages and for indicating the
22 property is for sale, rent, or lease.
23

APPENDIX A – PERMISSIBLE SIGNAGE BY ZONING DISTRICT

SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1A, R-1B, and R-2)

Awning Signs (Section 1511)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Area:	Eight (8) inches in height and thirty-five (35) percent of length of the valance.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) for each street frontage exceeding one hundred (100) feet.
Maximum Area:	Thirty-two (32) square feet.
Maximum Height:	Six (6) feet.
Permitted Illumination:	Internal, gooseneck fixtures, ground mounted.
Permitted Display Type:	Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) per business.
Minimum Separation:	Twenty-five (25) feet.
Maximum Area:	Eight (8) square feet. Except storefronts or businesses that use projecting signage and wall signage, the total area of the projecting and wall signage shall not exceed the maximum sign area specified for the wall sign.
Permitted Illumination:	Gooseneck fixtures.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Sidewalk Signs (Section 1516)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) for each street frontage with a primary customer entry door.
Maximum Area:	Six (6) square feet.
Maximum Height:	Three (3) feet.
Maximum Width:	Two (2) feet.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit.

Suspended Signs (Section 1517)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) per primary customer entry door.
Maximum Area:	Six (6) square feet.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) for each street frontage (per business).
Maximum Area:	Twenty-five (25) square feet.
Permitted Sign Type:	Flat panel wall signs made of individually cut, three-dimensional letters, professionally hand painted, professionally produced plastic, wood or metal sign boards, and professionally produced framed sign boards are desired. Channel letters and cabinet are permitted.
Permitted Illumination:	Internal if channel letters, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Supplemental Signage (Section 1520.3)

Maximum Area:	Sixteen (16) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Marquee Signs
- Pylon Signs
- Window Signs

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**Awning Signs (Section 1511)**

Uses for which Sign Type is Permitted:	Nonresidential and multi-family residential.
Uses for which Sign Type is Not Permitted:	Residential, except multi-family residential.
Maximum Area:	Eight (8) inches in height and thirty-five (35) percent of length of the valance.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Marquee Signs (Section 1512)

Uses for which Sign Type is Permitted:	Nonresidential and multi-family residential.
Uses for which Sign Type is Not Permitted:	Residential, except multi-family residential.
Maximum Number:	One (1).
Maximum Area:	One hundred percent (100%) of marquee face, but not more than twenty (20) square feet. At the owner's discretion, a marquee sign or a wall sign is allowed if one (1) is over ten (10) square feet [i.e., one (1) or the other but not both if one (1) is over ten (10) square feet].

Permitted Illumination:	Gooseneck fixtures and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Uses for which Sign Type is Permitted:	Nonresidential and multi-family residential.
Uses for which Sign Type is Not Permitted:	Residential, except multi-family residential.
Maximum Number:	One (1) for each street frontage exceeding 100 feet.
Maximum Area:	Thirty-two (32) square feet.
Maximum Height:	Six (6) feet.
Permitted Illumination:	Internal, gooseneck fixtures, ground-mounted, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Uses for which Sign Type is Permitted:	Nonresidential.
Uses for which Sign Type is Not Permitted:	Residential.
Maximum Number:	One (1) per business.
Minimum Separation:	Twenty-five (25) feet.
Maximum Area:	Eight (8) square feet. Except storefronts or businesses that use projecting signage and wall signage, the total area of the projecting and wall signage shall not exceed the maximum sign area specified for the wall sign.
Permitted Illumination:	Gooseneck fixtures.
Permitted Display Type:	Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Sidewalk Signs (Section 1516)

Uses for which Sign Type is Permitted: Nonresidential.

Uses for which Sign Type is Not Permitted: Residential.

Maximum Number: One (1) for each street frontage with a primary customer entry door.

Maximum Area: Six (6) square feet.

Maximum Height: Three (3) feet.

Maximum Width: Two (2) feet.

Permitted Illumination: None.

Permitted Display Type: Static.

Permit Requirements: Zoning Sign Permit.

Suspended Signs (Section 1517)

Uses for which Sign Type is Permitted: Nonresidential.

Uses for which Sign Type is Not Permitted: Residential.

Maximum Number: One (1) per primary customer entry door.

Maximum Area: Six (6) square feet.

Permitted Illumination: None.

Permitted Display Type: Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Uses for which Sign Type is Permitted: Nonresidential and multi-family residential.

Uses for which Sign Type is Not Permitted: Residential, except multi-family residential.

Maximum Number: One (1) for each street frontage.

Maximum Area:	Twenty (10) square feet.
Permitted Sign Type:	Channel letters, cabinet, and flat panel.
Permitted Illumination:	Internal if channel letters or cabinet, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Supplemental Signage (Section 1520.3)

Maximum Area:	Sixteen (16) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Marquee Signs
- Pylon Signs
- Window Signs

B-1 NEIGHBORHOOD BUSINESS DISTRICT

Awning Signs (Section 1511)

Maximum Area:	Eight (8) inches in height and thirty-five (35) percent of length of the valance.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Maximum Number:	One (1) for each street frontage exceeding one hundred (100) feet.
Maximum Area:	Thirty-two (32) square feet.
Maximum Height:	Six (6) feet.
Permitted Illumination:	Internal, gooseneck fixtures, ground mounted.

Permitted Display Type:	Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Maximum Number:	One (1) per business.
Minimum Separation:	Twenty-five (25) feet.
Maximum Area:	Eight (8) square feet. Except storefronts or businesses that use projecting signage and wall signage, the total area of the projecting and wall signage shall not exceed the maximum sign area specified for the wall sign.
Permitted Illumination:	Gooseneck fixtures.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Suspended Signs (Section 1517)

Maximum Number:	One (1) per primary customer entry door.
Maximum Area:	Six (6) square feet.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number:	One (1) for each street frontage (per business).
Maximum Area:	Wall signs per storefront or building, whichever is smaller, shall be limited to a maximum area as follows: <ul style="list-style-type: none">• < 1,000 sq. ft.....max. 15 sq. ft.• 1,000-5,000 sq. ft.max. 25 sq. ft.
Permitted Sign Type:	Flat panel wall signs made of individually cut, three-dimensional letters, professionally hand painted, professionally produced plastic, wood or metal sign boards, and professionally produced framed sign boards are desired. Channel letters and cabinet are permitted.
Permitted Illumination:	Internal if channel letters, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.
Additional Requirements:	<ul style="list-style-type: none">• Wall signs should be centered horizontally over the storefront or other prominent architectural feature (e.g., door, window, or wall area).• Wall signs should be placed so as to avoid obscuring the building’s architectural design.• See related graphics under B-4 Central Business District in this Appendix A.

Window Signs (Section 1519)

Maximum Number:	No limitation except by area.
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Maximum Area:	Twenty-five (25) percent of the total glazing area of all the storefront's windows and doors on the ground floor measured in the manner illustrated in the related graphic under B-4 Central Business District in this Appendix A. Except, storefronts that use a wall sign may incorporate window/door signage up to ten percent (10%) of the square footage of the window/door glazing.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit is not required.
Additional Requirements:	Window and door signs should not cover or obscure the inside of the storefront from the outside. See related graphic under B-4 Central Business District in this Appendix A.

Supplemental Signage (Section 1520.3)

Maximum Area:	Twenty-four (24) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Marquee Signs
- Pylon Signs
- Sidewalk Signs

B-2 COMMUNITY BUSINESS DISTRICT

Awning Signs (Section 1511)

Maximum Area:	Eight (8) inches in height and thirty-five (35) percent of length of the valance.
Permitted Illumination:	None.
Permitted Display Type:	Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Maximum Number: One (1) for each street frontage exceeding one hundred (100) feet. At the owner’s discretion, a monument sign or a pylon sign is allowed (i.e., one or the other, but not both).

Maximum Area: Thirty-two (32) square feet. If four (4) or more tenant spaces exist on the parcel, an additional sixteen (16) square feet is permitted.

Maximum Height: Six (6) feet. If four (4) or more tenant spaces exist on the parcel, an additional three (3) feet is permitted.

Permitted Illumination: Internal, gooseneck fixtures, ground-mounted.

Permitted Display Type: Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for fuel prices, time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Maximum Number: One (1) per business.

Minimum Separation: Twenty-five (25) feet.

Maximum Area: Twelve (12) square feet. The total area of projecting signage and wall signage shall not exceed the maximum area specified for wall signage.

Permitted Illumination: Gooseneck fixtures.

Permitted Display Type: Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Pylon Signs (Section 1515)

Maximum Number: One (1) for each street frontage exceeding one hundred (100) feet. At the owner’s discretion, a monument sign or a pylon sign is allowed (i.e., one or the other, but not both).

Maximum Area: One (1) square foot per foot of street frontage, but not more than one hundred (100) square feet. The area used exclusively for fuel prices is not counted towards the overall sign area.

Maximum Height: Sixteen (16) feet.

Permitted Illumination: Internal, external ground mounted if sign is eight (8) feet or less in height.

Permitted Display Type: Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Suspended Signs (Section 1517)

Maximum Number: One (1) per primary customer entry door.

Maximum Area: Six (6) square feet.

Permitted Illumination: Gooseneck fixtures.

Permitted Display Type: Static.

Permit Requirements: Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number: One (1) for each street frontage (per business).

Maximum Area:	One (1) square foot per lineal foot of building facade facing public street, but not more than two hundred (200) square feet. Regardless of the lineal foot of building facade facing public street, a property shall be entitled up to 50 square feet. The total of a projecting sign and wall sign shall not exceed the sign area specified for the wall sign.
Permitted Sign Type:	Channel letters, flat panel, cabinet
Permitted Illumination:	Internal if channel letters, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Window Signs (Section 1519)

Maximum Number:	No limitation except by area.
Maximum Area:	Twenty-five (25) percent of the total glazing area of all the storefront's windows and doors on the ground floor measured in the manner illustrated in the related graphic under B-4 Central Business District in this Appendix A. Except, storefronts that use a wall sign may incorporate window/door signage up to ten percent (10%) of the square footage of the window/door glazing.
Permitted Illumination:	Neon, LED, and other brightly lit window signs are not permitted, except for open/closed signs that are not more than two (2) square feet in area. Window signs may be illuminated externally by gooseneck fixtures or via recessed lighting within the window frame. See related graphic under B-4 Central Business District in this Appendix A.
Permitted Display Type:	Static.

Permit Requirements:	Zoning Sign Permit is not required.
Additional Requirements:	Window and door signs should not cover or obscure the inside of the storefront from the outside. See related graphic under B-4 Central Business District in this Appendix A.

Supplemental Signage (Section 1520.3)

Maximum Area:	Thirty-two (32) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Marquee Signs
- Sidewalk Signs

B-3 GATEWAY BUSINESS DISTRICT

Awning Signs (Section 1511)

Maximum Area:	Eight (8) inches in height and thirty-five (35) percent of length of the valance.
Illumination:	None.
Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Maximum Number:	One (1) for each street frontage exceeding one hundred 100 feet. At the owner’s discretion, a monument sign or a pylon sign is allowed (i.e., one or the other, but not both).
Maximum Area:	Fifty (50) square feet. If four (4) or more tenant spaces exist on the parcel, an additional twenty-five (25) square feet is permitted.
Maximum Height:	Twelve (12) feet. If four (4) or more tenant spaces exist on the parcel, an additional six (6) feet is permitted.

Permitted Illumination:	Internal, gooseneck fixtures, ground-mounted if sign is eight (8) feet or less in height.
Permitted Display Type:	Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for fuel prices, time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Maximum Number:	One (1) per business.
Minimum Separation:	Twenty-five (25) feet.
Maximum Area:	Twelve (12) square feet. The total area of projecting signage and a wall signage shall not exceed the maximum sign area specified for the wall sign.
Permitted Illumination:	Gooseneck fixtures.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Pylon Signs (Section 1515)

Maximum Number:	One (1) for each street frontage exceeding 100 feet. At the owner's discretion, a monument sign or a pylon sign is allowed (i.e., one or the other, but not both).
Maximum Area:	One (1) square foot per lineal foot of street frontage, but not more than 100 square feet. The area used exclusively for fuel prices is not counted towards the overall sign area.
Maximum Height:	Twenty (20) feet.

Permitted Illumination:	Internal. External ground mounted if sign is eight (8) feet or less in height.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Sidewalk Signs (Section 1516)

Maximum Number:	One (1) for each street frontage with a primary customer entry door.
Maximum Area:	Six (6) square feet.
Maximum Height:	Three (3) feet.
Maximum Width:	Two (2) feet.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit.

Suspended Signs (Section 1517)

Maximum Number:	One (1) per primary customer entry door.
Maximum Area:	Six (6) square feet.
Permitted Illumination:	Internal, gooseneck fixtures.
Permitted Display Type:	Static
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number:	One (1) for each street frontage (per business).
Maximum Area:	One (1) square foot per lineal foot of building facade facing public street, but not more than 200 square feet. Regardless of the lineal foot of building facade facing public street, property shall be entitled up to 50 square feet. The total of a projecting sign and wall sign shall not exceed the sign area specified for the wall sign.

Permitted Sign Type:	Channel letters, flat panel, and cabinet.
Permitted Illumination:	Internal if channel letters or cabinet, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.
Additional Requirements:	<ul style="list-style-type: none"> • Walls signs should be centered horizontally over the storefront or other prominent architectural feature (e.g., door, window, or wall area). • Walls signs should be placed so as to avoid obscuring the building’s architectural design. • See related graphics under B-4 Central Business District in this Appendix A.

Window Signs (Section 1519)

Maximum Number:	No limitation except by area.
Maximum Area:	Twenty-five (25) percent of the total glazing area of all the storefront’s windows and doors on the ground floor measured in the manner illustrated in the related graphic under B-4 Central Business District in this Appendix A. Except, storefronts that use a wall sign may incorporate window/door signage up to ten percent (10%) of the square footage of the window/door glazing.
Permitted Illumination:	Neon, LED, and other brightly lit window signs are not permitted, except for open/closed signs that are not more than two (2) square feet in area. Window signs may be illuminated externally by gooseneck fixtures or via recessed lighting within the window frame. See related graphic under B-4 Central Business District in this Appendix A.

Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit is not required.
Additional Requirements:	Window and door signs should not cover or obscure the inside of the storefront from the outside. See related graphic under B-4 Central Business District in this Appendix A.

Supplemental Signage (Section 1520.3)

Maximum Area:	Forty (40) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Marquee Signs

B-4 CENTRAL BUSINESS DISTRICT

Awning Signs (Section 1511)

Maximum Area:	Eight (8) inches in height and sixty (60) percent of length of the valance.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Marquee Signs (Section 1512)

Maximum Number:	One (1).
Maximum Area:	One hundred percent (100%) of marquee face, but not more than two hundred (200) square feet. At the owner's discretion, a marquee sign or a wall sign is allowed if one (1) is over one hundred (100) square feet [i.e., one (1) or the other but not both if one (1) is over one hundred (100) square feet].
Permitted Illumination:	Internal.

Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Monument Signs (Section 1513)

Maximum Number:	One (1) for each street frontage exceeding one hundred (100) feet.
Maximum Area:	Thirty-two (32) square feet. If four (4) or more tenant spaces exist on the parcel, an additional sixteen (16) square feet is permitted.
Maximum Height:	Six (6) feet. If four (4) or more tenant spaces exist on the parcel, an additional three (3) feet in height is permitted.
Permitted Illumination:	Internal, gooseneck fixtures, ground-mounted.
Permitted Display Type:	Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Projecting Signs (Section 1514)

Maximum Number:	One (1) per business.
Minimum Separation:	Fifteen (15) feet.
Maximum Area:	Eight (8) square feet. The total area of a projecting sign and wall sign shall not exceed the sign area specified for the wall sign.
Permitted Illumination:	Gooseneck fixtures.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Sidewalk Signs (Section 1516)

Maximum Number:	One (1) for each street frontage with a primary customer entry door.
Maximum Area:	Six (6) square feet.
Maximum Height:	Three (3) feet.
Maximum Width:	Two (2) feet.
Permitted Illumination:	None.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit.

Suspended Signs (Section 1517)

Maximum Number:	One (1) per primary customer entry door.
Maximum Area:	Six (6) square feet.
Permitted Illumination:	Internal, gooseneck fixtures.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number:	One per business on each wall of the business that has a major entry of display window on a street or parking lot.
Maximum Area:	Wall signs per storefront or building, whichever is smaller, shall be limited to a maximum area as follows: <ul style="list-style-type: none">• < 1,000 sq. ft.....max. 15 sq. ft.• 1,000-5,000 sq. ft.max. 25 sq. ft.• > 5,000 sq. ft.....max. 50 sq. ft.

Permitted Sign Type:

Flat panel wall signs made of individually cut, three-dimensional letters, professionally hand painted, professionally produced plastic, wood or metal sign boards, and professionally produced framed sign boards are desired. Channel letters are not permitted unless backlighted copy is used.

Permitted Illumination:

Gooseneck fixtures, and halo backlighting.

Permitted Display Type:

Static.

Permit Requirements:

Zoning Sign Permit and any permits that may be required under the Building Code.

Additional Requirements:

- Walls signs should be centered horizontally over the storefront or other prominent architectural feature (e.g., door, window, or wall area).
- Walls signs should be placed so as to avoid obscuring the building's architectural design.
- See graphics below.

encouraged



Not encouraged

Sign out-sized for storefront and architectural elements obscured by sign



Sign not centered over storefront or door/window.

1
2

Window Signs (Section 1519)

Maximum Number:

No limitation except by area.

Maximum Area:

Twenty-five (25) percent of the total glazing area of all the storefront's windows and doors on the ground floor measured in the manner illustrated in the graphic below. Except, storefronts that use a wall sign may incorporate window/door signage up to ten percent (10%) of the square footage of the window/door glazing.

encouraged

The ordinance allows for up to 25% coverage of a window with signage

The window is measured from inside the window frame, and does not include the window trim. For example, the window shown is 6 ft wide by 6.5 ft tall for a gross area of 39 sq ft.

This would allow for a sign of up to 9.75 sq ft. (25% coverage) in example, sign is 5'w x 1'9" h (see grey background).

Not encouraged

encouraged

Storefronts that use a wall sign may incorporate windows that are up to 10% of square footage of the window.

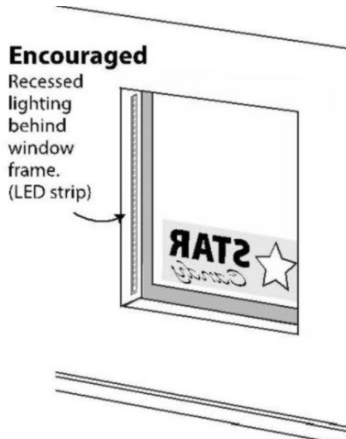


1

2

Permitted Illumination:

Neon, LED, and other brightly lit window signs are not permitted, except for open/closed signs that are not more than two (2) square feet in area. Window signs may be illuminated externally by gooseneck fixtures or via recessed lighting within the window frame. See graphic below.



3

4

Permitted Display Type:

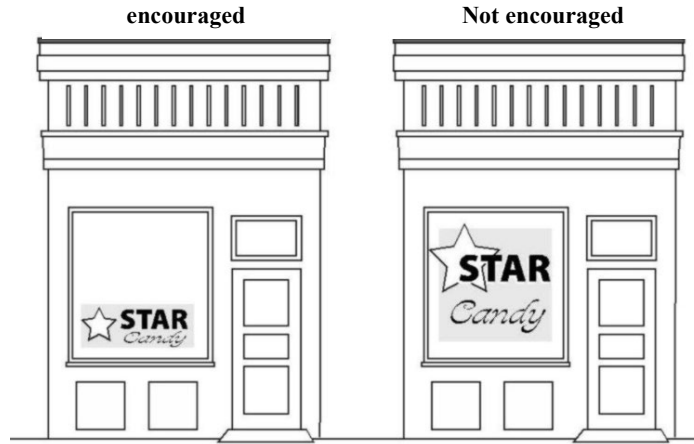
Static.

Permit Requirements:

Zoning Sign Permit is not required.

Additional Requirements:

Window and door signs should not cover or obscure the inside of the storefront from the outside. See graphic below.



1
2

Supplemental Signage (Section 1520.3)

Maximum Area:	Twenty-four (24) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Pylon Signs

**INDUSTRIAL DISTRICTS
(I-1 and I-2)**

Monument Signs (Section 1513)

Maximum Number:	One (1) for each street frontage exceeding one hundred (100) feet. At the owner’s discretion, a monument sign or a pylon sign is allowed (i.e., one or the other but not both).
Maximum Area:	Fifty (50) square feet.
Maximum Height:	Twelve (12) feet.
Permitted Illumination:	Internal and gooseneck fixtures. Ground mounted if sign is eight (8) feet or less in height.

Permitted Display Type:	Static. Up to 50 percent of sign area can be an electronic message display (EMD) per Section 1510 of this Article. The area of an EMD used exclusively for fuel prices, time, date, and/or temperature is not counted towards the allowable EMD area but is counted as part of the overall sign area.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Pylon Signs (Section 1515)

Maximum Number:	One (1) for each street frontage exceeding one hundred (100) feet. At the owner’s discretion a monument sign or a pylon sign is allowed (i.e., one or the other but not both).
Maximum Area:	One (1) square foot per lineal foot of street frontage, but not more than one hundred (100) square feet. The area used exclusively for fuel prices is not counted towards the overall sign area.
Maximum Height:	Twenty (20) feet.
Permitted Illumination:	Internal. External ground-mounted if sign is eight (8) feet or less in height.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number:	One (1) for each street frontage (per business).
Maximum Area:	One (1) square foot per lineal foot of building facade facing a public street, but not more than two hundred (200) square feet or less than fifty (50) square feet.
Permitted Sign Type:	Channel letters, cabinet, and flat panel.

Permitted Illumination:	Internal if channel letters or cabinet, gooseneck fixtures if flat panel, and backlighted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Supplemental Signage (Section 1520.3)

Maximum Area:	Thirty (32) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Awning Signs
- Marquee Signs
- Projecting Signs
- Sidewalk Signs
- Suspended Signs
- Window Signs

**PUBLIC, CIVIC, AND OPEN SPACE DISTRICTS
(P-1 and P-2)**

Monument Signs (Section 1513)

Maximum Number:	One (1) for each street frontage exceeding 100 feet.
Maximum Area:	Thirty-two (32) square feet.
Maximum Height:	Six (6) feet.
Permitted Illumination:	Internal, gooseneck fixtures, backlighted, and ground mounted.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Wall Signs (Section 1518)

Maximum Number:	One (1) for each street frontage (per business).
Maximum Area:	Sixteen (16) square feet.
Permitted Sign Type:	Channel letters, flat panel, and cabinet.

Permitted Illumination:	Internal if channel letters, backlighted, and gooseneck fixtures if flat panel.
Permitted Display Type:	Static.
Permit Requirements:	Zoning Sign Permit and any permits that may be required under the Building Code.

Supplemental Signage (Section 1520.3)

Maximum Area:	Thirty-two (32) square feet.
Permit Requirements:	Zoning Sign Permit only if the signage will be permanently installed and any permits that may be required under the Building Code.

Signage Not Permitted:

- Awning Signs
- Marquee Signs
- Projecting Signs
- Pylon Signs
- Sidewalk Signs
- Suspended Signs
- Window Signs

ARTICLE 16

ARTICLE	SECTION	PAGE	TITLE
16			ENVIRONMENTAL PERFORMANCE STANDARDS
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ENVIRONMENTAL PERFORMANCE STANDARDS

1 **ARTICLE 16 – ENVIRONMENTAL PERFORMANCE STANDARDS**

2 **1601 PURPOSE.** The purpose of this Article is to provide standards for noise, lighting,
3 hazardous waste, vibration, and other related items in order to reduce the impact of these
4 items on adjacent properties and public health and safety.

5 **1602 APPLICABILITY.**

6 **1602.1** All uses and activities in all zoning districts shall comply with the environmental
7 performance standards in this Article.

8 **1602.2** If the Zoning Officer has reason to believe that the proposed use may not comply
9 with the standards of this Article, then the Zoning Officer may require an
10 applicant to provide written descriptions of proposed machinery, hazardous and
11 toxic substances, operations, and safeguards. The applicant may specify that
12 portions of such submittal shall be treated as confidential to be viewed only by
13 City officials without a business interest in such matters, in order to protect
14 proprietary information.

15 **1602.3** City permits, certificates, and approvals under this Chapter are issued
16 conditioned upon compliance with applicable Federal and State laws regarding
17 the issuance of permits. Failure to comply with such Federal and State permits
18 on a substantive matter shall be sufficient reason for suspension or withdrawal
19 of a City permit, certificate, or approval under this Chapter.

20 **1603 NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

21 **1603.1** No landowner, tenant, nor lessee shall use or allow to be used land or structures
22 in a way that seriously threatens or creates any of the following conditions:

23 (A) Activity that creates a significant hazard to public health and safety
24 because of serious explosive, fire, biological, biogenetic, or toxic hazards.

25 (B) Communicable disease or other public health hazards, including activities
26 that encourage the breeding of disease-prone insects or rodents.

27 (C) Significant physical hazards to the public, especially hazards that would be
28 easily accessible by small children.

1 (D) Activity that prevents a neighboring landowner from having reasonable
2 use of and enjoying their property.

3 (E) Activity that causes serious pollution to groundwater or surface water.

4 **1603.2** It is the responsibility of every property owner to ensure that their property does
5 not threaten public health or safety and to remove or alter any structure or
6 situation that threatens the public health and safety. This includes but is not
7 limited to structurally unsound structures, including those damaged by fire. The
8 City does not accept responsibility to identify or address all such hazards.

9 **1603.3 Junk vehicles.**

10 (A) With the exception of JUNKYARDS, where permitted, junk vehicle
11 nuisances are not permitted on private property. It shall be unlawful for
12 any person to store, accumulate, or allow to remain on any private
13 property, any junk vehicle as defined in in Article 19 “Definitions,
14 Measurements, and Land Use Definitions” of this Chapter.

15 (B) Furthermore, it is hereby declared that any junk vehicle located on private
16 property, unless otherwise noted under exceptions, constitutes a threat to
17 the public health and safety and is a nuisance. If any junk vehicle is kept
18 upon private property in violation hereof, both the owner of the property
19 and the person(s) occupying said property shall be notified of the violation
20 and either or both may be subject to fines or penalties under the law.

21 (C) The only exceptions to junk vehicle nuisances are: the junk vehicle is
22 stored inside an enclosed structure, not visible from the outside, such as a
23 garage.

24 **1604 WETLANDS.**

25 **1604.1** If the Zoning Officer, based upon review by the City Engineer or the
26 Westmoreland County Conservation District or Pennsylvania Department of
27 Environmental Protection or the U. S. Fish and Wildlife Service or the U. S. Army
28 Corps of Engineers, has reason to believe that a portion of a site proposed to be
29 altered may possibly meet the State or Federal definitions of a wetland, the
30 Zoning Officer may require the applicant to provide a study by a qualified
31 professional delineating the locations of wetlands. However, the City accepts

1 no responsibility to identify all wetlands or to warn all parties of such
2 possibilities.

3 **1604.2** All permits of the City are issued on the condition that the applicant will comply
4 with Federal and State wetlands regulations, and such permits may be revoked
5 or suspended by the Zoning Officer for noncompliance with the regulations.

6 **1605.1 Setback areas and construction.** During any filling, grading, or construction
7 activity, all reasonable efforts shall be made to leave the setback areas of this
8 Section undisturbed, except at approved waterway crossings.

9 **1605 STEEP SLOPE.**

10 **1605.1 Applicability.** If an area of a lot includes slopes of fifteen percent (15%) or
11 greater, is proposed for construction of buildings, streets or driveways, or
12 nonagricultural grading, then the applicant shall submit a steep slope site plan
13 to the Zoning Officer. These submittal requirements may be met by including
14 the required information on subdivision/land development plans.

15 **1605.2 Plan.** A steep slope site plan shall meet the following requirements:

16 (A) Show detailed slope contours for all areas that potentially may be
17 disturbed and constructed upon.

18 (B) Identify all areas of 15% to 25% and greater than 25% slope.

19 (C) Be to scale (such as one inch = 50 feet).

20 (D) Show substantial areas of trees and dense vegetation proposed to be
21 removed or preserved prior to or during the development of the use.

22 (E) Be stamped by a professional surveyor or professional engineer licensed
23 in the Commonwealth of Pennsylvania.

24 (F) Show proposed locations of principal buildings, streets, driveways, on-lot
25 septic fields, and other areas of soil disturbance. If the exact location of
26 these features is not definitely determined at the time of plan submittal,
27 then the plan shall designate the outer limits of areas where such features
28 may potentially be located. If different locations outside of the approved
29 location would be proposed after approval of the site plan, then the

1 applicant shall prove to the Zoning Officer that the revised location would
2 still meet the requirements of this Section.

3 (G) State the maximum slope of proposed driveways and streets.

4 (H) Show an area of twenty (20) feet around the proposed principal building
5 locations.

6 **1605.3 Fifteen percent to 25%.** If a proposed principal building and driveway location
7 and any areas within twenty (20) feet of such location on the lot include more
8 than 1,000 square feet with 15% or greater slopes, but do not include more than
9 1,000 square with slopes greater than 25%, the following regulations shall apply,
10 unless more restrictive regulations are stated elsewhere in this chapter:

11 (A) Minimum lot area of two (2) acres per dwelling unit or per principal
12 nonresidential use; and

13 (B) Maximum impervious coverage of five percent (5%).

14 **1605.4 Erosion Control.** See Subsection 1612 below.

15 **1605.5 Grading and Man-made Slopes.** No grading shall occur in such a way that would
16 circumvent the requirements of this Chapter, such as prior to submittal for a
17 zoning or building permit or subdivision or land development approval. The
18 steep slope requirements shall apply based on the slope of land at the time of
19 the adoption of this Chapter. This Section shall not apply to man-made slopes
20 that naturally were not 15% or greater slope.

21 **1605.6 Driveways.** A new driveway shall not be built that would require cutting against
22 contours through an area of thirty (30%) or greater natural slope for seventy-
23 five (75) feet or longer, measured in a straight line.

24 **1606 THREATS TO WATER QUALITY.**

25 **1606.1** No substance shall be stored in such a way that it could be washed into the
26 groundwater or surface water, if such substance could seriously contaminate
27 groundwater or surface water or serious harm aquatic life of a waterway.

28 **1606.2** If a substance threatens groundwater or surface water contamination, it shall
29 be stored within an impermeable containment. Such storage shall be
30 surrounded if needed by a berm that would drain any spilled substance to a

1 engineered collection area or other method approved in writing by City Council
2 or the Pennsylvania Department of Environmental Protection.

3 **1606.3** All hazardous substances shall be properly labeled and shall be in compliance
4 with the Pennsylvania Worker and Community Right-to-Know Act, as amended.

5 **1606.4 Brownfield Remediation.** The following shall apply to all land within the City of
6 Monessen, along the riverfront between the shore of the Monongahela River
7 and the former P. & L.E. Railroad right-of-way (now known as the C.S.X.
8 Railroad):

9 (A) To protect the health and well-being of the community, future residents,
10 businesses and industries alike, a Phase I and Phase II environmental site
11 assessment study shall be prepared and submitted to the Planning
12 Commission for review and acceptance prior to the commencement of
13 construction work. Contaminated sites shall be identified, and appropriate
14 mitigation measures shall be identified and completed prior to the
15 development of any site.

16 **1607 SEWAGE DISPOSAL.** All methods of wastewater disposal shall meet requirements of the
17 Pennsylvania Department of Environmental Protection, the local Sewer Authority and the
18 Official City Sewage Facilities Plan, as amended, as applicable.

19 **1608 NOISE.**

20 **1608.1** To minimize noise impacts, commercial, industrial, or institutional outdoor
21 machinery that could create a noise nuisance shall be placed towards a side of a
22 building that does not face an abutting existing dwelling, residential district,
23 school, or other noise sensitive use.

24 **1608.2** No principal or accessory use or its operations shall generate a sound level
25 exceeding the limits established in the table below, when measured at the
26 specified locations.

City of Monessen Sound Level Limits by Receiving Land Use/District		
Land Use or Zoning District Receiving the Noise	Hours/Day	Maximum Sound Level (A-weighted decibels)
Ten (10) feet inside a residentially used or zoned lot	7 a.m. to 9 p.m.	68 dBA
	9 p.m. to 7 a.m.	63 dBA
Ten (10) feet inside any lot line not listed above	All times and days	65 dBA

1 **1608.3** The maximum permissible sound levels in the above table shall not apply to any
2 of the following:

- 3 (A) Sound needed to alert people about an emergency.
- 4 (B) Repair or installation of utilities or construction of structures, sidewalks, or
5 streets.
- 6 (C) Household power tools and lawn mowers.
- 7 (D) Agricultural activities, including permitted raising of livestock, but not
8 exempting a commercial kennel.
- 9 (E) Railroads, aircraft, or vehicles operating on a public street.
- 10 (F) Public celebrations specifically authorized by the City Council or a County,
11 State, or Federal government agency or body.
- 12 (G) Unamplified human voices or the sounds of pets.
- 13 (H) Ringing of bells and chimes by a place of worship.

14 **1609 VIBRATION.** No use shall generate vibration that is perceptible to an average person
15 through his/ her senses, without the use of measuring instruments, on private property
16 beyond the exterior lot line of the use generating the vibration. This requirement shall
17 not apply to necessary activities during on-site construction of streets, structures, and
18 utilities.

19 **1610 ODORS AND DUST.**

20 **1610.1** No use shall generate odors or dust that are significantly offensive to persons of
21 average sensitivities beyond the boundaries of the subject lot, except for dust

1 routinely generated as part of construction of structures, streets, or other
2 improvements.

3 **1610.2** This restriction shall not apply to odors or dust created by permitted agricultural
4 uses that are using normal farming practices within Act 133 of 1982, as
5 amended; the State Right to Farm Act⁰ as amended; or, an official Agricultural
6 Security Area. This odor restriction shall apply to uses that do not follow the
7 farming practices referenced in those State laws, such as if manure is not plowed
8 under within a reasonable period of time.

9 **1611 LIGHT AND GLARE CONTROL.**

10 **1611.1 Streetlighting Exempted.** This Section shall not apply to streetlighting that is
11 owned, financed, or maintained by the City or the State.

12 **1611.2 Glare.**

13 (A) All light sources, including signs, shall be shielded around the light source
14 and carefully directed and placed to prevent the lighting from creating a
15 nuisance to residents in adjacent dwellings or undeveloped residentially
16 zoned areas and to prevent the lighting from shining into the eyes of
17 passing motorists.

18 (B) Any exterior light source shall not cause light spillover onto residential
19 properties in excess of 0.5 horizontal footcandle when measured by a
20 hand-held NIST- certified light meter at the property line on the ground
21 surface.

22 (C) All light sources, including signs, shall be properly diffused as needed with
23 a translucent or similar cover to prevent the lighting element from being
24 directly visible from streets, public sidewalks, dwellings, or adjacent lots.

25 **1611.3 Height of Lights.** No luminaire, spotlight, or other light source that is within two
26 hundred 200 feet of a dwelling or residential district shall be placed at a height
27 exceeding twenty-five (25) feet above the average surrounding ground level.
28 This limitation shall not apply to lights needed for air safety nor lights intended
29 solely to illuminate an architectural feature of a building or to light a publicly
30 owned recreation facility.

31 **1611.4 Flickering.** Flashing, flickering, and strobe lighting are prohibited, except for
32 seasonal lights between October 25 and January 10.

- 1 **1612.6 Dumping.** Outdoor dumping of junk or solid waste in other than an approved
2 solid waste disposal facility, composting facility, or junkyard is prohibited.
- 3 **1612.7 Stripping of topsoil.** Sufficient topsoil to grow grass and similar vegetation shall
4 remain on all land, except for areas approved to be paved.
- 5 **1612.8** Slopes that have the serious threat of instability, in the determination of the City
6 Engineer, shall not be created. The Zoning Officer may require applicants to
7 provide certification from a professional engineer that finished slopes greater
8 than 4:1 will be stable.
- 9 **1612.9** Grading, fill, dumping of clean fill, excavation, or movement of soils, rocks,
10 and/or other materials and/or debris and shall be completed to avoid an
11 unsightly appearance and to prevent interference with drainage, streets,
12 pedestrian ways, or utilities. Any fill placed on a site shall be leveled off and
13 properly sloped within three (3) months of placement, except for soil stockpile
14 areas shown on an approved erosion and sedimentation control plan.
- 15 **1613 OUTDOOR STORAGE AND DISPLAY.**
- 16 **1613.1** Outdoor storage for commercial and industrial uses shall not occupy any part of
17 any of the following: the existing or future street right-of-way, sidewalk, or
18 other area intended or designed for pedestrian use, buffer yard, required
19 parking area, or required planting strip.
- 20 **1613.2** No such storage shall occur on areas with a slope in excess of twenty-five
21 percent (25%) or within the one-hundred-year floodplain.
- 22 **1613.3** All outdoor storage shall be screened in accordance with Article 13 “Landscaping
23 and Screening” of this Chapter.
- 24 **1613.4** Temporary displays of commercial products on public sidewalks must maintain
25 a minimum clearance of five feet and must be removed at end of each business
26 day.
- 27 **1613.5** The storage of two hundred fifty (250) or less used tires on a lot shall only be
28 permitted as part of an approved SOLID WASTE DISPOSAL use or JUNKYARD.
29 Each unracked solid piling stack of used tires shall be a maximum of eight (8)
30 feet high. A maximum of two hundred fifty (250) tires may be stored outdoors.
31 Where tire storage is also regulated by the State, whichever specific City or State
32 regulations are more restrictive upon the applicant shall apply.

1 **1614 PLACEMENT AND ENCLOSURE OF SOLID WASTE DUMPSTERS.**

2 **1614.1** Any newly placed solid waste dumpster shall be enclosed on three (3) of four (4)
3 sides (not including the side it is to be emptied from) as needed to screen the
4 dumpster from view from public streets and primarily residential uses on
5 abutting lots. The solid waste dumpster shall be adequately enclosed and
6 covered to prevent the attraction of rodents and insects.

7 **1614.2** A solid weather-resistant wooden fence, decorative masonry wall, or structure
8 designed to be architecturally compatible with the principal building shall be
9 used for such solid waste dumpster enclosure or corral. The dumpster enclosure
10 or corral shall not exceed a height of six (6) feet and shall include a self-latching
11 door or gate. The location of all dumpsters shall be indicated on site plans and
12 land development plans. Dumpster pads should be paved at least 6-inches
13 thick and made of 3,000 pounds per square inch, steel-reinforced concrete;
14 should include a ten (10) to fifteen (15) foot apron; and, should include bollards
15 at the rear of the enclosure or corral to protect the site and the dumpster
16 enclosure or corral from excessive wear and to prolong facility life.

17 **1614.3** Any solid waste dumpster with a capacity of over 15 cubic feet shall be kept a
18 minimum of 15 feet from any dwelling unit.

19 **1614.4** The Zoning Officer may require any use that involves the sale of ready-to-eat
20 food for consumption outside of a building to provide at least one (1) outdoor
21 solid waste receptacle at a convenient location outside of the main exit door of
22 the property for customer use. The operator of such use shall be responsible for
23 regular emptying and maintenance of such receptacle as well as the surrounding
24 area.

25 **1615 ENFORCEMENT AND PENALTIES.** See Article 6 “Enforcement and Penalties” of this
26 Chapter.

ARTICLE 17

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1 **ARTICLE 17 – PLANNED RESIDENTIAL DEVELOPMENT**

2 **1701 PURPOSE.** The purpose of the planned residential development regulations (PRD) is to:

3 (A) To encourage innovations in residential development and renewal, so that the
4 growing demand for better housing opportunities may be met through a variety
5 of types, designs, and layouts of dwellings and by the conservation and more
6 efficient use of open space and recreation, ancillary to said dwellings and
7 residential uses.

8 (B) To encourage a more efficient use of land and public services, that reflect changes
9 in the technology of land development, so that it may benefit those who need
10 homes.

11 (C) Encourage flexibility in the design and development of land in order to promote
12 its most appropriate use.

13 (D) To encourage grouping of housing and a mixture of housing types in alternative
14 patterns and in a variety of ways.

15 (E) To facilitate the adequate and economical provision of streets and utilities.

16 (F) To preserve the natural and scenic qualities of open areas.

17 (G) Planned residential developments are permitted in all Residential Zoning Districts
18 in the City of Monessen. The specific purposes of these PRD regulations within
19 the respective Residential Zoning Districts are as follows:

20 (1) In the R-1A and R-1B Districts, the PRD regulations are intended to facilitate
21 the development of tracts of land for single-family detached dwellings in
22 areas where topography, parcel configuration, or economics have prevented
23 previous development or redevelopment.

24 (2) In the R-2 Districts, the PRD regulations are intended to facilitate
25 redevelopment of underutilized buildings and land and improve the quality
26 and character of the built environment and the attractiveness of residential
27 neighborhoods.

28 (3) In the R-3 Districts, the PRD regulations are intended to facilitate the
29 redevelopment of buildings and land in a state of distress or decay and

1 underutilization by promoting good design, allowing for greater housing
2 choice opportunities within walking distance to the City’s downtown core
3 through a balanced mixture of housing types and densities, restoring
4 residential neighborhood viability, and improving the attractiveness of
5 residential neighborhoods and the living conditions of its residents.

6 **1702 MINIMUM DEVELOPMENT SIZE.** In any residential zoning district, no PRD may include
7 less than one (1) acre of contiguous land.

8 **1703 GENERAL STANDARDS.** The PRD must meet all of the following general standards:

9 (A) The PRD is consistent with the Comprehensive Plan and this Chapter's Statement of
10 Community Development Objectives.

11 (B) The PRD is an effective and unified treatment of the development possibilities on
12 the project site, and the development plan makes appropriate provision for the
13 preservation of unique physical, cultural, and historic resources.

14 (C) The PRD shall be planned and developed to harmonize with any existing or proposed
15 development in the area surrounding the project site.

16 (D) Performance bond(s) for all public improvements in the development must be
17 posted as required in the Chapter 345 “Monessen Subdivision and Land
18 Development Ordinance.”

19 (E) Connection to the public sewer system shall be required.

20 (F) Connection to the public water distribution system shall be required.

21 (G) The height for buildings in any PRD shall observe the maximum building heights
22 standard set forth for the respective Residential Zoning District.

23 **1704 APPLICABLE DISTRICTS AND USES PERMITTED.** Planned residential development in the
24 R-1A and R-1B Single-Family Residential Districts may be approved for single-family
25 detached dwellings only. In the R-2 Two-Family Residential District and the R-3 Multi-
26 Family Residential District, PRD’s may be approved and include the mixture of single-
27 family (attached and detached), two-family, townhouses, and multi-family uses in a single
28 development.

29 **1705 CALCULATIONS OF PROJECT DENSITIES.** The number of dwelling units which may be
30 constructed within the planned residential development shall be determined by dividing

1 the gross project area by the required lot area per dwelling unit which is required in the
2 respective zoning districts.

3 **1706 INCREASE IN DENSITY.**

4 **1706.1** At the time the outline or preliminary development plan is filed, the applicant
5 may apply for an increase in the densities permitted by the respective zoning
6 district in which the PRD and City Council may, after conducting a public hearing
7 pursuant to public notice, authorize the developer to increase permitted
8 densities by an amount up to ten percent (10%).

9 **1706.2** An additional twenty-five percent (25%) increase in permitted densities may be
10 granted by City Council providing:

11 (A) If common open space is developed to more intense usable open space
12 providing facilities for active outdoor recreation, such as playgrounds,
13 playground equipment, picnic facilities, ball fields and equipment, or other
14 similar improvements to the open space, a ten percent (10%) increase in
15 density may be permitted.

16 (B) If item (A), above, is developed and unique indoor-outdoor buildings, will
17 be used for recreation or other similar activities of the residents of the
18 development, such as swimming pools, club houses, or other similar
19 buildings, then an additional fifteen percent (15%) increase in density may
20 be permitted.

21 **1707 LOT SIZE AND SPACING OF BUILDINGS.**

22 **1707.1** The location of all structures shall be as shown on final plans. The proposed
23 location and arrangement shall not be detrimental to existing or prospective
24 adjacent dwellings or to the existing or proposed development of the
25 neighborhood. There shall be no minimum lot size, no minimum or maximum
26 percentage of lot coverage and no minimum lot width in the planned residential
27 development. However, every single-family dwelling shall have access to a
28 public street, court, walkway, or other area dedicated to public use.

29 **1707.2** PRDs in the R-3 District are encouraged to mix housing types and densities.
30 Generally, the design should focus on multi-family units in the center of the PRD
31 with single- and two-family dwelling units along the periphery.

1 **1707.3** Vehicular access to dwellings by means of adequate service drives and/or
2 emergency entrances shall be provided in all cases where dwellings do not front
3 on a public street, or where the City deems it is necessary for public safety. In
4 general, the City will expect PRDs in the R-3 District to have at least two (2)
5 points of access to the existing City street system, if practical. Internal streets
6 and sidewalks shall be constructed to City standards and Article 12 “Parking,
7 Loading, and Internal Roadways” of this Chapter.

8 **1708 COMMON OPEN SPACE REQUIRED.** For all PRDs, the development plan must contain
9 area(s) to be allocated for common open space. No open area may be accepted as
10 common open space under the provisions of this Article unless it meets the following
11 standards:

12 (A) The location, shape, size, and character of the common open space must be suitable
13 for the planned residential development.

14 (B) Common open space must be suitably improved for its intended use with the
15 exception of open space containing natural features worthy of preservation which
16 may be left unimproved. The building, structures, and improvements which are
17 permitted in the common open space must be appropriate to the uses which are
18 authorized for the common open space and must conserve and enhance the
19 amenities of the common open space in regard to its topography and unimproved
20 condition.

21 (C) The development schedule which is part of the development plan must coordinate
22 the improvement of the common open space, the construction of buildings,
23 structures, and improvements in the common open space, and the construction of
24 residential dwellings in the planned residential development.

25 (D) If the final development plan provides for buildings, structures, and improvements
26 in the common open space with a value more than ten thousand dollars (\$10,000),
27 the developer must provide a bond or acceptable assurance to City Council in the
28 estimated amount of the improvements assuring that the buildings, structures, and
29 improvements will be completed. City Council shall release the bond or other
30 assurance when the buildings, structures, or improvements have been completed
31 according to the development plan.
32

1 **1709 CONVEYANCE AND MAINTENANCE OF COMMON SPACE.** All land shown on the final
2 development plan as common open space must be conveyed under one of the following
3 options:

4 (A) It may be conveyed to a public agency which will agree to maintain the common
5 open space and any buildings, structures, or improvements which have been placed
6 on it, in which case the general public must have use of the open space.

7 (B) It may be conveyed to trustees provided in an indenture establishing an association
8 or similar organization for the maintenance of the planned residential development.
9 The common open space must be conveyed to the trustees subject to covenants to
10 be approved by the City which restrict the common open space to the uses specified
11 on the final development plan, and which provide for the maintenance of the
12 common open space in a manner which assures its containing use for its intended
13 purpose.

14 (1) No common open space may be put to any use not specified in the final
15 development plan unless the final development plan has been amended to
16 permit that use.

17 (2) If the common open space is not conveyed to a public agency, either one of
18 the following methods of enforcement must be provided:

19 (a) The legal right to develop the common open space for the uses not
20 specified in the final development plan must be approved by the City.

21 (b) The restrictions governing the use, improvement, and maintenance of
22 the common open space must be stated as conditions to the conveyance
23 of the common open space, the fee title to the common open space to
24 vest in a public agency in the event of a substantial default in the stated
25 conditions.

26 (3) If the common open space is not conveyed to the City, or a public agency
27 approved by the City, the covenants governing the use, improvement, and
28 maintenance of the common open space shall then be enforceable by the City,
29 and the instrument of conveyance shall so provide.
30

1 (4) It is the purpose and intent of these regulations that the City shall have the
2 authority and powers to require the adequate maintenance of common open
3 space as set forth by Article VII of the Pennsylvania Municipalities Planning
4 Code.

5 **1710 APPLICATION FOR TENTATIVE APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENT.** In
6 order to provide an expeditious method for processing a development plan for a PRD
7 under the provisions of this Article, and to avoid the delay and uncertainty which would
8 arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of
9 subdivision as well as approval of a change in the zoning regulations otherwise applicable
10 to the property, it is hereby declared to be in the public interest that all procedures with
11 a planned residential development and the continuing administration thereof shall utilize
12 the following provisions:

13 (A) An application for tentative approval of the development plan for a planned
14 residential development shall be filed by the landowner or by the landowner's
15 agent.

16 (B) The Application for Tentative Approval shall be filed on forms established and
17 provided by the Zoning Officer, who shall be responsible for accepting and
18 processing the same. The Tentative Approval Application shall be accompanied by
19 a non-refundable filing fee set by resolution of City Council to defray the costs of
20 processing the same, and an advertising deposit.

21 (C) All planning, zoning, and subdivision matters relating to the platting, use, and
22 development of the planned residential development and subsequent
23 modifications of the regulations relating thereto, to the extent such modification is
24 vested in the City, shall be determined and established by the Planning Commission.

25 (D) The provisions shall require only such information in the application as is reasonably
26 necessary to disclose to the City of Monessen, which shall include at least the
27 following:

28 (1) The location, size, and topography of the site and the nature of the
29 landowner's interest in the land proposed to be developed.

30 (2) The proposed density of land use to be allocated to parts of the site to be
31 developed.

- 1 (3) The location and size of the common open space and the form of organization
2 proposed to own and maintain the common open space.
- 3 (4) The use and the approximate height, bulk, and location of buildings and other
4 structures.
- 5 (5) The proposals for water supply and the disposition of sanitary waste and storm
6 water.
- 7 (6) The substance of covenants, grants of easements, or other restrictions
8 proposed to be imposed upon the use of the land, buildings, and structures
9 including proposed easements or grants for public utilities.
- 10 (7) The provisions for parking of vehicles and the location and, if appropriate,
11 width of proposed streets and public ways.
- 12 (8) The required modifications in the City's land use regulations otherwise
13 applicable to the subject property.
- 14 (9) The feasibility of proposals for energy conservation and the effective
15 utilization of renewable energy sources.
- 16 (10) In the case of development plans which call for development over a period of
17 years, a schedule showing the proposed times within which applications for
18 final approval of all sections of the planned residential development are
19 intended to be filed and this schedule must be updated annually, on the
20 anniversary of its approval, until the development is completed and accepted.
- 21 (E) The application for tentative approval of a planned residential development shall
22 include a written statement by the landowner setting forth the reasons why, in
23 his/her opinion, a planned residential development would be in the public interest
24 and would be consistent with the comprehensive plan for the future development
25 of the City.
- 26 (F) Upon determination of the Zoning Officer that the tentative approval application is
27 complete, the Zoning Officer shall within three (3) business days forward the
28 complete application to the Westmoreland County Planning Commission for its
29 study and recommendations in accordance with Section 704 of the Pennsylvania
30 Municipalities Code. If the Westmoreland County Planning Commission fails to
31 deliver its recommendations report to the Zoning Office within 30 days, its right to
32 review shall be forfeited.

1 **1711 PUBLIC HEARINGS.**

2 (A) Within sixty (60) days after the filing of a complete application for tentative approval
3 of a planned residential development according to this Article, a public hearing
4 pursuant to public notice of said application shall be held by the Planning
5 Commission in the manner prescribed in the Pennsylvania Municipalities Planning
6 Code.

7 (B) The Planning Commission may continue the public hearing from time to time,
8 provided the public hearing or hearings shall be concluded within sixty (60) days
9 after the date of the first public hearing.

10 (C) The Planning Commission shall, upon study and review of the application, the
11 Zoning Officer’s report, and the Westmoreland County Planning Commission’s
12 report (if timely received) and following the public hearing shall, based on the
13 findings set forth in Section 1712 below, submit its recommendation to City Council.

14 (D) After receiving the Planning Commission’s recommendation and, if appropriate
15 reviewing the Planning Commission’s record on the matter, City Council may, where
16 applicable, refer the matter back to the Planning Commission for further review,
17 provided, however, that in any event, the Planning Commission’s further review and
18 additional public hearing or hearings and final recommendation determination to
19 City Council shall be concluded within sixty (60) days after the date of the Planning
20 Commission’s first public hearing.

21 (E) The City may offer a mediation option as an aid in completing proceedings
22 authorized by this Article prior to final approval by City Council. In exercising such
23 an option, the City and mediating parties shall meet the stipulations and follow the
24 procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

25 **1712 FINDINGS.**

26 (A) City Council within sixty (60) days following the conclusion of the Planning
27 Commission’s public hearing or hearings provided for in this Article or within one
28 hundred eighty (180) days after the date of the applicant’s filing of the complete
29 application for tentative approval, as determined by the Zoning Officer, whichever
30 occurs first, shall, by official written communication to the applicant either:

31 (1) Grant tentative approval of the development plan as submitted;

- 1 (2) Grant tentative approval subject to specified conditions not included in the
2 development plan as submitted; or
- 3 (3) Deny tentative approval to the development plan.
- 4 (B) Failure to so act within said period shall be deemed to be a grant of tentative
5 approval of the development plan as submitted. In the event, however, the
6 tentative approval is granted subject to conditions, the landowner may, within thirty
7 (30) days after receiving a copy of the official written communication of the City
8 notify City Council of his refusal to accept all said conditions, in which case, the City
9 shall be deemed to have denied tentative approval of the development plan. In the
10 event the landowner does not, within said period, notify the governing body of
11 his/her refusal to accept all said conditions, tentative approval of the development
12 plan, with all said conditions, shall stand as granted.
- 13 (C) The grant or denial of tentative approval by official written communication shall
14 include not only conclusions but also findings of fact related to the specific proposal
15 and set forth the reasons for the grant, with or without conditions, or for the denial,
16 and said communication shall set forth with particularity in what respects the
17 development plan would or would not be in the public interest, including, but not
18 limited to, findings of fact and conclusions on the following:
- 19 (1) In those respects in which the development plan is or is not consistent with
20 the City's Comprehensive Plan and this Chapter's Statement of Community
21 Development Objectives;
- 22 (2) The extent to which the development plan departs from zoning and
23 subdivision regulations otherwise applicable to the subject property,
24 including, but not limited to, density, bulk, and use, and the reason why such
25 departures are or are not deemed to be in the public interest;
- 26 (3) The purpose, location, and amount of the common open space in the planned
27 residential development, the reliability of the proposals for maintenance and
28 conservation of the common open space, and the adequacy or inadequacy of
29 the amount and purpose of the common open space as related to the
30 proposed density and type of residential development;
31

1 (4) The physical design of the development plan and the manner in which said
2 design does or does not make adequate provision for public services, provide
3 adequate control over vehicular traffic, make adequate provision multimodal
4 transport and connectivity, and further the amenities of light and air,
5 recreation, and visual enjoyment;

6 (5) The relationship, beneficial or adverse, of the proposed planned residential
7 development to the neighborhood in which it is proposed to be established;
8 and,

9 (6) In the case of a development plan which proposes development over a period
10 of years, the sufficiency of the terms and conditions intended to protect the
11 interests of the public and of the residents of the planned residential
12 development in the integrity of the development plan.

13 (D) In the event a development plan is granted tentative approval, with or without
14 conditions, the City may set forth in the official written communication the time
15 within which an application for final approval of the development plan shall be filed
16 or, in the case of a development plan which provides for development over a period
17 of years, the periods of time within which applications for final approval of each part
18 thereof shall be filed. Except upon the consent of the landowner, the time so
19 established between a grant of tentative approval and an application for final
20 approval shall not be less than twelve (12) months and, in the case of developments
21 over a period of years, the time between applications for final approval of each part
22 of a plan shall be not less than twelve (12) months.

23 **1713 STATUS OF PLAN AFTER TENTATIVE APPROVAL.**

24 (A) The official written communication provided for in this part shall be certified by the
25 City Clerk of the City of Monessen and shall be filed in his/her office and the Zoning
26 Officer's Office, and a certified copy shall be mailed to the landowner. Where
27 tentative approval has been granted, it shall be deemed an amendment to the
28 zoning map, effective upon final approval, and shall be noted on the Official Zoning
29 Map accordingly.

30 (B) Tentative approval of a development plan shall not qualify a plat of the planned
31 residential development for recording nor authorize development or the issuance
32 of any development permits (i.e., zoning permits, building permits, etc.). A
33 development plan which has been given tentative approval as submitted, or which
34 has been given tentative approval with conditions which have been accepted by the

1 landowner (and provided that the landowner has not defaulted nor violated any of
2 the conditions of the tentative approval), shall not be modified or revoked nor
3 otherwise impaired by action of the City pending an application or applications for
4 final approval, without the consent of the landowner, provided an application or
5 applications for final approval is filed or, in the case of development over a period
6 of years, provided applications are filed, within the period of time specified in the
7 official written communication granting tentative approval.

8 (C) In the event that a development plan is given tentative approval and thereafter, but
9 prior to final approval, the landowner shall elect to abandon said development plan,
10 he/she shall so notify City Council in writing, or in the event the landowner shall fail
11 to file the application or applications for final approval within the required period of
12 time or times, as the case may be, the tentative approval shall be deemed to be
13 revoked and all that portion of the area included in the development plan for which
14 final approval has not been given shall be subject to those local ordinances
15 otherwise applicable, as they may be amended from time to time, and the same
16 shall be noted on the Official Zoning Map and in the records of the City Clerk of the
17 City of Monessen.

18 **1714 APPLICATION FOR FINAL APPROVAL.**

19 (A) An application for final approval may be for all the land included in a PRD
20 development plan or, to the extent set forth in the tentative approval, for a section
21 thereof. Said application shall be filed with the Zoning Officer within one (1) year of
22 the official written communication granting tentative approval. The application
23 final approval shall include any drawings, specifications, covenants, easements,
24 performance bond, and such other requirements as may be specified by this Article,
25 as well as any conditions set forth in the official written communication at the time
26 of tentative approval. A public hearing on an application for final approval of the
27 development plan, or the part thereof, submitted for final approval, shall not be
28 required provided the development plan, or the part thereof submitted for final
29 approval is in compliance with the development plan theretofore given tentative
30 approval and with any specified conditions attached thereto. The submission shall
31 be reviewed by the Zoning Officer and the Planning Commission for compliance
32 prior to being forwarded to the City Council. This review is to take place within
33 thirty-five (35) days of the landowner's filing of a complete Final Approval
34 Application.

- 1 (B) In the event the application for final approval has been filed, together with all
2 drawings, specifications, and other documents in support thereof, and as required
3 by this Article, the official written communication of tentative approval by City
4 Council shall, within forty-five (45) days from receiving the Zoning Officer's and the
5 Planning Commission's review and recommendation, grant such development plan
6 its final approval.
- 7 (C) In the event the development plan as submitted contains variations from the
8 development plan given tentative approval, City Council may refuse to grant final
9 approval and shall, within forty-five (45) days from receiving the Zoning Officer's
10 and the Planning Commission's review and recommendation, so advise the
11 landowner in writing of said refusal, setting forth in said notice the reasons why one
12 or more of said variations are not in the public interest. In the event of such refusal,
13 the landowner may either:
- 14 (1) Re-file his/her application for final approval without the variations objected;
15 or,
- 16 (2) File a written request with the Zoning Officer that City Council hold a public
17 hearing on his/her application for final approval.
- 18 (D) If the landowner wishes to take either such alternate action, he/she may do so at
19 any time within which he/she shall be entitled to apply for final approval, or within
20 thirty (30) additional days if the time for applying for final approval shall have
21 already passed at the time when the landowner was advised that the development
22 plan was not in substantial compliance.
- 23 (E) In the event the landowner fails to take either of these alternative actions within
24 said time, he/she shall be deemed to have abandoned the development plan.
- 25 (F) Any such public hearing shall be held pursuant to public notice within thirty (30)
26 days after request for the hearing is made by the landowner, and the hearing shall
27 be conducted in the manner prescribed in this part for public hearings on
28 applications for tentative approval.
- 29 (G) Within thirty (30) days after the conclusion of the hearing, the City Council shall by
30 official written communication either grant final approval to the development plan
31 or deny final approval.

1 (H) The grant or denial of final approval of the development plan shall, in cases arising
2 under this Section, be in the form and contain the findings required for an
3 application for tentative approval set forth in this Article.

4 (I) A development plan, or any part thereof, which has been given final approval, shall
5 be so certified without delay by the City and shall be filed of record forthwith in the
6 Office of the Recorder of Deeds of Westmoreland County before any development
7 shall take place in accordance therewith. Upon the filing of record of the
8 development plan, the zoning and subdivision regulations otherwise applicable to
9 the land included in such plan shall cease to apply thereto. Pending completion, in
10 accordance with the time provisions stated in Section 508 of the Pennsylvania
11 Municipalities Planning Code, of said planned residential development or of that
12 part thereof, as the case may be, that has been finally approved, no modification of
13 the provisions of said development plan, or part thereof, as finally approved, shall
14 be made except with the consent of the landowner. Upon approval of a final plat,
15 the developer shall record the plat in accordance with the provisions of Section
16 513(a) and post financial security in accordance with Section 509 of the
17 Pennsylvania Municipalities Planning Code.

18 (J) In the event that a development plan, or a section thereof, is given final approval
19 and thereafter the landowner shall abandon such plan or the section thereof that
20 has been finally approved, he/she shall so notify the City of Monessen in writing; or,
21 in the event the landowner shall fail to commence and carry out the planned
22 residential development in accordance with the time provisions stated in Section
23 508 of the Pennsylvania Municipalities Planning Code after final approval has been
24 granted, no development or further development shall take place on the property
25 included in the development plan until after the said property is reclassified by
26 enactment of any Zoning Map Amendment in the manner prescribed for such
27 amendments in Article 5 "Development Review Procedures" of this Chapter.

28 **1715 ENFORCEMENT.** All enforcement procedures under this Article shall be consistent with
29 Section 712.2 of the Pennsylvania Municipalities Planning Code.

ARTICLE 18

ARTICLE	SECTION	PAGE	TITLE
18			WIRELESS COMMUNICATIONS FACILITIES
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	1802	2 of 36	Definitions
	1803	7 of 36	Regulations Applicable to All Tower-Based Wireless Communications Facilities
	1804	19 of 36	Regulations Applicable to All Non-Tower Wireless Communications Facilities
	1805	27 of 36	Regulations Applicable to All Small Wireless Communications Facilities
	1806	31 of 36	Regulations Applicable to All Wireless Facilities
	1807	36 of 36	Miscellaneous



WIRELESS COMMUNICATIONS FACILITIES

1 **ARTICLE 18 – WIRELESS COMMUNICATIONS FACILITIES**

2 **1801 PURPOSES AND FINDINGS.**

3 **1801.1** The purpose of this Article is to establish uniform standards for the siting, design,
4 permitting, maintenance, and use of wireless communications facilities in the
5 City of Monessen. While the City recognizes the importance of wireless
6 communications facilities in providing high-quality communications service to
7 its residents and businesses, the City also recognizes that it has an obligation to
8 protect public safety and to minimize the adverse visual effects of such facilities
9 through the standards set forth in this Article.

10 **1801.2** By enacting this Article, the City intends to:

11 (A) Regulate the placement, construction, and modification of wireless
12 communication facilities to protect the safety and welfare of the public;

13 (B) Provide for the managed development of wireless communications
14 facilities in a manner that enhances the benefits of wireless
15 communication and accommodates the needs of both City residents and
16 wireless carriers in accordance with Federal and State laws and
17 regulations;

18 (C) Establish procedures for the design, siting, construction, installation,
19 maintenance, and removal of both tower-based and non-tower-based
20 wireless communications facilities in the City, including facilities both
21 inside and outside the public rights-of-way;

22 (D) Address new wireless technologies, including but not limited to distributed
23 antenna systems, data collection units, and other wireless
24 communications facilities;

25 (E) Encourage the collocation of wireless communications facilities on existing
26 structures rather than the construction of new tower-based structures;

27 (F) Protect City residents from potential adverse impacts of wireless
28 communications facilities and preserve, to the extent permitted under law,
29 the visual character of established communities and the natural beauty of
30 the landscape;

- 1 (G) Ensure that wireless communications facilities will be removed in the
2 event that such structures are abandoned or become obsolete and are no
3 longer necessary; and,
- 4 (H) Update the City’s wireless facilities regulations to incorporate changes in
5 Federal and State laws and regulations.

6 **1802 DEFINITIONS.**

7 **1802.1** Whenever a defined word appears in this Article, its meaning is as set forth in
8 this Article. If a word is not defined in this Article or in Article 19 “Definitions,
9 Measurements, and Land Use Definitions & Standards” of this Chapter, the word
10 shall be considered to have its plain and ordinary meaning within the context of
11 the provision and interpreted in accordance with its usual dictionary meaning
12 and customary usage.

13 **1802.2** All language used herein shall be interpreted in according with Section 1901
14 “Rules of Interpretation” of this Chapter.

15 **1802.3** General Definitions. The following terms or words used in the text of this Article
16 shall have the following meanings, unless a contrary meaning is (A) required by
17 the context of a particular sentence or phrase; or, (B) specifically prescribed in a
18 particular sentence or phrase.

19 ANTENNA – A device used to collect or transmit telecommunications or radio
20 signals, or any system of wires, rods, discs, panels, flat panels, dishes, whips, or
21 other similar devices used for the transmission or reception of wireless signals.
22 An antenna may include an omnidirectional antenna (rod), directional antenna
23 (panel), parabolic antenna (disc) or any other wireless antenna. An antenna
24 shall not include tower-based wireless communications facilities defined below.
25 An antenna shall not include private residence-mounted satellite dishes or
26 television antennas or amateur radio equipment including, without limitation,
27 ham or citizen band radio antennas.

28 ANTENNA HEIGHT – The vertical distance measured from the base of the
29 antenna support structure at grade to the highest point of the structure. If the
30 support structure is on a sloped grade, then the average between the highest
31 and lowest grades shall be used in calculating the antenna height.

1 ANTENNA SUPPORT STRUCTURE – Any pole, telescoping mast, tower, tripod, or
2 any other structure which supports a device used in the transmitting or receiving
3 of radio frequency energy.

4 COLLOCATION – The mounting of one (1) or more wireless communications
5 facilities (WCFs), including antennas, on a preexisting structure, or modifying a
6 structure for the purpose of mounting or installing a WCF on that structure.

7 COMMERCIALLY REASONABLE – Terms and pricing that are reasonably
8 consistent with similar wireless facility leases and agreements within a fifty (50)
9 mile radius of the City.

10 COMMUNICATIONS TOWER – The equipment and structures involved in
11 receiving or transmitting telecommunication or radio signals, but limited to
12 those facilities with respect to which the State and Federal governments have
13 not, under public utility laws, strictly pre-empted the City from regulating.

14 DISTRIBUTED ANTENNA SYSTEMS (DAS) – Network of spatially separated
15 antenna sites connected to a common source that provides wireless service
16 within a geographic area or structure.

17 ELIGIBLE FACILITIES REQUEST – An application for modification of an existing
18 wireless communications facility or base station that involves: (1) collocation of
19 new transmission equipment; (2) removal of transmission equipment; or (3)
20 replacement of transmission equipment.

21 FCC – Federal Communications Commission.

22 HEIGHT OF A TOWER-BASED WIRELESS COMMUNICATIONS FACILITY – The
23 vertical distance measured from the ground level, including any base pad, to the
24 highest point on a tower-based WCF, including antennas mounted on the tower
25 and any other appurtenances.

26 HEIGHT OF A WIRELESS SUPPORT STRUCTURE – The vertical distance measured
27 from the ground level, including any base pad, to the highest point on a
28 communications tower, including communications antennas mounted on the
29 tower and any other appurtenances.

30 MODIFICATION OR MODIFY – The improvement, upgrade or expansion of
31 existing wireless communications facilities or base stations on an existing
32 wireless support structure or the improvement, upgrade, or expansion of the

1 wireless communications facilities located within an existing equipment
2 compound, if the improvement, upgrade, expansion or replacement does not
3 substantially change the physical dimensions of the wireless support structure.

4 NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All
5 non-tower wireless communications facilities, including but not limited to,
6 antennas and related equipment. Non-tower WCF shall not include support
7 structures for antennas and related equipment.

8 POLE OR POLES – Any freestanding structure located within the public rights-of-
9 way, including but not limited to utility poles, streetlights, traffic lights, and
10 signage that may support, hold, or house wireless communications facilities,
11 wireless accessory equipment, or related equipment.

12 PRIOR APPROVED DESIGN – A design for a small wireless communications facility
13 that has been reviewed and deemed to be in accordance with the design
14 requirements herein and approved for construction by the City.

15 PROFESSIONAL ENGINEER (P.E.) – An active, registered professional engineer
16 (P.E.), licensed as such by the Commonwealth of Pennsylvania.

17 PUBLIC GROUNDS or PUBLIC LANDS – Includes:

18 (A) Parks, playgrounds, trails, paths, and other recreational areas and
19 other public areas.

20 (B) Sites for schools, sewage treatment, refuse disposal, and other
21 publicly owned or operated facilities.

22 (C) Publicly owned or operated scenic and historic sites.

23 PUBLIC RIGHT-OF-WAY or ROW – The surface of and space above and below any
24 real property in the City in which the City has a regulatory interest, or interest
25 as a trustee for the public, as such interests now or hereafter exist, including,
26 but not limited to, all streets, highways, avenues, roads, alleys, sidewalks,
27 tunnels, viaducts, bridges, skyways, or any other public place, area, or property
28 under the control of the City, and any unrestricted public or utility easements
29 established, dedicated, platted, improved, or devoted for utility purposes, but
30 excluding lands other than streets that are owned by the City. The phrase “in
31 the public right(s)-of-way” means in, on, over, along, above and/or under the
32 public right(s)-of-way.

1 REPLACEMENT – The replacement of existing wireless communications facilities
2 on an existing wireless support structure or within an existing equipment
3 compound due to maintenance, repair or technological advancement with
4 equipment composed of the same wind loading and structural loading that is
5 substantially similar in size, weight, and height as the wireless communications
6 facilities initially installed and that does not substantially change the physical
7 dimensions of the existing wireless support structure.

8 SMALL WIRELESS COMMUNICATIONS FACILITY (SMALL WCF) – A wireless
9 communications facility that meets the following criteria:

10 (A) The structure on which antenna facilities are mounted:

11 (1) Is fifty (50) feet or less in height, or

12 (2) Is no more than ten (10%) percent taller than other adjacent
13 structures, or

14 (3) Is not extended to a height of more than fifty (50) feet or by more
15 than ten (10%) percent above its preexisting height as a result of
16 the collocation of new antenna facilities; and

17 (B) Each antenna associated with the deployment (excluding the
18 associated equipment) is no more than three (3) cubic feet in volume;
19 and

20 (C) All antenna equipment associated with the facility (excluding
21 antennas) are cumulatively no more than twenty-eight (28) cubic feet
22 in volume; and

23 (D) The facilities do not require antenna structure registration
24 under 47 CFR Part 17, as amended; and

25 (E) The facilities do not result in human exposure to radio frequency
26 radiation in excess of the applicable safety standards specified
27 in 47 CFR 1.1307(b), as amended.

28 STEALTH TECHNOLOGY – Camouflaging methods applied to wireless
29 communications towers, antennas, and other facilities which render them more
30 visually appealing or blend the proposed facility into the existing structure or
31 visual backdrop in such a manner as to render it minimally visible to the casual

1 observer. Such methods include, but are not limited to, architecturally screened
2 roof-mounted antennas, building-mounted antennas painted to match the
3 existing structure, and facilities constructed to resemble trees, shrubs, and light
4 poles.

5 SUBSTANTIALLY CHANGED OR SUBSTANTIAL CHANGE – A modification to an
6 existing wireless communications facility substantially changes the physical
7 dimensions of a tower or base station if it meets any of the following criteria:

8 (A) For communication towers outside the public rights-of-way, it
9 increases the height of the facility by more than ten (10%) percent, or
10 by the height of one (1) additional antenna array with separation from
11 the nearest existing antenna, not to exceed twenty (20) feet,
12 whichever is greater; for communications towers in the rights-of-way,
13 it increases the height of the facility by more than ten (10%) percent or
14 ten (10) feet, whichever is greater;

15 (B) For communications towers outside the public rights-of-way, it
16 protrudes from the edge of the tower by more than twenty (20) feet,
17 or more than the width of the tower structures at the level of the
18 appurtenance, whichever is greater; for those communications towers
19 in the public rights-of-way, it protrudes from the edge of the structure
20 by more than six (6) feet;

21 (C) It involves installation of more than the standard number of new
22 equipment cabinets for the technology involved, but not to exceed
23 four (4) cabinets;

24 (D) It entails any excavation of deployment outside the current site of the
25 communications tower; or

26 (E) It does not comply with conditions associated with prior approval of
27 construction or modification of the communications tower unless the
28 noncompliance is due to an increase in height, increase in width, or
29 addition of cabinets.

30 TELECOMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or
31 cabinet containing communications equipment required for the operation of
32 telecommunications antennas and covering an area on the ground not greater
33 than two hundred fifty (250) square feet.

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TELECOMMUNICATIONS SIGNAL SITE – A tract or parcel of land that contains a telecommunications antenna as the principal use, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to telecommunications signal transmission or processing.

TOWER – A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – A tower and its supporting antennas, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles. Distributed antenna system hub facilities are considered to be tower-based WCFs.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line-of-sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) – The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) – Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public right-of-way or other City-owned land or property.

1803 REGULATIONS APPLICABLE TO ALL TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES. The following regulations shall apply to all tower-based wireless communications facilities.

1803.1 Procedures.

- (A) Any applicant proposing construction of a new tower to support tower-based WCFs outside the public rights-of-way shall submit plans to the Zoning Officer for review by City staff and the Planning Commissions and for conditional use permit approval by City Council in accordance with the requirements of Article 5 “Development Review Procedures” of this Chapter.

1 (B) The applicant shall prove that it is licensed by the FCC to operate a tower-
2 based WCF and that the proposed tower-based WCF complies with all
3 applicable standards established by the FCC governing human exposure to
4 electromagnetic radiation.

5 (C) Collocation. Any applicant proposing collocation by mounting a tower-
6 based WCF to an existing tower outside the public rights-of-way shall
7 submit a letter of intent to the Zoning Officer, accompanied by design
8 plans, detailing the mounting of one (1) or more tower-based WCFs,
9 including antenna, to the existing tower or modifying the existing tower
10 for the purpose of collocating tower-based WCFs on the existing tower.
11 No formal application, fee, or approval by the City shall be required for the
12 collocation of tower-based WCFs to a tower, whether that tower is
13 permitted or nonconforming, that exists on the effective date of this
14 Article.

15 **1803.2 Timing of Approval.** All applications for new towers to support tower-based
16 WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a
17 fully completed application for the approval of such tower-based WCF, including
18 a non-refundable filing fee set by resolution of City Council to defray the costs
19 of processing the same. If the Zoning Officer receives an application for a tower-
20 based WCF and such application is not fully completed, then the Zoning Officer
21 shall promptly notify the applicant that the application is not complete and the
22 time for the approval of such application shall not commence until a fully
23 completed application is received by the Zoning Officer.

24 **1803.3 Fees.** In addition to assessing appropriate and reasonable application fees in
25 reviewing and processing the application for approval of a new tower to support
26 tower-based WCFs, the City may also assess appropriate and reasonable fees for
27 related inspection, monitoring, and related costs, subject to the limitations in
28 this Article, in amounts specified by resolution of City Council to defray such
29 costs.

30 **1803.4 Development Regulations.** Construction of a new tower to support tower-
31 based WCFs shall be developed in accordance with the following requirements:

32 (A) **Permitted Subject to Regulations.** Any tower-based WCF that is either not
33 collocated and mounted on any existing tower or is more than twenty-five
34 (25) feet higher than the existing tower on which it is to be collocated and
35 mounted is permitted in certain zoning districts as a conditional use,

1 subject to the restrictions and conditions prescribed herein and subject to
2 the prior written approval of the City. City Council may grant a conditional
3 use permit in accordance with the requirements herein:

4 (1) **Siting.** Construction of a new tower to support tower-based WCF
5 shall only be permitted in the following zoning districts by conditional
6 use, subject to the requirements and prohibitions of this Article:

7 (a) R-1A Single-Family Residential District.

8 (b) R-1B Single-Family Residential District.

9 (c) I-1 Light Industry District.

10 (d) I-2 Heaving Industry District.

11 (e) P-1 Civic Lands District.

12 (f) P-2 Open Lands District.

13 (2) **Coverage and Capacity.** An applicant for construction of a new tower
14 to support tower-based WCF must demonstrate that a gap in
15 wireless coverage and capacity exists and that the type of WCF and
16 siting being proposed is the least intrusive means by which to fill the
17 gap in wireless coverage and capacity. The existence or nonexistence
18 of a gap in wireless coverage shall be a factor in the City's decision on
19 an application for approval of a new tower to support tower-based
20 WCFs.

21 (3) **Collocation.** An applicant for a new tower to support tower-based
22 WCF must demonstrate there is not suitable space on existing
23 wireless service facilities or other wireless service facility sites or on
24 other sufficient tall structure where the intended wireless service
25 facility can be accommodated and function as required by its
26 construction permit or license without unreasonable modification.

27 (4) **Good Faith Effort.** If the applicant proposes to build a new tower (as
28 opposed to collocating and mounting the antenna on an existing
29 tower or tall structure), said applicant is required to demonstrate
30 that they contacted the owners of all existing towers and tall
31 structures within a one-mile radius of the site proposed, asked for

1 permission to collocate and mount the antenna on those structures
2 and was denied for reasons other than economic ones. This would
3 include smokestacks, water towers, tall buildings, antenna support
4 structures of other telecommunications companies, other
5 communication towers (fire, police, etc.), and other tall structures.
6 City Council may deny any application to construct a new tower if the
7 applicant has not made a good faith effort to mount the antenna on
8 an existing structure.

9 (5) **Site Plan.** An applicant for a new tower to support tower-based WCF
10 must submit a full site plan to the Zoning Officer which shall include,
11 at least:

12 (a) Written authorization from the property owner of the
13 proposed tower-based WCF site that such facility may be sited
14 on the property. Written authorization from the property
15 owner consenting to the filing of the application to the City for
16 conditional use permit approval. Written acknowledgment
17 from the property owner of being bound by this Article, the
18 conditions of any site plan approval authorized by City Council,
19 and all other requirements of City Code.

20 (b) A site plan that is drawn to scale and shows the following
21 features: property boundaries; any tower guy wire anchors and
22 other apparatus; existing and proposed structures; scaled
23 elevation view; access road(s) location and surface material;
24 parking area; fences; power source(s); location and content of
25 (any or warning) signs; exterior lighting specifications;
26 landscaping plan; land elevation contours; existing land uses
27 surrounding the site, along with the names of adjacent
28 property owners; proposed transmission building and/or other
29 accessory uses with details; elevations; and, proposed use(s).

30 (c) A written report including: information describing the tower
31 height and design; a cross-section of the structure; engineering
32 specifications detailing construction of tower, base and guy
33 wire anchorage; information describing the proposed painting
34 and lighting schemes; information describing the tower's
35 capacity, including the number and type of antennas that it can

1 accommodate; radio frequency coverage including scatter plot
2 analysis and the input parameters for the scatter plot analysis;
3 all tower structure information to be certified by a registered
4 professional engineer (P.E.) licensed by the Commonwealth of
5 Pennsylvania; and, wireless telecommunications data to be
6 certified by an appropriate wireless telecommunications
7 professional.

8 (d) A written report, titled “Cost of Wireless Facilities Removal”
9 certified by a registered professional engineer (P.E.) licensed by
10 the Commonwealth of Pennsylvania, detailing the total cost of
11 removing and disposing of the tower, antenna, and related
12 facilities.

13 (e) All other uses ancillary to the tower-based WCF and associated
14 equipment (including a business office, maintenance depot,
15 vehicle storage, etc.) are prohibited from the tower-based WCF
16 site unless otherwise permitted in the zoning district in which
17 the tower-based WCF site is located.

18 (f) Where the tower-based WCF is located on a property with
19 another principal use, the applicant shall present
20 documentation that the owner of the property has granted an
21 easement for the proposed facility and that vehicular access is
22 provided to the facility.

23 (g) An inventory of its existing wireless communications facilities,
24 including all tower-based, non-tower, and small WCF, that are
25 either sited within the City or within one-quarter ($\frac{1}{4}$) mile of the
26 border thereof. Such inventory shall include specific
27 information about the location, height, design, and use of each
28 wireless communications facility. The City may share such
29 information with other applicants applying for site plan
30 approvals or conditional uses under Article 5 “Development
31 Review Procedures” of this Chapter or other organizations
32 seeking to locate antennas within the City; provided, however,
33 that the City is not, by sharing such information, in any way
34 representing or warranting that such sites are available or
35 suitable.

1 (h) The need for additional buffer yard treatments shall be
2 evaluated.

3 (i) Other information deemed to be necessary by the City to assess
4 compliance with this Article.

5 (B) **Sole Use on a Lot.** A tower to support tower-based WCF is permitted as a
6 sole use on a lot subject to the minimum lot area and yards complying with
7 the requirements for the applicable zoning district.

8 (C) **Combined with Another Use.** A tower to support tower-based WCF may
9 be permitted on a property with an existing use, or on a vacant parcel in
10 combination with another industrial, commercial, institutional or
11 municipal use, subject to the following conditions:

12 (1) **Existing Use.** The existing use on the property may be any permitted
13 use in the applicable zoning district and need not be affiliated with
14 the communications facility.

15 (2) **Minimum Lot Area.** The minimum lot shall comply with the
16 requirements for the applicable zoning district and shall be the area
17 needed to accommodate the tower-based WCF and guy wires, the
18 equipment building, security fence, and buffer planting.

19 (3) **Minimum Setbacks.** If a new antenna support structure is
20 constructed (as opposed to mounting the antenna on an existing
21 structure), the minimum distance between the base of the support
22 structure and any property line or right-of-way line shall be the
23 largest of the following:

24 (a) Fifty (50%) percent of antenna height in all zoning districts
25 except residential zones where the setback shall be one
26 hundred (100%) percent of antenna height.

27 (b) The minimum front yard setback in the underlying zoning
28 district shall be forty (40) feet.
29

1 **1803.5 Standard of Care.** Any tower-based WCF shall be designed, constructed,
2 operated, maintained, repaired, modified, and removed in strict compliance
3 with all current applicable technical, safety, and safety-related codes, including
4 but not limited to the most recent editions of the American National Standards
5 Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code,
6 as well as the accepted and responsible workmanlike industry practices of the
7 National Association of Tower Erectors. Any tower-based WCF shall at all times
8 be kept and maintained in good condition, order, and repair by qualified
9 maintenance and construction personnel, so that the same shall not endanger
10 the life of any person or any property in the City.

11 **1803.6 Wind and Ice.** Any tower-based WCF structures shall be designed to withstand
12 the effects of wind gusts and ice according to the standards designed by the
13 American National Standards Institute as prepared by the engineering
14 departments of the Electronics Industry Association, and Telecommunications
15 Industry Association (ANSI/EIA/TIA-222, as amended).

16 **1803.7 Height.** Any tower-based WCF shall be designed at the minimum functional
17 height. All tower-based WCF applicants must submit documentation to the City
18 justifying the total height of the structure. In no case shall a WCF exceed a
19 maximum height of two hundred (200) feet.

20 **1803.8 Public Safety Communications.** No tower-based WCF shall interfere with public
21 safety communications, or the reception of broadband, television, radio, or
22 other communication services enjoyed by occupants of nearby properties.

- 23 **1803.9 Maintenance.** The following maintenance requirements shall apply:
- 24 (A) Any tower-based WCF shall be fully automated and unattended on a daily
25 basis and shall be visited only for maintenance or emergency repair.
 - 26 (B) Such maintenance shall be performed to ensure the upkeep of the facility
27 in order to promote the safety and security of the City's residents.
 - 28 (C) All maintenance activities shall utilize nothing less than the best available
29 technology for preventing failures and accidents.
 - 30 (D) The City reserves the authority to require the repainting of all tower-based
31 facilities where the painting of such facilities is not regularly maintained.

1 **1803.10 Radio Frequency Emissions.** No tower-based WCF may, by itself or in
2 conjunction with other WCFs, generate radio frequency emissions in excess of
3 the standards and regulations of the FCC, including but not limited to the FCC
4 Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance
5 with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic
6 Fields,” as amended. The owner or operator of such tower-based WCF shall
7 submit proof of compliance with any applicable radio frequency emissions
8 standards to the Zoning Officer on an annual basis. A tower-based WCF
9 generating radio frequency emissions in excess of the standards and regulations
10 of the FCC shall be considered an emergency. The City reserves the authority to
11 revoke the permit of any tower-based WCF generating radio frequency
12 emissions in excess of the standards and regulations of the FCC.

13 **1803.11 Historic Buildings or Districts.** No new tower to support tower-based WCF may
14 be located on, or within three hundred (300) feet of, any property, building, or
15 structure that is listed on either the National or Pennsylvania State Registers of
16 Historic Places, or eligible to be so listed, or is included in the official historic
17 structures list maintained by the City.

18 **1803.12 Signs.** All tower-based WCFs shall post a sign in a readily visible location
19 identifying the name and phone number of a party to contact in the event of an
20 emergency.

21 **1803.13 Lighting.** Tower-based WCF shall not be artificially lighted, except as required
22 by law. Towers shall be galvanized and/or painted with a rust-preventive paint
23 of an appropriate color to harmonize with the surroundings. If lighting is
24 required, the applicant shall provide a detailed plan for sufficient lighting,
25 demonstrating as unobtrusive and inoffensive an effect as is permissible under
26 State and Federal regulations.

27 **1803.14 Noise.** Tower-based WCFs shall be operated and maintained so as not to
28 produce noise in excess of applicable noise standards under State law and City
29 Code, except in emergency situations requiring the use of a backup generator,
30 where such noise standards may be exceeded on a temporary basis only.

31 **1803.15 Aviation Safety.** Tower-based WCFs shall comply with all Federal and State laws
32 and regulations concerning aviation safety.
33

1 **1803.16 Inspection Report Requirements.** No later than December of each odd-
2 numbered year, the owner of the tower-based WCF shall have said WCF
3 structure inspected by an expert who is regularly involved in the maintenance,
4 inspection, and/or erection of tower-based WCFs and has demonstrated his/her
5 expertise to the satisfaction of the City. At a minimum, this inspection shall be
6 conducted in accordance with the Tower Inspection Class checklist provided in
7 the Electronics Industries Association (EIA) Standard 222, Structural Standards
8 for Steel Antenna Towers and Antenna Support Structures. A copy of said
9 inspection report and certification of continued use shall be filed with Zoning
10 Officer no later than the first day of March following the inspection. Any repairs
11 advised by report shall be effected by the owner within sixty (60) calendar days
12 after the report is filed with the City. No later than thirty (30) calendar days
13 upon completion of aforesaid repairs, the tower-based WCF shall again be
14 inspected in accordance with the parameters and requirements described
15 herein, and the report filed with the City.

16 **1803.17 Retention of Experts.** The City may hire any consultant(s) and/or expert(s)
17 necessary to assist the City in reviewing and evaluating the application for
18 approval of the tower-based WCF and, once approved, in reviewing and
19 evaluating any potential violations of the terms and conditions of this Article.
20 The applicant and/or owner of the WCF shall reimburse the City for all costs of
21 the City's consultant(s) in providing expert evaluation and consultation in
22 connection with these activities.

23 **1803.18 Nonconforming Uses.** Nonconforming tower-based WCFs, which are hereafter
24 damaged or destroyed due to any reason or cause, may be repaired and restored
25 at their former location, but must otherwise comply with the terms and
26 conditions of this Article.

27 **1803.19 Removal.** In the event that use of a tower-based WCF is planned to be
28 discontinued, the owner shall provide written notice to the City of its intent to
29 discontinue use and the date when the use shall be discontinued. Unused or
30 abandoned WCFs or portions of WCFs shall be removed as follows:

31 (A) All unused or abandoned tower-based WCFs and accessory facilities shall
32 be removed within six (6) months of the cessation of operations at the site
33 unless a time extension is approved by the City.

34 (B) If the WCF and/or accessory facility is not removed within six (6) months
35 of the cessation of operations at a site, or within any longer period

1 approved by the City, the WCF and accessory facilities and equipment may
2 be removed by the City and the cost of removal assessed against the owner
3 of the WCF. Any cost to the City for such removal which is not paid under
4 the owner's bond shall constitute a lien on the tax lot on which the tower-
5 based WCF is situated and shall be collected in the same manner as a
6 municipal tax on real property.

7 (C) Any unused portions of tower-based WCFs, including antennas, shall be
8 removed within six (6) months of the time of cessation of operations. The
9 City must approve all replacements of portions of a tower-based WCF
10 previously removed.

11 **1803.20 Siting.** No tower-based wireless communications facility shall be located, in
12 whole or in part, within the public right-of-way.

13 **1803.21 Notice.** Upon receipt of a fully completed application for a tower-based WCF,
14 the City shall mail notice thereof to the owner or owners of every property
15 zoned residential within one thousand (1,000) feet of the site of the proposed
16 facility.

17 **1803.22 Eligible Facilities Request.**

18 (A) Tower-based WCF applicants proposing a modification to an existing
19 tower-based WCF that does not substantially change the dimensions of the
20 underlying structure shall be required only to obtain a building permit from
21 the City of Monessen.

22 (B) In order to be considered for such permit, the tower-based WCF applicant
23 must submit a building permit application to the City Code Enforcement
24 Officer in accordance with applicable permit policies and procedures.

25 **1803.23 Design Regulations.**

26 (A) Any height extensions to an existing tower-based WCF shall require prior
27 approval of the City. The City reserves the right to deny such requests
28 based upon aesthetic and land use impact, or any other lawful
29 considerations related to the character of the City.

30 (B) The tower-based WCF shall employ the most current stealth technology
31 available in an effort to appropriately blend into the surrounding
32 environment and minimize aesthetic impact. The application of the stealth

1 technology chosen by the WCF applicant shall be subject to the approval
2 of the City.

3 (C) Any proposed tower-based WCF shall be designed structurally, electrically,
4 and in all respects to accommodate both the tower-based WCF applicant's
5 antennas and comparable antennas for future users.

6 (D) All utilities that are extended to the site of the tower-based WCF shall be
7 placed underground.

8 **1803.24 Surrounding Environs.**

9 (A) The tower-based WCF applicant shall ensure that the existing vegetation,
10 trees, and shrubs located within proximity to the tower-based WCF
11 structure shall be preserved to the maximum extent possible.

12 (B) The tower-based WCF applicant shall submit a soil report to the City
13 complying with the standards of Appendix I: Geotechnical Investigations,
14 ANSI/EIA/TIA-222, as amended, to document and verify the design
15 specifications of the foundation of the tower-based WCF, and anchors for
16 guy wires, if used.

17 **1803.25 Fence/Screen.**

18 (A) A security fence having a maximum height of eight (8) feet, and a minimum
19 height of six (6) feet, shall completely surround any tower-based WCF, guy
20 wires, or any building housing WCF equipment.

21 (B) An evergreen screen shall be required to surround the site. The screen can
22 be either a hedge [planted three (3) feet on center maximum] or a row of
23 evergreen trees [planted ten (10) feet on center maximum]. The
24 evergreen screen shall be a minimum height of six (6) feet at planting and
25 shall grow to a minimum of fifteen (15) feet at maturity.

26 (C) In addition, existing vegetation on and around the site shall be preserved
27 to the greatest extent possible.

28

1 **1803.26 Accessory Equipment.**

2 (A) Ground-mounted equipment associated to, or connected with, a tower-
3 based WCF shall be underground or screened from public view using
4 stealth technologies, as described above.

5 (B) All utility buildings and accessory structures shall be architecturally
6 designed to blend into the environment in which they are situated and
7 shall meet the minimum setback requirements of the underlying zoning
8 district.

9 **1803.27 Additional Antennas.** As a condition of approval for all tower-based WCFs, the
10 WCF applicant shall provide the City with a written commitment that it will allow
11 other service providers to collocate antennas on tower-based WCFs where
12 technically and commercially reasonable. The owner of a tower-based WCF
13 shall not install any additional antennas without obtaining the prior written
14 approval of the City.

15 **1803.28 Access Road.** An access road, turnaround space, and parking shall be provided
16 to ensure adequate emergency and service access to tower-based WCF.
17 Maximum use of existing roads, whether public or private, shall be considered
18 to the practicable extent. Road construction shall at all times minimize ground
19 disturbance and the cutting of vegetation. Road grades shall closely follow
20 natural contours to assure minimal visual disturbance and minimize soil erosion.
21 Where applicable, the WCF owner shall present documentation to the City that
22 the property owner has granted an easement for the proposed facility. The
23 easement shall be a minimum of twenty (20) feet in width and the access shall
24 be paved to a width of at least ten (10) feet throughout its entire length.

25 **1803.29 Bond.** Prior to the issuance of the conditional use permit, the owner of a tower-
26 based WCF shall, at its own cost and expense, obtain from a surety licensed to
27 do business in Pennsylvania and maintain a bond or other form of security
28 acceptable to the City Solicitor. The bond shall provide that the City may recover
29 from the principal and surety any and all compensatory damages incurred by the
30 City for violations of this Article, after reasonable notice and opportunity to cure.
31 The owner shall file the bond with the City and maintain the bond for the life of
32 the respective facility. The owner of the tower-based WCF shall maintain a bond
33 in the following amounts:

1 (A) An amount of seventy-five thousand dollars (\$75,000) to assure the
2 faithful performance of the terms and conditions of this Article.

3 (B) An amount determined by City Council based on engineering estimates, to
4 cover the cost of removing and disposing of the antenna, tower, and
5 related facilities. City Council may consider, but shall not be required to
6 rely upon, applicant's written report, titled "Cost of Wireless Facilities
7 Removal" certified by a registered professional engineer (P.E.) licensed by
8 the Commonwealth of Pennsylvania.

9 **1803.30 Visual or Land Use Impact.** The City reserves the right to deny an application
10 for the construction or placement of any tower-based WCF based upon visual
11 and/or land use impact.

12 **1803.31 Graffiti.** Any graffiti on the tower-based WCF, including wireless support
13 structure or on any accessory equipment, shall be removed at the sole expense
14 of the owner within ten (10) days of notification by the City.

15 **1803.32 Inspection by City.** The City reserves the right to inspect any tower-based WCF
16 to ensure compliance with the provisions of this Article and any other provisions
17 found within City Code or State or Federal law. The City and/or its agents shall
18 have the authority to enter the property upon which a WCF is located at any
19 time, upon reasonable notice to the operator, to ensure such compliance.

20 **1804 REGULATIONS APPLICABLE TO ALL NON-TOWER WIRELESS COMMUNICATIONS**
21 **FACILITIES.** The following regulations shall apply to all non-tower wireless
22 communications facilities:

23 **1804.1 Procedures.**

24 (A) Any applicant proposing a non-tower WCF to be mounted on a building or
25 any other structure shall submit detailed construction and elevation
26 drawings to the Zoning Officer indicating how the non-tower WCF will be
27 mounted on the structure, for review by City staff and the Planning
28 Commissions and for conditional use permit approval by City Council in
29 accordance with the requirements of Article 5 "Development Review
30 Procedures" of this Chapter.

31 (B) The applicant shall prove that it is licensed by the FCC to operate a non-
32 tower WCF and that the proposed non-tower WCF complies with all

1 applicable standards established by the FCC governing human exposure to
2 electromagnetic radiation.

3 **1804.2 Development Regulations.** Non-tower wireless communications facilities shall
4 be collocated on existing structures, such as existing buildings or wireless
5 support structures, subject to the following conditions:

6 (A) **Permitted Subject to Regulations.** Subject to the restrictions and
7 conditions prescribed herein, non-tower WCFs are permitted in all zoning
8 districts as a conditional use upon review by the Zoning Officer and the
9 Planning Commission and approval by the City Council, subject to the
10 requirements and prohibitions of this Article.

11 (B) **Height.** Such non-tower WCF shall not exceed the maximum height
12 permitted in the applicable zoning district.

13 (C) **Equipment Building.** If the non-tower WCF applicant proposes to locate
14 the communications equipment in a separate building, the building shall
15 comply with the minimum requirements for the applicable zoning district.

16 (D) **Fencing.** A security fence with a maximum height of eight (8) feet, and a
17 minimum height of six (6) feet, shall surround any separate
18 communications equipment building. Vehicular access to the
19 communications equipment building shall not interfere with the parking or
20 vehicular circulations on the site for the principal use.

21 **1804.3 Fees.** In addition to the nonrefundable filing fee set by resolution of City Council
22 to defray the costs of processing same, the City may also assess appropriate and
23 reasonable fees related to inspection, monitoring, and related costs, subject to
24 the limitations in this Article, in amounts specified by resolution of City Council
25 to defray such costs.

26 **1804.4 Site Plan.** An applicant for a non-tower WCF must submit a full site plan to the
27 Zoning Officer which shall include:

28 (A) Written authorization from the wireless support structure owner of the
29 proposed non-tower WCF site that such facility may be sited on the
30 wireless support structure. Written authorization from the wireless
31 support structure owner consenting to the filing of the application to the
32 City for conditional use permit approval. Written acknowledgment from

1 the wireless support structure owner of being bound by this Article, the
2 conditions of any site plan approval authorized by City Council, and all
3 other requirements of City Code.

4 (B) A site plan that is drawn to scale and shows the following features:
5 property boundaries; existing and proposed structures; the names of
6 adjacent property owners; existing and proposed use(s); existing and
7 proposed antennas; existing or proposed electrical power source; and,
8 scaled elevation view.

9 (C) A written report including: information describing the antenna height and
10 design; a cross-section of the wireless support structure; engineering
11 specifications detailing attachment of the antenna to the wireless support
12 structure; information describing the proposed painting and lighting
13 schemes; radio frequency coverage including scatter plot analysis and the
14 input parameters for the scatter plot analysis; all wireless support
15 structure information to be certified by a registered professional engineer
16 (P.E.) licensed by the Commonwealth of Pennsylvania; and, wireless
17 telecommunications data to be certified by an appropriate wireless
18 telecommunications professional.

19 (D) A written report, titled "Cost of Non-Tower Wireless Facilities Removal"
20 certified by a registered professional engineer (P.E.) licensed by the
21 Commonwealth of Pennsylvania, detailing the total cost of removing and
22 disposing of antenna and related facilities.

23 (E) An inventory of its existing wireless communications facilities, including all
24 tower-based, non-tower, and small WCF, that are either sited within the
25 City or within one-quarter (1/4) mile of the border thereof. Such inventory
26 shall include specific information about the location, height, design, and
27 use of each wireless communications facility. The City may share such
28 information with other applicants applying for site plan approvals or
29 conditional uses under this Article 5 "Development Review Procedures" of
30 this Chapter or other organizations seeking to locate antennas within the
31 City; provided, however, that the City is not, by sharing such information,
32 in any way representing or warranting that such sites are available or
33 suitable.

34 (F) Other information deemed to be necessary by the City to assess
35 compliance with this Article.

1 **1804.5 Eligible Facilities Request.**

2 (A) Non-tower WCF applicants proposing a modification to an existing non-
3 tower WCF that does not substantially change the dimensions of the
4 underlying structure shall be required only to obtain a building permit from
5 the City of Monessen.

6 (B) In order to be considered for such permit, the non-tower WCF applicant
7 must submit a building permit application to the City Code Enforcement
8 Officer in accordance with applicable permit policies and procedures.

9 **1804.6 Visual or Land Use Impact.** The City reserves the right to deny an application
10 for the construction or placement of any non-tower WCF based upon visual
11 and/or land use impact.

12 **1804.7 Historic Buildings.** No non-tower WCF may be located on, or within one
13 hundred (100) feet of, any property, building, or structure that is listed on either
14 the National or Pennsylvania State Registers of Historic Places, or eligible to be
15 so listed, or is included in the official historic structures list maintained by the
16 City.

17 **1804.8 Timing of Approval.** All applications for non-tower WCFs shall be acted upon by
18 the City within ninety (90) days of the receipt of a fully completed application
19 for the approval of such non-tower WCF, including the nonrefundable
20 application fee in an amount set by resolution of City Council to defray the costs
21 of processing same. If the Zoning Officer receives an application for a non-tower
22 WCF and such application is not fully completed, then the Zoning Officer shall
23 promptly notify the applicant that the application is not complete and the time
24 for the approval of such application shall not commence until a fully completed
25 application is received by the Zoning Officer.

26 **1804.9 Retention of Experts.** The City may hire any consultant(s) and/or expert(s)
27 necessary to assist the City in reviewing and evaluating the application for
28 approval of the non-tower WCF and, once approved, in reviewing and evaluating
29 any potential violations of the terms and conditions of this Section. The
30 applicant and/or owner of the non-tower WCF shall reimburse the City for all
31 costs of the City's consultant(s) in providing expert evaluation and consultation
32 in connection with these activities.

1 **1804.10 Bond.** Prior to the issuance of the conditional use permit, the owner of a non-
2 tower WCF shall, at its own cost and expense, obtain from a surety licensed to
3 do business in Pennsylvania and maintain a bond or other form of security
4 acceptable to the City Solicitor. The bond shall provide that the City may recover
5 from the principal and surety any and all compensatory damages incurred by the
6 City for violations of this law, after reasonable notice and opportunity to cure.
7 The owner shall file the bond with the City and maintain the bond for the life of
8 the respective facility. The owner of the non-tower WCF shall maintain a bond
9 in the following amounts:

10 (A) An amount of seventy-five thousand dollars (\$75,000) to assure the
11 faithful performance of the terms and conditions of this Article.

12 (B) An amount determined by City Council based on engineering estimates, to
13 cover the cost of removing and disposing of the antenna and related
14 facilities. City Council may consider, but shall not be required to rely upon,
15 applicant's written report, titled "Cost of Non-Tower Wireless Facilities
16 Removal" certified by a registered professional engineer (P.E.) licensed by
17 the Commonwealth of Pennsylvania.

18 **1804.11 Design Regulations.**

19 (A) Non-tower WCFs shall employ stealth technology and be treated to match
20 the supporting structure in order to minimize aesthetic impact. The
21 application of the stealth technology chosen by the non-tower WCF
22 applicant shall be subject to the approval of the City.

23 (B) Non-tower WCFs, which are mounted to a building or similar structure,
24 may not exceed a height of fifteen (15) feet above the roof or parapet,
25 whichever is higher, unless the non-tower WCF applicant obtains a
26 variance from the Zoning Hearing Board as provided in Article 5
27 "Development Review Procedures" of this Chapter.

28 (C) All non-tower WCF applicants must submit documentation to the City
29 justifying the total height of the non-tower structure. Such documentation
30 shall be analyzed in the context of such justification on an individual basis.

31 (D) Antennas, and their respective accompanying support structures, shall be
32 no greater in diameter than any cross-sectional dimension than is
33 reasonably necessary for their proper functioning.

1 **1804.12 Standard of Care.** Any non-tower WCF shall be designed, constructed,
2 operated, maintained, repaired, modified, and removed in strict compliance
3 with all current applicable technical, safety, and safety-related codes, including
4 but not limited to the most recent editions of the American National Standards
5 Institute (ANSI) Code, National Electrical Safety Code, and National Electrical
6 Code. Any non-tower WCF shall at all times be kept and maintained in good
7 condition, order, and repair by qualified maintenance and construction
8 personnel, so that the same shall not endanger the life of any person or any
9 property in the City.

10 **1804.13 Wind and Ice.** Any non-tower WCF structures shall be designed to withstand
11 the effects of wind gusts and ice according to the standard designed by the
12 American National Standards Institute as prepared by the engineering
13 departments of the Electronics Industry Association, and Telecommunications
14 Industry Association (ANSI/EIA/TIA-222, as amended) or to the industry
15 standard applicable to the structure.

16 **1804.14 Public Safety Communications.** No non-tower WCF shall interfere with public
17 safety communications, or the reception of broadband, television, radio or other
18 communication services enjoyed by occupants of nearby properties.

19 **1804.15 Radio Frequency Emissions.** No non-tower WCF may, by itself or in conjunction
20 with other WCFs, generate radio frequency emissions in excess of the standards
21 and regulations of the FCC, including but not limited to the FCC Office of
22 Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC
23 Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as
24 amended. The owner or operator of such non-tower WCF shall submit proof of
25 compliance with any applicable radio frequency emissions standards to the
26 Zoning Officer on an annual basis. A non-tower WCF generating radio frequency
27 emissions in excess of the standards and regulations of the FCC shall be
28 considered an emergency. The City reserves the authority to revoke the permit
29 of any non-tower WCF generating radio frequency emissions in excess of the
30 standards and regulations of the FCC.

31 **1804.16 Aviation Safety.** Non-tower WCFs shall comply with all Federal and State laws
32 and regulations concerning aviation safety.

33 **1804.17 Inspection Report Requirements.** No later than the first day of December of
34 each odd-numbered year, the owner of the non-tower WCF shall have said non-
35 tower WCF inspected by a Pennsylvania-licensed and registered professional

1 engineer (P.E.) who is regularly involved in the maintenance, inspection, and/or
2 modification of non-tower WCFs. A copy of said inspection report and
3 certification of continued use shall be provided to the Zoning Officer no later
4 than the first day of March following the inspection. Any repairs advised by the
5 report shall be effected by the owner no later than sixty (60) calendar days after
6 the report is filed with the City. No later than thirty (30) calendar days upon
7 completion of aforesaid repairs, the non-tower WCF shall again be inspected in
8 accordance with the parameters and requirements described herein.

9 **1804.18 Maintenance.** The following maintenance requirements shall apply:

- 10 (A) The non-tower WCF shall be fully automated and unattended on a daily
11 basis and shall be visited only for maintenance or emergency repair.
- 12 (B) Such maintenance shall be performed to ensure the upkeep of the facility
13 in order to promote the safety and security of the City's residents.
- 14 (C) All maintenance activities shall utilize nothing less than the best available
15 technology for preventing failures and accidents.

16 **1804.19 Upgrade, Replacement, Modification.**

- 17 (A) The removal and replacement of non-tower WCFs and/or accessory
18 equipment for the purpose of upgrading, replacing, modifying, or repairing
19 the non-tower WCF is permitted, so long as such upgrade, replacement,
20 modification, or repair does not increase the overall size of the non-tower
21 WCF or the numbers of antennas.
- 22 (B) Any material modification to a wireless telecommunication facility shall
23 require a prior amendment to the original permit or authorization.

24 **1804.20 Removal.** In the event that use of a non-tower WCF is discontinued, the owner
25 shall provide written notice to the City of its intent to discontinue use and the
26 date when the use shall be discontinued. Unused or abandoned non-tower
27 WCFs or portions of non-tower WCFs shall be removed as follows:

- 28 (A) All abandoned or unused non-tower WCFs and accessory facilities shall be
29 removed within three (3) months of the cessation of operations at the site
30 unless a time extension is approved by the City.

1 (B) If the non-tower WCF or accessory facility is not removed within three (3)
2 months of the cessation of operations at a site, or within any longer period
3 approved by the City, the WCF and/or related facilities and equipment may
4 be removed by the City and the cost of removal assessed against the owner
5 of the non-tower WCF. Any cost to the City for such removal which is not
6 paid under the owner's bond shall constitute a lien on the tax lot on which
7 the non-tower WCF is situated and shall be collected in the same manner
8 as a municipal tax on real property.

9 **1804.21 Graffiti.** Any graffiti on the non-tower WCF, including wireless support structure
10 or on any communications equipment or accessory equipment, shall be
11 removed at the sole expense of the owner within ten (10) days of notification by
12 the City.

13 **1804.22 Public Rights-of-Way.** No non-tower WCF shall be located, in whole or in part,
14 within the public rights-of-way.

15 **1804.23 Signs.** All non-tower WCFs shall post a sign in a readily visible location
16 identifying the name and phone number of a party to contact in the event of an
17 emergency. No other signage, copy, or display is permitted.

18 **1804.24 Lighting.** Non-tower WCF shall not be artificially lighted, except as required by
19 law. If lighting is required, the applicant shall provide a detailed plan for
20 sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is
21 permissible under State and Federal regulations.

22 **1804.25 Noise.** Non-tower WCFs shall be operated and maintained so as not to produce
23 noise in excess of applicable noise standards under State law and City Code,
24 except in emergency situations requiring the use of an electrical generator,
25 where such noise standards may be exceeded on a temporary basis only.

26 **1804.26 Inspection by City.** The City reserves the right to inspect any non-tower WCF to
27 ensure compliance with the provisions of this Article and any other provisions
28 found within the City Code or State or Federal law. The Township and/or its
29 agents shall have the authority to enter the property upon which a non-tower
30 WCF is located at any time, upon reasonable notice to the operator, to ensure
31 such compliance.
32

1 **1805 REGULATIONS APPLICABLE TO ALL SMALL WIRELESS COMMUNICATIONS FACILITIES.**

2 The following regulations shall apply to small wireless communications facilities:

3 **1805.1 Development Regulations.**

4 (A) Small WCF are permitted by administrative approval from the Zoning
5 Officer in all zoning districts through the issuance of a Zoning Permit for
6 Small Wireless Communications Facilities, subject to the requirements of
7 this Article and generally applicable permitting as required by City Code.

8 (B) Small WCF in the public right-of-way requiring the installation of a new
9 wireless support structure shall not be located directly in front of any
10 building entrance or exit.

11 (C) All small WCF shall comply with the applicable requirements of the
12 Americans with Disabilities Act and all City Code requirements applicable
13 to streets and sidewalks.

14 **1805.2 Procedures.**

15 (A) Any applicant proposing a small WCF shall submit an application for review
16 by the Zoning Officer.

17 (B) The applicant shall prove that it is licensed by the FCC to operate a small
18 WCF and that the proposed small WCF complies with all applicable
19 standards established by the FCC governing human exposure to
20 electromagnetic radiation.

21 **1805.3 Timing of Approval.**

22 (A) Within sixty (60) days of receipt of a fully completed application for
23 collocation of a small WCF on a preexisting wireless support structure, the
24 Zoning Officer shall make a final decision on whether to approve the
25 application and shall notify the small WCF applicant in writing of such
26 decision.

27 (B) Within ninety (90) days of receipt of a fully completed application for a
28 small WCF requiring the installation of a new wireless support structure,
29 the Zoning Officer shall make a final decision on whether to approve the
30 application and shall notify the small WCF applicant in writing of such
31 decision.

1 (C) Within ten (10) calendar days of the date that a fully completed application
2 for a small WCF is filed with the Zoning Officer, the Zoning Officer shall
3 notify the small WCF applicant in writing of any information that may be
4 required to complete such application.

5 **1805.4 Eligible Facilities Request.**

6 (A) Small WCF applicants proposing a modification to an existing small WCF
7 that does not substantially change the dimensions of the underlying
8 structure shall be required only to obtain a building permit from the City
9 of Monessen.

10 (B) In order to be considered for such permit, the small WCF applicant must
11 submit a building permit application to the City Code Enforcement Officer
12 in accordance with applicable permit policies and procedures.

13 **1805.5 Nonconforming Wireless Support Structures.** Small WCF shall be permitted to
14 collocate upon nonconforming tower-based WCF and other nonconforming
15 structures. Collocation of small WCF upon existing tower-based WCF is
16 encouraged even if the tower-based WCF is nonconforming as to use within a
17 zoning district.

18 **1805.6 Application Fees.** The City may assess appropriate and reasonable application
19 fees directly related to the City's actual costs in reviewing and processing the
20 application for approval of a small WCF, as well as related inspection,
21 monitoring, and related costs, subject to the limitations in this Article, in
22 amounts specified by resolution of City Council to defray such costs.

23 **1805.7 Standard of Care.** Any small WCF shall be designed, constructed, operated,
24 maintained, repaired, modified, and removed in strict compliance with all
25 current applicable technical, safety, and safety-related codes, including but not
26 limited to the most recent editions of the American National Standards Institute
27 (ANSI) Code, National Electrical Safety Code, National Electrical Code, the
28 Pennsylvania UCC, or to the industry standard applicable to the structure. Any
29 small WCF shall at all times be kept and maintained in good condition, order,
30 and repair by qualified maintenance and construction personnel, so that the
31 same shall not endanger the life of any person or any property in the City.

32 **1805.8 Historic Buildings.** No small WCF may be located on a building or structure that
33 is listed on either the National or Pennsylvania Registers of Historic Places, or

1 eligible to be so listed, located within a historic district, or is included in the
2 official historic structures list maintained by the City.

3 **1805.9 Wind and Ice.** All small WCF shall be designed to withstand the effects of wind
4 gusts and ice to the standard designed by the American National Standards
5 Institute as prepared by the engineering departments of the Electronics Industry
6 Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222,
7 as amended), or to the industry standard applicable to the structure.

8 **1805.10 Radio Frequency Emissions.** A small WCF shall not, by itself or in conjunction
9 with other WCFs, generate radio frequency emissions in excess of the standards
10 and regulations of the FCC, including but not limited to the FCC Office of
11 Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC
12 Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as
13 amended. The owner or operator of such small WCF shall submit proof of
14 compliance with any applicable radio frequency emissions standards to the
15 Zoning Officer on an annual basis. A small WCF generating radio frequency
16 emissions in excess of the standards and regulations of the FCC shall be
17 considered an emergency. The City reserves the authority to revoke the permit
18 of any small WCF generating radio frequency emissions in excess of the
19 standards and regulations of the FCC.

20 **1805.11 Time, Place and Manner.** The City shall determine the time, place, and manner
21 of construction, maintenance, repair, and/or removal of all small WCF in the
22 right-of-way based on public safety, traffic management, physical burden on the
23 right-of-way, and related considerations.

24 **1805.12 Accessory Equipment.** Small WCF and accessory equipment shall be located so
25 as not to cause any physical or visual obstruction to pedestrian or vehicular
26 traffic, create safety hazards to pedestrians and/or motorists, or to otherwise
27 inconvenience public use of the right-of-way as determined by the City.

28 **1805.13 Graffiti.** Any graffiti on the small WCF, wireless support structure, or on any
29 accessory equipment shall be removed at the sole expense of the owner within
30 ten (10) days of notification by the City.

31 **1805.14 Collocation.** An application for a new small WCF in the right-of-way shall not be
32 approved unless the City finds that the proposed wireless communications
33 equipment cannot be accommodated on an existing structure, such as a utility
34 pole or traffic light pole. Any application for approval of a small WCF shall

1 include a comprehensive inventory of all existing towers and other suitable
2 structures within a one (1) mile radius from the point of the proposed small WCF,
3 unless the applicant can show to the satisfaction of the City that a different
4 distance is more reasonable, and shall demonstrate conclusively why an existing
5 tower or other suitable structure cannot be utilized.

6 **1805.15 Relocation or Removal of Facilities.** Within ninety (90) days following written
7 notice from the City, or such longer period as the City determines is reasonably
8 necessary or such shorter period in the case of an emergency, an owner of a
9 small WCF in the right-of-way shall, at its own expense, temporarily or
10 permanently remove, relocate, change, or alter the position of any small WCF
11 when the City, consistent with its police powers and applicable Public Utility
12 Commission regulations, shall determine that such removal, relocation, change,
13 or alteration is reasonably necessary under the following circumstances:

- 14 (A) The construction, repair, maintenance, or installation of any City or other
15 public improvement in the public right-of-way;
- 16 (B) The operations of the City or other governmental entity in the public right-
17 of-way;
- 18 (C) Vacation of a street or road or the release of a utility easement; or
- 19 (D) An emergency as determined by the City.

20 **1805.16 Retention of Experts.** The City may hire any consultant(s) and/or expert(s)
21 necessary to assist the City in reviewing and evaluating the application for
22 approval of the small WCF and, once approved, in reviewing and evaluating any
23 potential violations of the terms and conditions of this Article. The applicant
24 and/or owner of the small WCF shall reimburse the City for all reasonable costs
25 of the City's consultant(s) and/or expert(s) in providing expert evaluation and
26 consultation in connection with these activities; provided, that such costs are a
27 reasonable approximation of costs incurred, the costs are reasonable, and the
28 costs are nondiscriminatory.

29 **1805.17 Reimbursement for ROW Use.** In addition to permit fees as described in this
30 Article, every small WCF in the right-of-way is subject to the City's right to fix
31 annually a fair and reasonable fee to be paid for use and occupancy of the right-
32 of-way. Such compensation for right-of-way use shall be directly related to the
33 City's actual right-of-way management costs including, but not limited to, the

1 costs of the administration and performance of all reviewing, inspecting,
2 permitting, supervising, and other right-of-way management activities by the
3 City. The owner of each small WCF shall pay an annual fee to the City, in an
4 amount specified by resolution of City Council, to compensate the City for the
5 City's costs incurred in connection with the activities described above. Such fees
6 shall comply with the applicable requirements of the Federal Communications
7 Commission (FCC).

8 **1806 REGULATIONS APPLICABLE TO ALL WIRELESS FACILITIES.**

9 **1806.1 City Property.** Nothing in this Article shall be deemed to create any offer, right,
10 or entitlement to use City property for the construction or operation of tower-
11 based WCF, non-tower WCF, small WCF, wireless support structures, or related
12 facilities. Any such tower-based WCF, non-tower WCF, small WCF, wireless
13 support structure, or related facility proposed to be sited on property owned,
14 leased, or otherwise controlled by the City of Monessen may be exempt from
15 the requirements of this Article. The City retains the right to require applicants
16 to obtain site plan approval from City Council in accordance with the
17 requirements of this Article. No tower-based WCF, non-tower WCF, small WCF,
18 wireless support structures, or related facilities may be constructed or installed
19 on City property until a license or lease agreement authorizing such wireless
20 facility has been approved by City Council.

21 **1806.2 Penalties.** Any person violating any provision of this Article shall be subject,
22 upon finding by a magisterial district judge, to a penalty not exceeding five
23 hundred dollars (\$500.00), for each and every offense, together with attorneys'
24 fees and costs. A separate and distinct violation shall be deemed to be
25 committed each day on which a violation occurs or continues to occur. In
26 addition to an action to enforce any penalty imposed by this Article and any
27 other remedy at law or in equity, the City may apply to a Federal District Court
28 for an injunction or other appropriate relief at law or in equity to enforce
29 compliance with or restrain violation of any provision of this Article.

30 **1806.3 Determination of Violation.** In the event a determination is made that a person
31 has violated any provision of this Article, such person shall be provided written
32 notice of the determination and the reasons therefor. Except in the case of an
33 emergency, the person shall have thirty (30) days to cure the violation. If the
34 nature of the violation is such that it cannot be fully cured within such time
35 period, the City may, in its reasonable judgment, extend the time period to cure,

1 provided the person has commenced to cure and is diligently pursuing its efforts
2 to cure. If the violation has not been cured within the time allowed, the City
3 may take any and all actions authorized by this Article and/or Federal and/or
4 Pennsylvania law and regulations.

5 **1806.4 Revocation of Conditional Use Permit or Zoning Permit for Small Wireless**
6 **Communications Facilities.** Any conditional use permit or Zoning Permit for
7 Small Wireless Communications Facilities granted under this Article may be
8 revoked by City Council after a hearing, conducted on less than fifteen (15) days'
9 written notice to the owner of the wireless communications facility and any
10 related facilities, and an opportunity to be heard. If at such hearing it shall be
11 shown by substantial evidence that the wireless communications facility and
12 related facilities constitute a threat to public safety, health, or welfare, or that
13 the conditions of the Conditional Use Permit or Zoning Permit, as the case may
14 be, have been materially violated, the City Council may revoke the Conditional
15 Use Permit or the Zoning Permit for Small Wireless Communications Facilities.

16 **1806.5 Insurance and Indemnification.**

17 (A) **Requirement of Insurance.** Each person that owns, operates, or removes
18 a tower-based, non-tower, or small wireless communications facility shall
19 purchase and maintain, at its sole expense, certain insurance coverages of
20 specified minimum rating, as listed herein, and shall provide
21 documentation to the Zoning Officer, upon request, and as provided
22 herein.

23 (B) **No Payment or Reimbursement.** Each person that owns, operates, or
24 removes a tower-based, non-tower, or small wireless communications
25 facility shall be solely responsible for bearing the costs of furnishing and
26 maintaining all required insurance coverages of specified minimum rating,
27 as listed herein. The City shall not provide direct payment or
28 reimbursement to persons for the costs of maintaining the required
29 insurance coverages. The City shall not provide direct payment or
30 reimbursement to persons for the costs of furnishing the required
31 insurance coverages.

32 (C) **Specified Minimum Insurance Ratings, Registration, and Additional**
33 **Endorsement.** All insurance carriers listed in the certificate(s) of insurance
34 for the required insurance coverages shall have, at minimum, a credit
35 rating of "Rated A VII or Better" from the AM Best Company and shall be

1 licensed in the Commonwealth of Pennsylvania. Each person that owns,
2 operates, or removes a tower-based, non-tower, or small wireless
3 communications facility shall name the City of Monessen as an additional
4 insured by endorsement on the certificate(s) of insurance.

5 (D) **Furnishment of Certificates Prior to Commencement.** Prior to the initial
6 commencement of any construction, operation, or removal, each person
7 that owns, operates, or removes a tower-based, non-tower, or small
8 wireless communications facility shall furnish certificates of insurance to
9 the Zoning Officer evidencing coverage in compliance with the regulations
10 herein. The failure of the City of Monessen to object to the contents of
11 the certificate(s) of insurance or absence of same shall not be deemed a
12 waiver of any legal rights held by the City of Monessen.

13 (E) **Revocation of Permit.** The failure of any person to construct, operate, or
14 remove a wireless communications facility without complying with the
15 insurance coverage and administrative requirements herein shall
16 constitute an emergency. Upon such emergency, the City reserves the
17 authority to revoke the Conditional Use Permit or Zoning Permit of Small
18 Wireless Communications Facilities, as the case may be, of any wireless
19 communications facility for failure to comply with the insurance coverage
20 and administrative requirements herein.

21 (F) **Minimum Insurance Requirements.** Each person that owns or operates a
22 tower-based, non-tower, or small wireless communications facility shall
23 maintain the following minimum insurance coverages:

24 (1) Worker's compensation and employers liability policy, covering
25 operations in Pennsylvania. Waiver of subrogation to be included
26 with documentation provided to the Zoning Officer.

27 (2) Commercial general liability policy, with limits of no less than one
28 million dollars (\$1,000,000) each occurrence, per WCF location and
29 two million dollars (\$2,000,000) general aggregate, per WCF location,
30 with limits for bodily injury and property damage, and shall include
31 the following coverages and endorsements:

- 32 (a) Premises and operations;
- 33 (b) Products/completed operations;

- 1 (c) Independent contractors;
- 2 (d) Personal and advertising injury;
- 3 (e) Blanket contractual liability;
- 4 (f) Explosion, collapse, underground liability (XCU);
- 5 (g) The City of Monessen and its assigns, officers, employees,
6 volunteers, representatives, and agents should be named as an
7 "additional insured" on the policy using ISO Additional Insured
8 Endorsement CG 20 10 11/85 or an endorsement providing
9 equivalent or broader coverage and shall apply on a primary
10 and noncontributory basis, including any self-insured
11 retentions;
- 12 (h) The certificate of insurance should show this applies to the
13 general liability coverage on the certificate, and additional
14 insured endorsement shall be attached;
- 15 (i) To the extent permitted by Pennsylvania law, each person that
16 owns, operates, or removes a tower-based, non-tower, or small
17 wireless communications facility waives all rights of
18 subrogation or similar rights against the City of Monessen,
19 assigns, officers, employees, volunteers, representatives and
20 agents;
- 21 (j) Cross liability coverage (commercial general liability and
22 business automobile liability policies only);
- 23 (k) Coverage must be written on an Occurrence Policy Form;
- 24 (l) No deductible or self-insured retention should exceed fifty
25 thousand dollars (\$50,000).
- 26 (3) Comprehensive automobile policy, with limits of no less than one
27 million dollars (\$1,000,000). Bodily injury and property damage
28 liability including coverage for owned, any auto non-owned, and
29 hired private passenger and commercial vehicles. The City of
30 Monessen and its assigns, officers, employees, representatives and
31 agents should be named as an "additional insured" on the policy. The

1 certificate of insurance should show this applies to the automobile
2 liability coverage on the certificate, and additional insured
3 endorsement shall be attached. To the extent permitted by
4 Pennsylvania law, each person that owns, operates, or removes a
5 tower-based, non-tower, or small wireless communications facility
6 waives all rights of subrogation or similar rights against the City of
7 Monessen, assigns, officers, employees, representatives and agents.
8 Coverage must apply on a primary and noncontributory basis.

9 (4) Umbrella liability, with limits of no less than five million dollars
10 (\$5,000,000) each occurrence per WCF location and five million
11 dollars (\$5,000,000) general aggregate per WCF location, including
12 coverage for general liability, automobile, worker's compensation.
13 Coverage must be written on an Occurrence Policy Form.

14 (5) Professional liability (if applicable), with limits no less than one
15 million dollars (\$1,000,000) per claim.

16 (G) **Increasing the Minimum Insurance Requirements.** The minimum
17 insurance requirements specified herein may be increased upon the
18 review and determination of City Council.

19 (H) **Notice Prior to Cancellation or Expiration of Insurance.** The certificate(s)
20 of insurance shall provide that thirty (30) days' written notice prior to
21 cancellation or expiration be given to the Zoning Officer via U.S. Postal
22 Mail. Insurance policies that lapse and/or expire during term of work shall
23 be recertified and received by the Zoning Officer no less than thirty (30)
24 days prior to expiration or cancellation of the respective policy.

25 (I) **Requirement to Indemnify and Hold Harmless.** Each person that owns or
26 operates a tower-based WCF, a non-tower WCF, or a small WCF shall, at
27 its sole cost and expense, indemnify, defend and hold harmless the City of
28 Monessen, its elected and appointed officials, employees and agents, at all
29 times against any and all claims for personal injury, including death, and
30 property damage arising in whole or in part from, caused by or connected
31 with any act or omission of the person, its officers, agents, employees or
32 contractors arising out of, but not limited to, the construction, installation,
33 operation, maintenance or removal of each of its WCF.

1 (J) **Requirement to Defend.** Each person that owns or operates a tower-
2 based WCF, a non-tower WCF, or a small WCF shall defend any actions or
3 proceedings against the City in which it is claimed that personal injury,
4 including death, or property damage was caused by the construction,
5 installation, operation, maintenance, or removal of each of its WCF. The
6 obligation to indemnify, hold harmless, and defend shall include, but not
7 be limited to, the obligation to pay judgments, injuries, liabilities, damages,
8 reasonable attorneys' fees, reasonable expert fees, court costs, and all
9 other costs of indemnification.

10 (K) **Indemnification and Hold Harmless Agreement Requirement.** Prior to the
11 initial commencement of any construction, operation, or removal, each
12 person that owns, operates, or removes a tower-based, non-tower, or
13 small wireless communications facility shall furnish an "Indemnification
14 and Hold Harmless Agreement" to the Zoning Officer.

15 **1807 MISCELLANEOUS.**

16 **1807.1 Police Powers.** The City of Monessen, by granting any permit or taking any other
17 action pursuant to this Article, does not waive, reduce, lessen or impair the
18 lawful police powers vested in the City under applicable Federal, State and local
19 laws and regulations.

20 **1807.2 Severability.** If any section, subsection, sentence, clause, phrase, or word of this
21 Article is for any reason held illegal or invalid by any court of competent
22 jurisdiction, such provision shall be deemed a separate, distinct and
23 independent provision, and such holding shall not render the remainder of this
24 Article invalid.

ARTICLE 19

ARTICLE	SECTION	PAGE	TITLE
19			DEFINITIONS, MEASUREMENTS, AND LAND USE DEFINITIONS & STANDARDS
	1901	1 of 123	Rules of Interpretation
	1902	3 of 123	General Definitions
	1903	35 of 123	Proceedings Definitions
	1904	37 of 123	Measurements
	1905	49 of 123	Land Use Definitions and Development Standards and Conditions of General Applicability
	1906	121 of 123	Additional Requirements for Accessory Structures

DEFINITIONS, MEASUREMENTS, AND LAND USE DEFINITIONS & STANDARDS



1 **1901.5 Interpretation of Terms or Words.** The language of this Chapter shall be
2 interpreted in accordance with the following regulations.

3 (A) The word “person” includes a firm, association, organization, partnership,
4 trust, limited liability company, corporation, or other legal entity, as well
5 as an individual.

6 (B) The present tense includes the future tense, the singular number includes
7 the plural, and the plural number includes the singular, vice versa, in each
8 case, if the context so requires.

9 (C) The word “shall” is mandatory; the word “should” is strongly encouraged,
10 but is not mandatory; and the word “may” is permissive.

11 (D) The words “used” or “occupied” include the words “intended,”
12 “designed,” “constructed,” “altered,” or “arranged” to be used or
13 occupied.

14 (E) The word “lot” includes the words “plot,” “tract,” or “parcel”.

15 (F) The terms “standards,” “regulations,” and “requirements” are used to
16 mandate a specific course of action or built outcome.

17 (G) Section headings are provided for ease of use and organization and shall
18 not be interpreted as regulatory.

19 **1901.6 Conjunctions.** Where a regulation involved two or more items, conditions,
20 provisions, or events connected by the conjunction “and,” “or,” “either...or,” the
21 conjunction shall be interpreted as follows:

22 (A) “And” indicates that all the connected items, conditions, provisions, or
23 events shall apply.

24 (B) “Or” indicates that the connected items, conditions, provisions, or events
25 may apply singly or in any combination.

26 (C) “Either...or” indicates that all the connected items, conditions, provisions,
27 or events shall apply singly but not in combination.
28

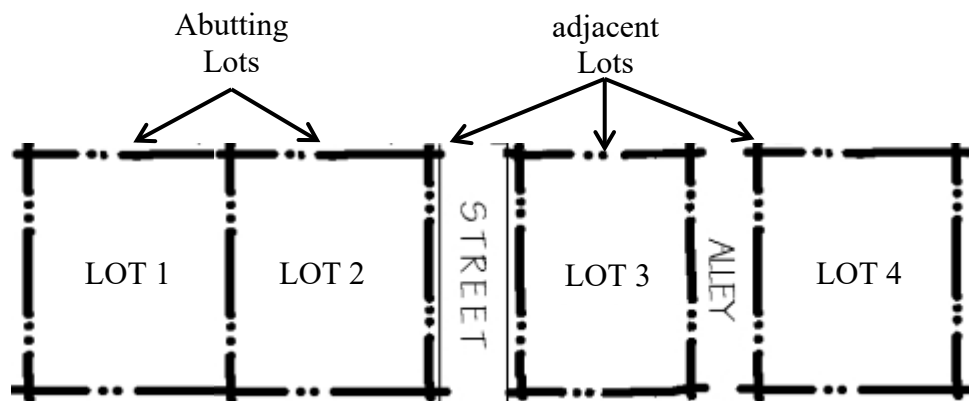
1 **1901.7** The words “such as,” “includes,” “including,” and “specifically” shall provide
2 examples. These examples shall not, by themselves, limit a provision solely to
3 the examples specifically mentioned if other examples would otherwise comply
4 with the provisions.

5 **1901.8** If a word is defined in both this Chapter and another City ordinance, each
6 definition shall apply to the provisions of each applicable ordinance.

7 **1902 GENERAL DEFINITIONS.** The following terms or words used in the text of the Chapter
8 shall have the following meanings, unless a contrary meaning is (i) required by the context
9 of a particular sentence or phrase; or, (ii) specifically prescribed in a particular sentence
10 of phrase.

11 **ABANDON-ABANDONMENT** – For the purpose of this Chapter, this term is defined only
12 for the purpose of dealing with the nonconforming use of land and/or structures. To
13 make a determination of abandonment, the Zoning Officer shall assume that any use
14 which has not been operational for a period of two (2) years has been voluntarily
15 abandoned by the owner.

16 **ABUT** — The condition of two (2) adjoining lots having a common property line or
17 boundary, including cases where two (2) or more lots adjoin only on a corner or corners,
18 except lots entirely separated by a public right-of-way, whether improved or not, street,
19 or waterway. See ADJACENT.



21 **ACCESS DRIVE** — A privately owned, constructed, and maintained vehicular access
22 roadway leading from a public right-of-way to a parking area. See DRIVEWAY and CURB
23 CUT.

24 **ACCESS, DIRECT** – The provision for immediate ingress and egress of vehicles from a
25 property to the abutting street.

1 ACCESS, INDIRECT – The provision for ingress and egress of vehicles from a property to an
2 adjacent street that is shared by two (2) or more properties or is channeled by some
3 means indirectly to the adjacent street.

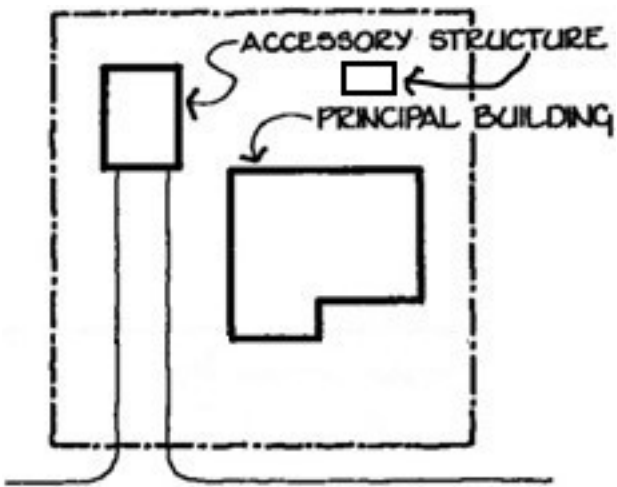
4 ACCESS POINT – One (1) combined ingress/egress point or one (1) clearly defined ingress
5 point separated from another clearly defined egress point. This term shall not include
6 accessways or driveways that are strictly and clearly limited to use by only emergency
7 response vehicles.

8 ACCESS, PRIVATE – An access not in public ownership or control by means of deed,
9 dedication, or easement.

10 ACCESS, PUBLIC – An access in public ownership or control by means of deed, dedications,
11 or easement that permits, or the ability of, the public to physically approach, reach, enter,
12 or use that which is available to the general public.

13 ACCESSORY – A use, activity, structure, or part of a structure that is subordinate and
14 incidental to the principal activity, use, or building on the site.

15 ACCESSORY STRUCTURE – A detached subordinate building, the use of which is
16 customarily incidental to that of the principal building or the principal use of the land and
17 which is located on the same lot as the principal building or principal use.



18
19 ACCESSORY STRUCTURE, NONRESIDENTIAL – A structure or combination of structures
20 that: (1) are located on the same lot or development parcel as the principal nonresidential
21 building; (2) are clearly incidental to and customarily found in connection with the
22 principal nonresidential building or principal nonresidential use; and, (3) are subordinate
23 to and serving the principal nonresidential building or principal nonresidential use.

1 ADAPTIVE REUSE – The conversion of obsolescent or historic buildings from their original
2 or most recent use through rehabilitation or renovation to any new use(s). For example,
3 the conversion of a former school, place of worship, membership club, etc. to residential,
4 nonresidential, or mixed-uses or the conversion of an historic single-family home to an
5 office use.

6 ADJACENT – The condition of being near to or close to, but not adjoining or abutting or
7 having a common dividing line or corner(s). Two (2) properties entirely separated by a
8 public right-of-way, whether improved or not, a street, another property, or waterway,
9 shall be considered adjacent, but not abutting. See ABUT.

10 ADVERSE IMPACT – A negative consequence for the physical, social, or economic
11 environment resulting from an action or development.

12 ALLEY – A right-of-way providing secondary access to the side or rear of one or more lots
13 which has a maximum right-of-way width of 25 feet and a minimum cartway width of 10
14 feet.

15 ALTERATION, INCIDENTAL – Modifications to a building or structure that are of a minor
16 nature, replacement of existing components, rearrangement of non-structural internal
17 partitions, etc.

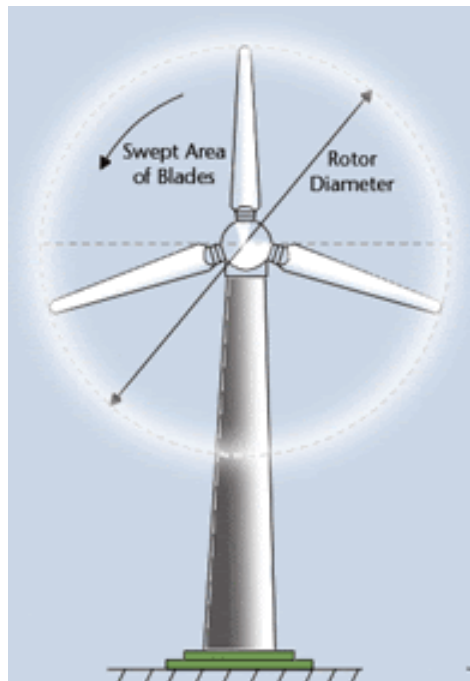
18 ALTERATION, STRUCTURAL – Except for repair or replacement, any change or
19 rearrangement to structural components, such as load bearing walls, columns, beams, or
20 girders or in the roof and exterior walls; the extension on any side or an increase in the
21 height of a building or structure; and/or, the moving of a building or structure from one
22 location to another.

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

25 APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative or
26 final, required to be filed and approved prior to start of construction or development
27 including but not limited to an application for a building permit, for the approval of a
28 subdivision plat or plan, or for the approval of a development plan.

29 BASEMENT – A space having one-half or more of its floor-to-ceiling height below the
30 average level of the adjoining grade. A basement shall be considered a story if the top of
31 the foundation of the building is an average of four (4) or more feet above the average
32 finished grade of the front side of the building that faces onto a street.

1 BLADE SWEEP – The circumference of the outermost tip of a blade or set of blades that a
2 wind turbine traces while the blades are in motion.



3
4 BLOCK – A unit of land bounded by streets or by a combination of streets and public land,
5 railroad rights-of-way, waterways, or any other barrier to the continuity of development.

6 BLOCKFACE – That portion of a block adjacent and parallel to the abutting public street
7 and normally extending from one intersection street to another. A corner lot shall be part
8 of the blockface parallel to the lot's front lot line.

9 BOARD – The Zoning Hearing Board of the City of Monessen.

10 BUILDING – Any structure having a permanent roof and intended for the shelter, work
11 area, housing, or enclosure of persons, animals, vehicles, equipment, or materials and
12 that has a total area under roof of greater than 50 cubic feet. BUILDING is interpreted as
13 including "or part thereof." See STRUCTURE. Any structure involving a permanent roof
14 (such as a covered porch or a carport) that is attached to a principal building shall be
15 considered to be part of that principal building.

16 BUILDING, ATTACHED – A building which has at least part of a wall in common with
17 another building, or which is connected to another building by a roof.

18 BUILDING COVERAGE – The percentage obtained by dividing the maximum horizontal
19 area square feet of all principal and accessory buildings and attached structures covered

1 by a permanent roof on a lot by the total lot area of the property upon which the
2 building(s) is located.

3 BUILDING, DETACHED – A building that is surrounded on all sides by open yards and that
4 is not attached to any other building.

5 BUILDING LENGTH – The horizontal measurement between the two (2) most distant
6 points, other than points measured diagonally, of any one (1) building or of attached
7 buildings.

8 BUILDING, PRINCIPAL – A building used for the conduct of the principal use of a lot and
9 which is not an accessory structure. Any building that is physically attached to a principal
10 building shall be considered part of that principal building.

11 BUILDING WIDTH – The horizontal measurement between two structural walls of one
12 building that are generally parallel, measured in one general direction that is most closely
13 parallel to the required lot width. For a townhouse, this width shall be the width of each
14 dwelling unit.

15 BULK – The total volume of a structure in terms of the size and mutual relationship of a
16 structure and the location of same with respect to: size and height of the structure;
17 location of exterior walls at all levels in relation to lot lines, streets, or other structures,
18 gross floor area of the structure in relation to the lot area, all open space allocated to the
19 structure.

20 BY-RIGHT – A use permitted or allowed, as either a principal use or accessory use, in the
21 district involved that complies with the provisions of this Chapter and other applicable
22 ordinances and regulations.

23 CALIPER – A horticultural method of measuring the diameter of nursery stock. For trees
24 less than four (4) inches in diameter, the measurement should be taken at six (6) inches
25 above the ground level. For trees greater than four (4) inches in diameter up to and
26 including twelve (12) inches, the caliper measurement must be taken twelve (12) inches
27 above the ground level. For trees greater than twelve (12) inches in diameter, the trunk
28 is measured at breast height, which is four and one half (4.5) feet above the ground.

29 CARTWAY – That portion of a street which is improved with a permanent or semi-
30 permanent material and is intended for vehicular traffic, but not including curbs,
31 sidewalks, or swales. Where there are no curbs, the cartway is that portion between the
32 edges of the improved surface width.

1 CITY COUNCIL – The City Council of the City of Monessen. See GOVERNING BODY.

2 CITY ENGINEER – A professional engineer or engineering firm that is licensed as such in
3 the Commonwealth of Pennsylvania, duly appointed as the engineer for the City of
4 Monessen.

5 COMMERCIAL USE – Includes retail sales, offices, personal services, auto sales, auto repair
6 garages, and other uses of a similar nature. The sale of goods or services from a vehicle
7 on a lot shall also be considered to be a commercial use.

8 COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination
9 of land and water, designed, intended, and suitable for active or passive recreation use
10 or enjoyment of residents of a development or the general public. If not intended to be
11 publicly owned, such space is covered by a system for perpetual maintenance. Such open
12 space does not include existing or future streets, accessways, off-street parking areas,
13 areas set aside for public facilities, or rights-of-way intended eventually for overhead
14 electrical transmission of 35 kilovolts or greater capacity.

15 COMPREHENSIVE PLAN – The document entitled the "City of Monessen Comprehensive
16 Plan," or any part thereof, adopted by the City Council, as amended.

17 CONCRETE MASONRY UNIT (CMU) - A standardized, rectangular block made from cast
18 concrete. May be solid or hollow in section.

19 CONDOMINIUM – A set of individual dwelling units or other areas of buildings each
20 owned by an individual person(s) in fee simple, with the owners assigned a proportionate
21 interest in the remainder of the real estate which is designated for common ownership,
22 and which was created under either the Pennsylvania Unit Property Act of 1963 or was
23 created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

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

26 COUNTY – The County of Westmoreland, Commonwealth of Pennsylvania.

27 CURATIVE AMENDMENT, LANDOWNER – A proposed zoning amendment presented to
28 the City Council by a landowner who desires to challenge, on substantive grounds, the
29 validity of a zoning ordinance, the zoning map, or any provision thereof, which prohibits
30 or restricts the use or development of land in which the presenter may have an interest.

1 CURATIVE AMENDMENT, MUNICIPAL – A proposed zoning amendment made by City
2 Council upon the determination that its zoning ordinance, the zoning map, or any
3 provision thereof, is substantially invalid.

4 CURB CUT – A curb break, or a place or way provided for the purpose of gaining vehicular
5 access between a street and abutting property.

6 DENSITY – The total number of dwelling units proposed on a lot divided by the lot area,
7 unless otherwise stated.

8 D.E.P. (DEP) – The Pennsylvania Department of Environmental Resources or its successor
9 and its relevant subparts.

10 DESIGNATED GROWTH AREA – A region or area within a county or counties described in
11 a municipal or multimunicipal plan that preferably includes and surrounds a city, borough
12 or village, and within which residential and mixed-use development is permitted or
13 planned for at densities of one unit per acre or more, and commercial, industrial and
14 institutional uses are permitted or planned for, and public infrastructure services are
15 provided or planned.

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

19 DEVELOPMENT – Any building, construction, renovation, mining, extraction, dredging,
20 filling, excavation, or drilling activity or operation; any material change in the use or
21 appearance of any structure, building, or the land itself; the division of land into parcels;
22 any change in the intensity or use of land, such as an increase in the number of dwelling
23 units in a structure or a change to a commercial or industrial use from a less intensive use;
24 any activity that alters a river, stream, lake, pond, canal, marsh, woodlands, wetland,
25 endangered species habitat, aquifer, or other resource area.

26 DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that,
27 because of its character, magnitude, or location will have substantial effect upon the
28 health, safety, or welfare of citizens in more than one municipality.

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

1 of the development plan” when used in this ordinance, shall mean the written and graphic
2 materials referred to in this definition.

3 DISTRICT (or ZONING DISTRICT) – A land area within which certain uniform regulations
4 and requirements apply under the provisions of this Chapter. May also be commonly
5 referred to as “base zoning district”, “underlying zoning district”, etc.

6 DISTRICT, OVERLAY – A land area within which certain additional requirements are
7 superimposed upon a base zoning district or underlying zoning district and where the
8 requirements of the base or underlay district may or may not be altered. Where the
9 standards of the overlay and base or underlying zoning district are different, the more
10 restrictive standards shall apply.

11 DRIVEWAY – A privately owned, constructed and maintained vehicular access from a
12 street or access drive to any dwelling unit, commercial unit, institutional or industrial
13 principal use. See ACCESS DRIVE.

14 EAVE – The inner edge of a sloping roof surface; the projecting lower edges of a roof
15 overhanging the wall of a building.

16 EMPLOYEES – All persons, including proprietors, hired staff, workers, and contingent
17 workers, working on the premises during the largest shift at peak hours of operation.

18 FACADE – That portion of any exterior elevation on the building extending from grade to
19 top of the parapet, wall, or eave and the entire width of the building elevation.

20 FACADE, NONPRINCIPAL – The exterior wall(s) of a structure that does not face a public
21 right-of-way.

22 FACADE, PRINCIPAL – The exterior wall of a building which is adjacent to or fronts on a
23 public street, park, or plaza. There may be more than one principal façade on a building
24 (e.g., street side façade).

25 FAMILY – One (1) or more persons living together and functioning as a single
26 housekeeping unit who share common living, sleeping, cooking, and eating facilities in an
27 individual dwelling unit. A family shall not include more than three (3) persons who are
28 not related to each other. A family may also include a group of not more than five (5)
29 unrelated “handicapped” or “disabled” persons living together as a single housekeeping
30 unit in a dwelling unit sharing common facilities, as considered reasonably appropriate
31 for a related family. See RELATED.

1 FENCE – A visible or tangible structure constructed of any allowable material(s), solid or
2 otherwise, which is a physical barrier and used as a boundary or means of protection,
3 privacy screening, confinement, or concealment, but not including hedges, shrubs, trees,
4 or other natural growth.

5 FLOOD-PRONE AREA – Any land area which is susceptible to repeated inundation by water
6 from any source.

7 FLOOD ZONE – An area identified on Flood Insurance Rate Maps, published by the Federal
8 Emergency Management Agency (FEMA), as a Special Flood Hazard Area (SFHA), which
9 are defined as the area that will be inundated by the flood event having a one (1) percent
10 chance of being equaled or exceeded in any given year. The one (1) percent annual
11 chance flood is also referred to as the base flood or 100-year flood.

12 FLOOR AREA (GFA), GROSS – The sum of the gross horizontal areas of all floors, including
13 basements, of a building measured from the exterior faces of the exterior walls or from
14 the centerline of walls separating two buildings. Floor area for outdoor display of
15 merchandise or customer seating, whether uncovered or covered by a tent or canopy,
16 shall mean the smallest rectangular area encompassing the display or customer seating
17 area.

18 FLOOR AREA, GROSS LEASABLE – The total floor area designed for tenant occupancy and
19 exclusive use, including basements, mezzanines, and upper floors, if any; expressed in
20 square feet and measured from the centerline of joint partitions and from the face of
21 outside walls. See TENANT SPACE.

22 FLOOR AREA (NFA), NET – The gross floor area exclusive of, but not limited to, the areas
23 within columns and interior walls; vent shafts without openings, areas within corridors,
24 elevators, stairways, and ramps; areas within toilet rooms, mechanical rooms,
25 maintenance rooms, storage rooms, and closets; common areas; interior courts open,
26 uncovered, and unobstructed to the sky.

27 FLOOR AREA RATIO (FAR) – The gross floor area of the principal and accessory buildings
28 on a lot divided by the area of the lot. The ratio is an expression of the intensity of
29 development. For example, an FAR of 1.0 would allow one square foot of building area
30 to be constructed for each square foot of lot area; an FAR of 4.0 would allow four (4)
31 square feet of building area for each square foot of lot area.

32 FORESTRY – The management of forests and timberlands when practiced in accordance
33 with accepted silvicultural principles, through developing, cultivating, harvesting,

1 transporting, and selling trees for commercial purposes, which does not involve any land
2 development.

3 FUTURE GROWTH AREA – An area of a municipal or multimunicipal plan outside of and
4 adjacent to a designated growth area where residential, commercial industrial and
5 institutional uses and development are permitted or planned at varying densities and
6 public infrastructure services may or may not be provided, but future development at
7 greater densities is planned to accompany the orderly extension and provision of public
8 infrastructure services.

9 GENERAL CONSISTENCY, GENERALLY CONSISTENT – See CONSISTENCY.

10 GLARE – (1) The reflection of harsh, bright light sufficient to cause an annoyance,
11 discomfort or loss in visual performance and visibility; (2) The physical effect resulting
12 from high luminance or foot-candles or insufficiently shielded light sources in the field of
13 view.

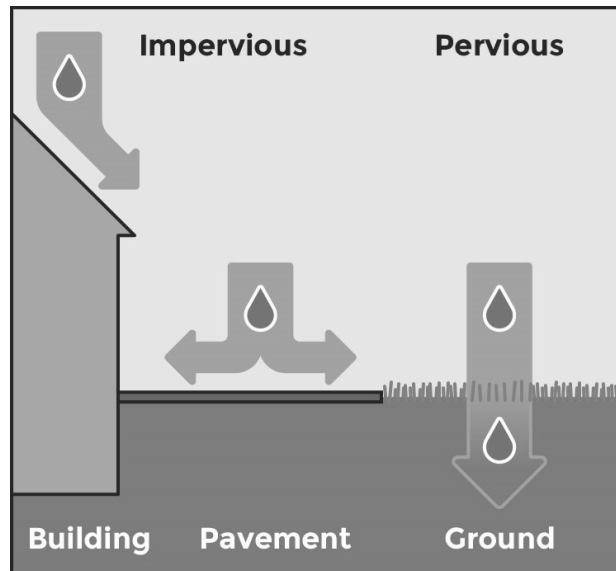
14 GOVERNING BODY – The City Council of the City of Monessen, Westmoreland County,
15 Commonwealth of Pennsylvania.

16 HANDICAPPED or DISABLED – A person who is diagnosed as having a physical or mental
17 disability, mental illness, and/or chemical dependency and considered “handicapped”
18 under the Federal Fair Housing Act Amendments of 1988. The “handicap” or “disability”
19 limits one or more of such person’s major life activities. A major life activity might include:
20 seeing; hearing; walking; breathing; performing manual tasks; caring for one’s self;
21 learning; speaking; or, working. A mental or physical impairment might include conditions
22 such as: blindness; hearing impairment; mobility impairment; HIV infection; intellectual
23 disability; chronic fatigue; learning disability; head injury; mental illness; or, in treatment
24 for alcohol, drug, or chemical addiction. Current users of illegal controlled substances,
25 persons convicted for illegal manufacture or distribution of a controlled substance, sex
26 offenders, and juvenile offenders are not considered “handicapped” or “disabled” under
27 the Federal Fair Housing Act Amendments of 1988.

28 HEIGHT – A vertical distance measure from the ground upward in terms of the number of
29 feet or the number of stories above grade. See 1904 “Measurements” of this Article.

30 IMPERVIOUS COVERAGE – The total area of all impervious surfaces on a lot (including
31 building coverage) divided by the total lot area.

1 IMPERVIOUS SURFACE – Any hard-surfaced, man-made area that does not readily absorb
2 or retain water, including but not limited to building roofs, parking and driveway areas,
3 graveled areas, sidewalks, and paved areas.



4
5 INTENSIFICATION OF USE – An alteration in the size, character, or operations of a use or
6 a change in land use classification of a site or structure to the extent the altered or new
7 use generates new or different impacts on the health, safety, welfare, or tranquility of the
8 surrounding neighborhood or built environment. Examples include, but are not limited
9 to, increase in the number dwelling units within a site, increase in the number of days or
10 hours of operation, the increase in the level, demand, or amount of traffic generated,
11 parking, pollution, smoke, odor, noise, light, vibration, outside storage, or other similar
12 conditions associated with the altered or new use.

13 INTENSITY – The degree to which land is occupied or used in terms of the levels of
14 concentration or activity. There is no single measure of the intensity of land use. Rather,
15 a land use is relatively more or less intense than another use. Generally, a particular use
16 may be more intense due to one or more characteristics, such as, but not limited to,
17 parking demand, traffic generated, amount of impervious surface, bulk of the structures,
18 number of employees, density, or nuisance such as pollution, smoke, odor, noise, light,
19 vibration, etc.

20 JUNK – Any discarded, unusable, scrap or abandoned man-made or man-processed
21 material or articles, such as but not limited to metal, furniture, appliances, motor vehicle
22 parts, aircraft, glass, plastics, machinery, equipment, containers and building materials.
23 Junk shall not include:

- 1 (A) Solid waste that is temporarily stored as is customary in an appropriate
2 container that is routinely awaiting collection and disposed of in a manner
3 consistent with state regulations;
- 4 (B) Toxic wastes;
- 5 (C) Grass clippings, leaves or tree limbs; or
- 6 (D) Items clearly awaiting imminent recycling at an approved recycling use.

7 JUNK VEHICLE – Includes any vehicle or trailer that meets any of the following conditions:

- 8 (A) Does not display a license plate with a current registration sticker (less than 90
9 days expired) and does not have a valid state safety inspection sticker; except
10 for licensed antique cars not required to have an inspection sticker.
- 11 (B) Cannot be immediately moved under its own power, in regard to a vehicle
12 designed to move under its own power, other than a vehicle clearly needing only
13 minor repairs.
- 14 (C) Cannot be immediately towed, in regard to a vehicle designed to be towed.
- 15 (D) Has been dismantled or destroyed beyond repair.
- 16 (E) Has been separated from its axles, engine, body or chassis.
- 17 (F) Is a nuisance in that the vehicle has become the habitat for rats, mice, snakes or
18 other vermin or insects.
- 19 (G) Is defective or obsolete in its condition in any manner and constitutes a threat
20 to the public health and/or safety. Such defective or obsolete condition may
21 include any vehicle with a broken or cracked windshield, window, headlight,
22 taillight, or any other cracked or broken glass, or broken or loose part, including
23 but not limited to a fender, door, bumper, roof, hood, etc.

24 LAND DEVELOPMENT – Any of the following activities:

- 25 (A) The improvement of one (1) lot, or two (2) or more contiguous lots, tracts, or
26 parcels of land for any purpose involving:

1 (1) A group of two or more residential or nonresidential buildings, whether
2 proposed initially or cumulatively, or a single nonresidential building on a
3 lot or lots regardless of the number of occupants or tenure; or

4 (2) The division or allocation of land or space, whether initially or
5 cumulatively, between or among two or more existing or prospective
6 occupants by means of, or for the purpose of streets, common areas,
7 leaseholds, condominiums, building groups, or other features.

8 (B) A subdivision of land.

9 (C) Development in accordance with [insert citation to Monessen SALDO exclusions
10 of certain land development from this definition]

11 LANDOWNER — Shall include:

12 (A) The legal owner(s) of land.

13 (B) The beneficial owner(s) of land, including the holder of an option or contract to
14 purchase (whether or not such option or contract is subject to any condition).

15 (C) A lessee, if authorized under the lease to exercise the rights of the landowner.

16 (D) A person having a proprietary interest in land.

17 LOT - A designated parcel, tract, or area of land established by a plat or otherwise as
18 permitted by law and to be used, developed, or built upon as a unit. For purpose of this
19 definition, the ownership of a lot is further defined as the person(s) who is the record
20 owner of the lot of record in the County Recorder of Deeds office.

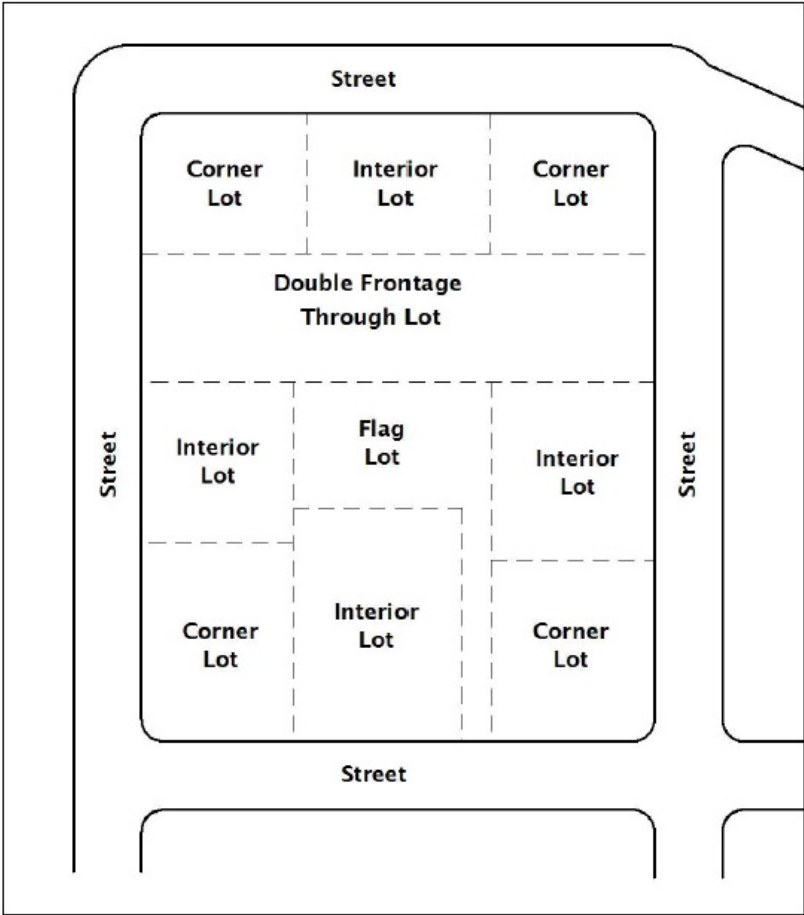
21 LOT AREA – The total area of a lot (measured in acres or square feet) bounded on all sides
22 by any front, corner, side, or rear lot line, provided, however, lot area shall not include
23 any area lying within the right-of-way of any public or private street or easement for
24 surface access into the subject lot or adjoining lots; lands that exist as or will be required
25 to be dedicated as coon open space on a separate lot; land reserved for drainage pond,
26 wetlands, or lands subject to periodic flooding; or, fifty (50) percent of areas within rights-
27 of-way or easements intended for overhead electrical lines of 35 kilovolts or higher
28 capacity, which shall only be excluded for residential use lots. No part of the minimum
29 lot area required under the commitment, variance grant, or development plan approval
30 may be satisfied by land that is under water.

1 LOT FRONT – The side of a lot that abuts a public street is the front of the lot. For corner
2 lots, the shortest side fronting upon a street shall be considered the front of the lot;
3 provided, determining the lot front by shortest side is in context with and compliments
4 the surrounding built environment. Where buildings exist on the lot, the frontage may
5 be established by the orientation of the building, or of the principal entrance, if building
6 orientation does not clearly indicate lot frontage. Where no other method determines
7 conclusively the front of a lot, the Zoning Official shall select one frontage on the basis of
8 traffic flow on adjacent streets, so that the lot is considered to front on the street with
9 the greatest traffic flow.

10 LOT, CORNER – A lot abutting two or more streets at their intersections.

11 LOT, DOUBLE FRONTAGE – A lot abutting two (2) parallel streets or abutting two (2)
12 streets which do not intersect at the boundaries of the lot.

13 LOT, FLAG – An irregularly shaped lot with a limited amount of street frontage and only a
14 thin strip of land, often consisting primarily of a driveway, connecting the street to a wider
15 part of the lot. On a flag lot, only the wider portion of the lot is used to measure lot width.



- 1 LOT, INTERIOR – A lot which is not a corner lot or a double frontage lot.
- 2 LOT, MULTIPLE FRONTAGE – A lot abutting three (3) or more streets or public open
3 spaces.
- 4 LOT, NON-FRONTAGE – A lot with no frontage that is interior to a development.
- 5 LOT LINE – The line of separation of a lot from any abutting public right-of-way or
6 adjoining lot; the property lines bounding the lot.
- 7 LOT LINE, CORNER – The lot line separating a lot from two (2) abutting and intersecting
8 streets.
- 9 LOT LINE, FRONT – The lot line separating a lot from the primary street.
- 10 LOT LINE, REAR – A lot line which is opposite and most distant from the front lot line, or
11 in the case of a triangular shaped lot, a line at least 10 feet in length within the lot, and at
12 the maximum distance from the front lot line.
- 13 LOT LINE, SIDE – Any lot line not designated as a front lot line, corner lot line, or rear lot
14 line.
- 15 LOT, MERGED – A lot which results from the merger of two (2) or more abutting parcels
16 of land that are held under single ownership.
- 17 LOT, MOBILE HOME – A parcel of land in a mobile home park, improved with the
18 necessary utility connections and other appurtenances necessary for the placement
19 thereon of a single mobile home.
- 20 MASONRY, MANUFACTURED – Synthetic or panelized brick or stone manufactured to
21 resemble traditional brick or stone unit masonry construction.
- 22 MASONRY UNIT – Construction of individual brick, stone and architectural cast stone units
23 requiring mortar. Unit Masonry does not include synthetic stucco systems, concrete
24 masonry units (CMU), fiber cement siding or manufactured masonry.
- 25 MEDIATION – A voluntary negotiating process in which parties in a dispute mutually select
26 a neutral third party as mediator, to assist them in jointly exploring and settling their
27 differences, culminating in a written agreement which the parties themselves create and
28 consider acceptable.

1 MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The
2 term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and
3 stone, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse,
4 shale, and crude oil, and natural gas.

5 MIXED-USE DEVELOPMENT – An adjacent development tract that meets the
6 requirements of this Chapter for a mixed-use development at the time of the initial
7 submittal of a subdivision or land development plan for the property, and which may
8 include the subdivision of new lots, provided that each new lot continues to comply with
9 the mixed-use development requirements, unless specifically approved otherwise by City
10 Council.

11 MULTIMUNICIPAL PLAN – A plan developed and adopted by any number of contiguous
12 municipalities, including a joint municipal plan as authorized by the Pennsylvania
13 Municipalities Planning Code, except that all of the municipalities participating in the plan
14 need not be contiguous, if all of them are within the same school district.

15 MULTI-MUNICIPAL PLANNING AGENCY – A planning agency comprised of representatives
16 of more than one municipality and constituted as a joint municipal planning commission
17 in accordance with Article XI of the Pennsylvania Municipalities Planning Code, or
18 otherwise by resolution of the participating municipalities, to address, on behalf of the
19 participating municipalities, multi-municipal issues, including, but not limited to,
20 agricultural and open space preservation, natural and historic resources, transportation,
21 housing and economic development.

22 MUNICIPALITIES PLANNING CODE or STATE PLANNING CODE – The Pennsylvania
23 Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

24 NONCONFORMING FEATURE – A characteristic of a building or property that no longer
25 conforms to parking, loading, landscaping, or other design standards or performance
26 requirements of this Chapter, but lawfully existed prior to the effective date of this
27 Chapter or subsequent amendments thereto and has not been abandoned.

28 NONCONFORMING LOT – A lot whose area or dimensions of which were lawful prior to
29 the adoption or amendment of a zoning ordinance, but which fails to conform to the
30 requirements of the present zoning district in which it is located by reasons of such
31 adoption or amendment.

32 NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not
33 designed to comply with the applicable lot area, dimensional, and other provisions in this

1 Chapter or amendment heretofore or hereafter enacted, where such structure lawfully
2 existed prior to the enactment of this Chapter or amendment, or prior to the application
3 of this Chapter or amendment to its location by reason of annexation. Such
4 nonconforming structures include, but are not limited to, nonconforming signs.

5 NONCONFORMING USE – A use, whether of land or of a structure, which does not comply
6 with the applicable use provisions in this Chapter or amendment heretofore or hereafter
7 enacted, where such use was lawfully in existence prior to the enactment of this Chapter
8 or amendment, or prior to the application of this Chapter or amendment to its location
9 by reason of annexation.

10 NOTICE, ELECTRONIC – Notice given by a municipality through the Internet of the time
11 and place of a public hearing or meeting and the particular nature of the matter to be
12 considered at the hearing or meeting.

13 NOTICE, MAILED – Notice given by a municipality by first class mail of the time and place
14 of a public hearing or meeting and the particular nature of the matter to be considered
15 at the hearing or meeting.

16 NOTICE, PUBLIC – Notice published once each week for two successive weeks in a
17 newspaper of general circulation in the municipality. Such notice shall state the time and
18 place of the hearing or meeting and the particular nature of the matter to be considered
19 at the hearing or meeting. The first publication shall not be more than thirty (30) days
20 and the second publication shall not be less than seven (7) days from the date of the
21 hearing or meeting.

22 OCCUPANCY, CHANGE OF – A discontinuance of an existing use and the substitution
23 therefor of a use of a different kind or class. Change of occupancy is not intended to
24 include a change of tenants or proprietors unless accompanied by a change in the type or
25 classification of use.

26 OFFICIAL STREET CLASSIFICATION MAP – The map as adopted and amended by the City
27 Council classifying the streets of the City. See STREET CLASSIFICATION.

28 OFFICIAL ZONING MAP – The map or maps and any amendments thereto that graphically
29 shows the delineation of all mapped zoning district boundaries and classifications within
30 the City of Monessen, as contained within this chapter, and attached hereto and made a
31 part of this chapter by reference.

1 OPACITY – The degree to which a material blocks light or views, expressed in a percentage
2 where at 100% all light or views are blocked, at 50% some light or views are blocked, and
3 at 0% no light or views are blocked.

4 ORDINANCE – The City of Monessen Zoning Ordinance, including the Official Zoning Map
5 and Official Street Classification Map, as amended.

6 OWNERSHIP – The act, state, or legal right of possessing something

7 PARAPET – The portion of a wall which extends above the bottom roofline.

8 PARTY WALL – A wall common to, but dividing contiguous buildings; such a wall contains
9 no openings and extends from its footing below the finished ground grade to the height
10 of the exterior surface of the roof.

11 PAVED AREA – All areas covered by gravel or impervious surfaces, other than areas
12 covered by buildings, bicycle paths and pedestrian sidewalks.

13 PENNDOT – The Pennsylvania Department of Transportation or its successor and its
14 subparts.

15 PERMIT – A document issued by the proper City authority authorizing the applicant to
16 undertake certain activities or uses.

17 (A) ZONING PERMIT – A permit issued indicating that a proposed use, building, or
18 structure is, to the best knowledge of the City staff, in accordance with this
19 Chapter and which authorizes an applicant to proceed with said use, building, or
20 structure, within all other applicable laws and regulations. For the purposes of
21 this Chapter, a zoning permit or a permit under this Chapter shall mean the
22 applicable portions of a construction permit, unless a specific system of zoning
23 permits has been established.

24 (B) OCCUPANCY PERMIT – A permit issued indicating that the proposed use or
25 occupancy of the building is, to the best knowledge of the City staff, in
26 compliance with the permitted or conditional uses of the property and all
27 applicable building code requirements.

28 (C) CONSTRUCTION PERMIT – A permit indicating that the proposed construction,
29 alteration, or reconstruction of a structure is, to the best knowledge of the City
30 staff, in accordance with the provisions of the PA Uniform Construction Code
31 (UCC) which has been adopted by the City.

1 PETS, KEEPING OF – The keeping of domestic animals that are normally considered to be
2 kept in conjunction with a dwelling for the pleasure of the residents. This shall include
3 dogs, cats, small birds, gerbils, rabbits, and other animals commonly sold in retail pet
4 shops.

5 PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a landowner, to
6 be developed as a single entity for a number of dwelling units, or combination of
7 residential and nonresidential uses, the development plan for which does not correspond
8 in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage, and required
9 open space to the regulations established in any one (1) zoning district created, from time
10 to time, under the provisions of this Chapter.

11 PLANNING AGENCY, CITY — The City of Monessen Planning Commission.

12 PLANNING AGENCY, COUNTY — The Westmoreland County Planning Commission.

13 PLANNING AGENCY, REGIONAL – A planning agency that is comprised of representatives
14 of more than one county. Regional planning agency’s responsibilities include providing
15 technical assistance to counties and municipalities, mediating conflicts across county
16 lines, setting transportation priorities, and reviewing county comprehensive plans for
17 consistency with one another [i.e., Southwestern Pennsylvania Commission (SPC)].

18 PLANNING COMMISSION – The Planning Commission of the City of Monessen. See CITY
19 PLANNING AGENCY.

20 PLAT – The map or plan of a subdivision or land development, whether preliminary or
21 final.

22 PORCH/DECK – A roofless outdoor space built as an aboveground platform projecting
23 from the wall of a building and is connected by structural supports at grade and/or by the
24 building structure.

25 PORCH/PATIO – A roofless, outdoor, level surfaced space directly adjacent to a building
26 which is not elevated above the adjoining ground.

27 PORCH, ENCLOSED – A structure under roof extended out from an exterior wall of a
28 building and having enclosed walls.

29 PORCH, OPEN – An unheated, open-air structure attached to a building that may be
30 partially enclosed with a roof on top, and railings or walls on the sides not exceeding 40
31 inches in height from the porch floor. The area between the roof and the railings or walls

1 may be covered with screening or netting material, but must remain open to the weather
2 and cannot be enclosed with lattice, windows, or other similar material.

3 PORCH STOOP – A structure that is less than twelve (12) square feet in area, with an
4 elevation of at least six (6) inches higher than the adjacent ground level, which may or
5 may not be covered, and is intended to provide ingress and egress to a building.

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

10 PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soils of
11 the first, second or third class as defined by the United States Department of Agriculture
12 natural resource and conservation services county soil survey.

13 PREMISES – An area of land occupied by the building(s), structure(s), or other physical
14 uses which are an integral part of the activity conducted upon the land and such open
15 spaces as may be arranged and designed to be used in conjunction with that activity.

16 PROFESSIONAL CONSULTANTS – Persons who provide expert or professional advice,
17 including, but not limited to, architects, attorneys, certified public accountants,
18 engineers, geologists, land surveyors, landscape architects, or planners.

19 PROFESSIONAL ENGINEER (P.E.) – An active, registered professional engineer (P.E.),
20 licensed as such by the Commonwealth of Pennsylvania.

21 PUBLIC GROUNDS or PUBLIC LANDS – Includes:

22 (A) Parks, playgrounds, trails, paths, and other recreational areas and other public
23 areas.

24 (B) Sites for schools, sewage treatment, refuse disposal, and other publicly owned
25 or operated facilities.

26 (C) Publicly owned or operated scenic and historic sites.

27 PUBLIC HEARING – A formal meeting held pursuant to public notice by the Monessen City
28 Council, the Monessen Planning Commission, or the Monessen Zoning Hearing Board,
29 intended to inform and obtain public comment, prior to taking action in accordance with
30 this Chapter.

1 PUBLIC INFRASTRUCTURE AREA – A designated growth area and all or any portion of a
2 future growth area described in a county or multimunicipal comprehensive plan where
3 public infrastructure services will be provided and outside of which such public
4 infrastructure services will not be required to be publicly financed.

5 PUBLIC INFRASTRUCTURE SERVICES – Services that are provided to areas with densities
6 of one or more units to the acre, which may include sanitary sewers and facilitates for the
7 collection and treatment of sewage, water lines and facilitates for the pumping and
8 treating of water, collection and disbursement of storm water, publicly owned utilities,
9 parks and open space, streets and sidewalks, public transportation and other services that
10 may be appropriated within a growth area, but shall exclude fire protection and
11 emergency medical services and any other service required to protect the health and
12 safety of residents.

13 PUBLIC MEETING – A forum held pursuant to notice under 65 PA Consolidated Statutes
14 (C.S.) CH. 7 (relating to open meetings).

15 PUBLIC RIGHT-OF-WAY or ROW – The surface of and space above and below any real
16 property in the City in which the City has a regulatory interest, or interest as a trustee for
17 the public, as such interests now or hereafter exist, including, but not limited to, all
18 streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways,
19 or any other public place, area, or property under the control of the City, and any
20 unrestricted public or utility easements established, dedicated, platted, improved, or
21 devoted for utility purposes, but excluding lands other than streets that are owned by the
22 City. The phrase “in the public right(s)-of-way” means in, on, over, along, above and/or
23 under the public right(s)-of-way.

24 QUASI-JUDICIAL DECISION – A decision made in the application of this Chapter following
25 a public hearing proceeding, similar to a court proceeding, where affected parties are
26 afforded more procedural safeguards. Examples of quasi-judicial decisions include, but
27 are not limited to: variances, special exception uses, conditional uses, subdivision plats,
28 site plan review, administrative appeals, and zoning violations. Quasi-judicial decisions
29 are further described as:

30 (A) The action occurs in response to a application or appeal followed by a statutorily
31 mandated public hearing;

32 (B) As a result of the application or appeal, readily identifiable proponents and
33 opponents weigh in on the process;

1 (C) The decision is localized in its purpose and relevance to the specific application
2 or appeal affecting a particular group of citizens more acutely than the public at
3 large; and,

4 (D) The decision can be appealed as provided for in the Pennsylvania Municipalities
5 Planning Code.

6 Quasi-judicial proceedings must follow basic standards of due process, included:

7 (A) Proper notice of the hearing.

8 (B) Providing everyone who may have an interest in the proceedings an opportunity
9 to be heard and to hear what others have to say.

10 (C) Full disclosure to every one of the facts being considered by the quasi-judicial
11 decision-making body (i.e., not ex parte contacts, etc.).

12 (D) An impartial quasi-judicial decision-maker free from bias and conflicts of
13 interest.

14 (E) Decisions based on the facts of the application or case, not on political pressure
15 or vocal opposition.

16 RELATED OR RELATIVE – Persons who are related by blood, marriage, adoption,
17 guardianship, or duly-authorized custodial relationship to result in one of the following
18 relationships: child, parent, grandparent, parent-in-law, sister, brother, aunt, uncle,
19 niece, nephew, and such relationships resulting from adoption or remarriage (stepparent,
20 stepchild, stepbrother, stepsister, etc.). For the purposes of this chapter, this term shall
21 not include relationships such as first or second cousins, or cousins further removed.

22 RENEWABLE ENERGY – Any method, process, or substance whose supply is rejuvenated
23 through natural processes and, subject to those natural processes, remains relatively
24 constant, including, but not limited to, biomass conversion, geothermal energy, solar and
25 wind energy and hydroelectric energy and excluding those sources of energy derived from
26 fossil fuels or nuclear fission.

27 RIGHT-OF-WAY – Land reserved for the public or others for use as a street, walkway,
28 bikeway, or other purpose. Unless otherwise stated, right-of-way shall mean the existing
29 street right-of-way line.

1 RIGHT-OF-WAY, EXISTING OR LEGAL – The line separating a lot from the established
2 official street right-of-way that either the City or the Commonwealth will own after the
3 completion of any proposed subdivision, land development, or development of a use
4 under this chapter.

5 RIGHT-OF-WAY, FUTURE OR ULTIMATE – Land that is dedicated or is required to be
6 defined or reserved for future dedication for use as a street and for related public
7 improvements. The terms "ultimate right-of-way," "right-of-way reserved for future
8 dedication," and "future right-of-way" shall have the same meaning. If a future right-of-
9 way is not required to be defined, then future right-of-way shall have the same meaning
10 as existing right-of-way.

11 ROOFLINE – In the case of a flat roof, the uppermost line of the roof of a building; in the
12 case of a pitched roof or shed roof, the bottom line of the roof.

13 SCREENING – Year-round plant material of substantial height and density designed to
14 buffer an intense use from another use or street.

15 SEPTAGE – Materials pumped from a residential on-lot septic treatment system that was
16 installed and is maintained in compliance with DEP regulations.

17 SETBACK LINE – The line within a lot defining the required minimum distance between
18 any structure to be erected or use to be developed, and the adjacent street right-of-way
19 or exterior lot line (when the property boundary is not abutted by a right-of-way).

20 SEWAGE DISPOSAL SYSTEM – A system to collect, treat, and dispose of sewage.

21 (A) Central Sewer Service – Service at the time of occupancy of a use by a sewage
22 treatment system that serves a minimum of 20 dwelling units or five (5) principal
23 nonresidential uses.

24 (B) Public Sewer Service – Service at the time of occupancy of a use by a central
25 sewage treatment plant that is owned by a municipality or a municipal or county
26 authority.

27 (C) On-lot or Nonpublic Sewer Service – Any form of sewage service permitted
28 under local, state, and/or federal law that does not meet the definition of
29 "central sewer service."

30 SLOPE – The vertical change of an area of land divided by the horizontal change, measured
31 in a percentage.

1 SOLAR GENERATING SYSTEM, PHOTO-VOLTAIC – A renewable energy technology that
2 converts photons of light directly into electrical energy. For purposes of this Chapter,
3 technologies that concentrate photons of light for the purpose of increasing photo-voltaic
4 efficiency is considered a photo-voltaic solar generating system and not a concentrating
5 solar generating system.

6 SOLAR POWER, CONCENTRATING (CSP) – Thermal-electric power generation that utilizes
7 parabolic dish, parabolic trough, linear Fresnel, or power technology as its mechanism for
8 generating heat.

9 SOLAR CONCENTRATING – A renewable energy technology that focuses and collects heat
10 energy from the sun and utilizes that heat energy for the purpose of doing work.
11 Concentrating solar does not include devices which concentrate photons of light onto a
12 photo-voltaic cell for the purpose of increasing photovoltaic efficiency in a photo-voltaic
13 solar generating system.

14 SOLICITOR – Unless otherwise stated, the appointed Attorney to the City of Monessen
15 City Council, the Monessen Planning Commission, or the Monessen Zoning Hearing Board.

16 SOLID WASTE – Any garbage, refuse, sewage sludge or other discarded material, including
17 solid, liquid, semisolid or contained gaseous material resulting from industrial,
18 institutional, public, household, or commercial activities. For the purposes of this
19 chapter, the following materials shall not be considered to be solid waste:

- 20 (A) Portions of trees or shrubs, leaves, mulch and rocks;
- 21 (B) Substances legally disposed of into the air or water through a federal or state
22 pollution discharge permit;
- 23 (C) Customary residual wastes from a permitted mineral extraction use; or
- 24 (D) Materials of a character such as paper, plastic, aluminum and metal that have
25 clearly been separated from the waste stream for recycling.

26 SPECIAL EXCEPTION – A use that is appropriate, in terms of the public health, safety, and
27 welfare, for the zoning district in which it is permitted, but is subject to specific standards
28 and criteria and more detailed and formal review. The Zoning Hearing Board, pursuant to
29 the provisions of Article 5 “Development Review Procedures” of this Chapter, hears and
30 decides upon an application for special exception in accordance with the standards and
31 criteria contained in this Chapter, provided generally that the proposed use would not
32 prove injurious to the public interest.

1 SPECIFIC PLAN – A detailed plan for nonresidential development of an area covered by a
2 municipal or multimunicipal comprehensive plan, which when approved and adopted by
3 the participating municipalities through ordinances and agreements supersedes all other
4 applications.

5 SPECIFIED SEXUAL ACTIVITIES – One or more of the following:

6 (A) Human genitals or human genitals in a visible state of sexual stimulation or
7 arousal.

8 (B) Acts of human masturbation, sexual intercourse, oral sex, or sodomy.

9 (C) Erotic display, erotic touching, or fondling of human genitals, pubic region,
10 buttocks, or breasts, even if completely or opaquely covered.

11 STATE – The Commonwealth of Pennsylvania and its agencies.

12 STATE LAND USE AND GROWTH MANAGEMENT REPORT – A comprehensive land use and
13 growth management report to be prepared by the Center for Local Government Services
14 and which shall contain information, data and conclusions regarding growth and
15 development patterns in this Commonwealth and which will offer recommendations to
16 commonwealth agencies for coordination of executive action, regulation and programs.

17 STATE PLANNING CODE – The Pennsylvania Municipalities Planning Code, Act 247 of 1968,
18 as amended by Act 170 of 1988 and as may be further amended.

19 STORY – That portion of a building included between the finished floor level to the surface
20 of the floor above, except that the topmost story shall be that portion of a building
21 included between the finished floor of the topmost floor and the ceiling or roof above. In
22 the case of a one-story building, from the finished ground floor level to the roofline of a
23 flat roof or the eave of a pitched roof.

24 STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane,
25 alley, viaduct and any other ways used or intended to be used by vehicular traffic or
26 pedestrians whether public or private and provides vehicle access to abutting lots but
27 does not include ALLEY or DRIVEWAY.

28 STREET CENTERLINE – The center of the existing street right-of-way or, where such cannot
29 be determined, the center of the traveled cartway.

1 STREET CLASSIFICATION – The functional classification of streets into the following types,
2 as shown on the Official Street Classification Map for existing streets and as determined
3 by the City Engineer for future streets:

4 (A) ARTERIAL STREET – Designed for high volumes and moderate speed traffic, with
5 an emphasis on carrying through traffic and providing access to abutting
6 nonresidential uses.

7 (B) COLLECTOR STREET – Designed to carry a moderate volume of traffic from local
8 streets to arterial streets.

9 (C) LOCAL STREET – Designed primarily to provide access to the abutting properties
10 and to carry this traffic to collector streets.

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

13 SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means
14 into two or more lots, tracts, parcels or other divisions of land, including changes in
15 existing lot lines for the purpose, whether immediate or future, of lease, partition by the
16 court for distribution to heirs or devisees, transfer of ownership or building or lot
17 development: Provided, however, that the subdivision by lease of land for agricultural
18 purposes into parcels of more than ten acres, not involving any new street or easement
19 of access or any residential dwelling, shall be exempted.

20 SUBDIVISION ORDINANCE OR SUBDIVISION AND LAND DEVELOPMENT ORDINANCE – The
21 City of Monessen Subdivision and Land Development Ordinance, as amended.

22 SUBSTANTIALLY COMPLETED – Where, in the judgment of the Code Enforcement Officer,
23 at least 90% of the approved development and/or the improvements required as a
24 condition of final approval have been completed in accordance with the development
25 approval(s), so that the project will be able to be used, occupied, or operated for its
26 intended use.

27 SUBSTANTIAL DESTRUCTION – The condition of repair or restoration of a building or
28 structure which exceeds one (1) of the following:

29 (A) Seventy-five (75) percent of the appraised value of the building or structure as
30 determined by an Appraiser licensed in the Commonwealth of Pennsylvania.

1 (B) Building or structures for which the value cannot be reliably determined,
2 substantial destruction will occur at the point that seventy-five (75) percent or
3 more of the total square footage of the building or structure is replaced.

4 TELECOM SERVICES – Telecommunication service networks that include telephone
5 landline network, mobile network, Broadband, Cable TV networks, and the Internet.

6 TENANT SPACE – A portion of or a building leased and/or occupied by a single land use
7 with its own public entrance from the exterior of the building or through a shared lobby,
8 atrium, mall, or hallway and separated from other tenant spaces by walls.

9 TERRACED (TERRACING) – Land having been graded and formed, or a building designed
10 and/or built into a number of level areas resembling a series of steps.

11 TRACT – In certain zoning districts, the minimum amount of adjacent land area (which
12 may be separated by alleys, streets or waterways) within the City that may be required to
13 be approved as part of an overall preliminary subdivision or land development plan in
14 order to allow either certain types of uses or to allow the creation of lots smaller than a
15 certain specified lot area. An area of land shall meet the following requirements in order
16 to be considered a tract:

17 (A) Shall only include lands within a submitted preliminary plan that includes a well-
18 defined internal circulation system, maximum coordination between lots, and
19 carefully limited points of vehicular access onto streets exterior to the tract; and

20 (B) Shall only include lands that at the time of the approval of the preliminary plan
21 have one landowner (as defined by under Chapter 345 “Subdivision and Land
22 Development Ordinance), unless the applicant proves to the satisfaction of the
23 Zoning Officer that there is a legally binding commitment between two or more
24 landowners to coordinate the access and development of the tract as shown in
25 the approved preliminary plan.

26 TRADITIONAL NEIGHBORHOOD DEVELOPMENT – An area of land typically developed for
27 a compatible mixture of residential units for various income levels and nonresidential
28 commercial and workplace uses, including some structures that provide for a mix of uses
29 within the same building. Residences, shops, offices, workplaces, public buildings, and
30 parks are interwoven within the neighborhood so that all are within relatively close
31 proximity to each other. Traditional neighborhood development is relatively compact and
32 oriented toward pedestrian activity. It has an identifiable center and a discernible edge.
33 The center of the neighborhood is in the form of a public park, commons, plaza, square

1 or prominent intersection of two or more major streets. Generally, there is a hierarchy of
2 streets laid out with an interconnected network of streets and blocks that provides
3 multiple routes from origins to destinations and are appropriately designed to serve the
4 needs of pedestrians and vehicles equally.

5 TRANSFERABLE DEVELOPMENT RIGHTS – The attaching of development rights to
6 specified lands which are desired by a municipality to be kept undeveloped, but
7 permitting those rights to be transferred from those lands so that the development
8 potential which they represent may occur on other lands where more intensive
9 development is deemed to be appropriate.

10 USE – Any purpose for which a lot, building, or other structure or a tract of land may be
11 designated, arranged, intended, maintained, or occupied; or any activity, occupation,
12 business, or operation carried on or intended to be carried on in a building or other
13 structure or on a tract of land.

14 USE, ACCESSORY – A use which: (1) is subordinate to and serves the principal building or
15 use; (2) is subordinate in area, extent, and purpose to the principal building or principal
16 use served; and, (3) contributes to the comfort, convenience, or necessity of occupants
17 of the principal building or principal use served.

18 USE, COMPATIBLE – The use of a lot, building, or structure which is capable of direct
19 association with certain other uses because it is complimentary, congruous, or otherwise
20 not detrimental.

21 USE, CONDITIONAL – A use that is appropriate, in terms of the public health, safety, and
22 welfare, for the zoning district in which it is permitted, but is subject to specific standards
23 and more detailed and formal review and approval by City Council, following a public
24 hearing and recommendations by the Planning Commission, pursuant to the provisions
25 of Article 5 “Development Review Procedures” of this Chapter.

26 USE, EXISTING – The use of a lot, building, or structure at the time of the enactment or
27 amendment of this chapter.

28 USE, INCOMPATIBLE – The use of a lot, building, or structure that is incapable of direct
29 association with certain other uses because it is contradictory, incongruous, or
30 discordant.

31 USE, PERMITTED – A use permitted by-right or allowed in the district involved but shall
32 not include a CONDITIONAL USE, SPECIAL EXCEPTION, or a NONCONFORMING USE.

1 USE, PRINCIPAL – The dominant, main, or primary use to which the premises are designed,
2 arranged, intended, devoted to or for which it may be used, occupied, or maintained, as
3 opposed to an ACCESSORY USE.

4 USE, SPECIAL EXCEPTION – A use that is appropriate, in terms of the public health, safety,
5 and welfare, for the zoning district in which it is permitted, but is subject to specific
6 standards and criteria and more detailed and formal review and approval by the Zoning
7 Hearing Board pursuant to the provisions of Article 5 “Development Review Procedures”
8 of this Chapter.

9 VARIANCE — A means to obtain relief from the strict application of the requirements of
10 this Chapter to fit the land it regulates. It enables a landowner to use his/her land which,
11 due to specific location, topography size, or shape, otherwise would not be suitable for
12 development under the strict interpretation of this Chapter. The Zoning Hearing Board,
13 within the limitations of the Pennsylvania Municipalities Planning Code, as reenacted and
14 amended, has exclusive authority to grant a Variance where it is asserted that the
15 provisions of this Chapter inflict unnecessary hardship and the variance is appropriate
16 only where the property, not the applicant, is subject to hardship.

17 WALL – The vertical exterior surface of a building, but not including a FENCE or a
18 RETAINING WALL.

19 WALL, RETAINING – A structure or combination of similar structured device(s),
20 constructed at a grade change and designed to retain or restrain lateral forces of soil or
21 other materials, said materials being similar in height to the height of the retaining wall,
22 but not used to support, provide a foundation for, or provide a WALL for a building nor
23 used as a FENCE.

24 WATER SURVEY – An inventory of the source, quantity, yield, and use of groundwater and
25 surface-water resources within a municipality.

26 WATER SYSTEM – A system designed to transmit water from a source to users, in
27 compliance with the requirements of the appropriate state agencies and the City.

28 (A) CENTRAL WATER SERVICE – Service by a central water system that is owned and
29 operated by a municipality, a municipal or county authority, or a water company
30 regulated by the State Public Utility Commission, and which transmits water
31 from a common source to more than 30 dwellings or principal uses.

1 (B) PUBLIC WATER SERVICE – Central water service by a system owned by a
2 municipality or a municipal or county authority.

3 (C) ON-LOT OR NONPUBLIC WATER SERVICES – Service by a water system that does
4 not meet the definition of a central water service. In most cases, this would
5 involve an individual well serving an individual lot but may also include a
6 common well or another duly approved system.

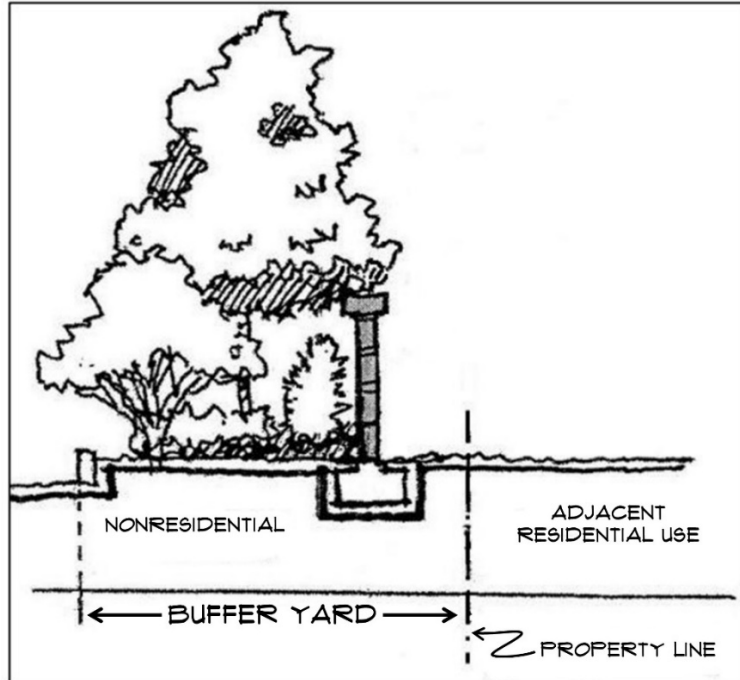
7 WIND GENERATING SYSTEM, LARGE – A renewable energy technology that utilizes a wind
8 turbine generator with an electrical output greater than 100 kilowatts.

9 WIND GENERATING SYSTEM, SMALL – A renewable energy technology that utilizes a wind
10 turbine generator with an electrical output of 100 kilowatts or less.

11 WETLANDS – Transitional lands between terrestrial and aquatic systems where the water
12 table is usually at or near the surface or the land is covered by shallow water. For
13 purposes of this definition, wetlands must have the following three attributes: (1) have a
14 predominance of hydric soils; (2) are inundated or saturated by surface or ground water
15 at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation
16 typically adopted for life in saturated soil conditions; and, (3) under normal circumstances
17 supports a prevalence of such vegetation.

18 YARD – An area not covered by buildings and that is on the same lot as the subject
19 structure or use.

20 YARD, BUFFER – Land area used to visually separate one use from another or to shield or
21 block noise, light, or other nuisances. The buffer yard is not occupied by any building,
22 parking, outdoor storage, or any use other than open space or approved pedestrian
23 pathways. A buffer yard may be a part of the minimum setback distance, but land within
24 an existing or future street right-of-way shall not be used to meet a buffer yard
25 requirement. Buffer yard improvements might include one or a combination of shrubs,
26 trees, fencing, berms, and/or like separation or shielding features.



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YARD, FRONT – The area across the width of a lot bounded by the front lot line, the minimum front setback line (or the front building line where a principal building is situated on the lot), and the side lot lines.

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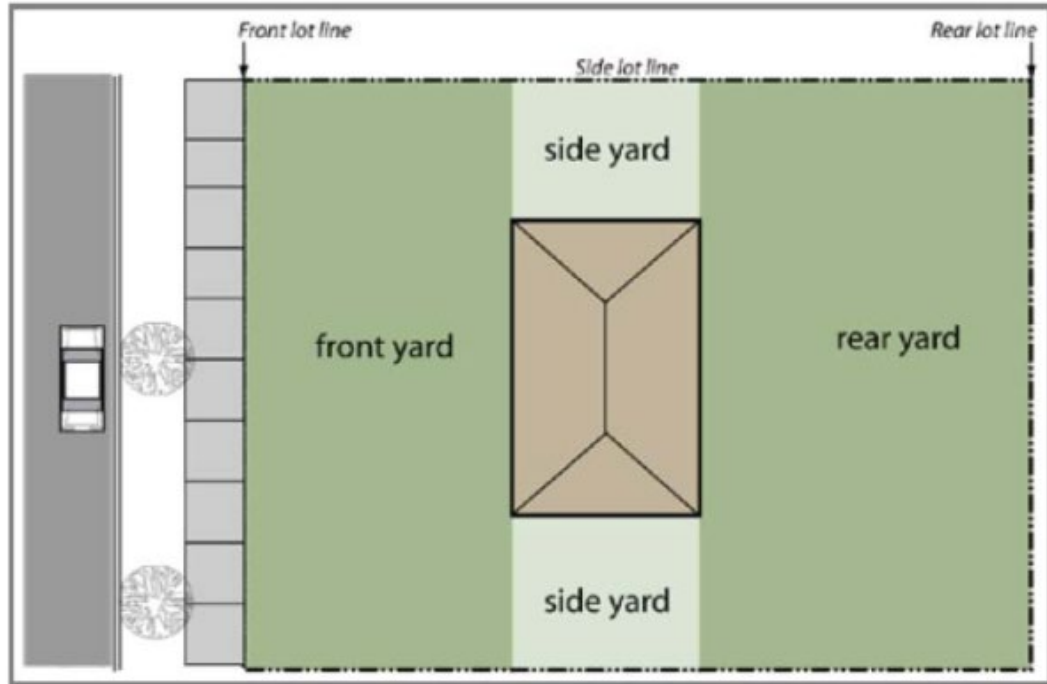
7

YARD, REAR – The area across the width of a lot bounded by the rear lot line, the minimum rear setback line (or the rear building line where a principal building is situated on the lot), and the side lot lines.

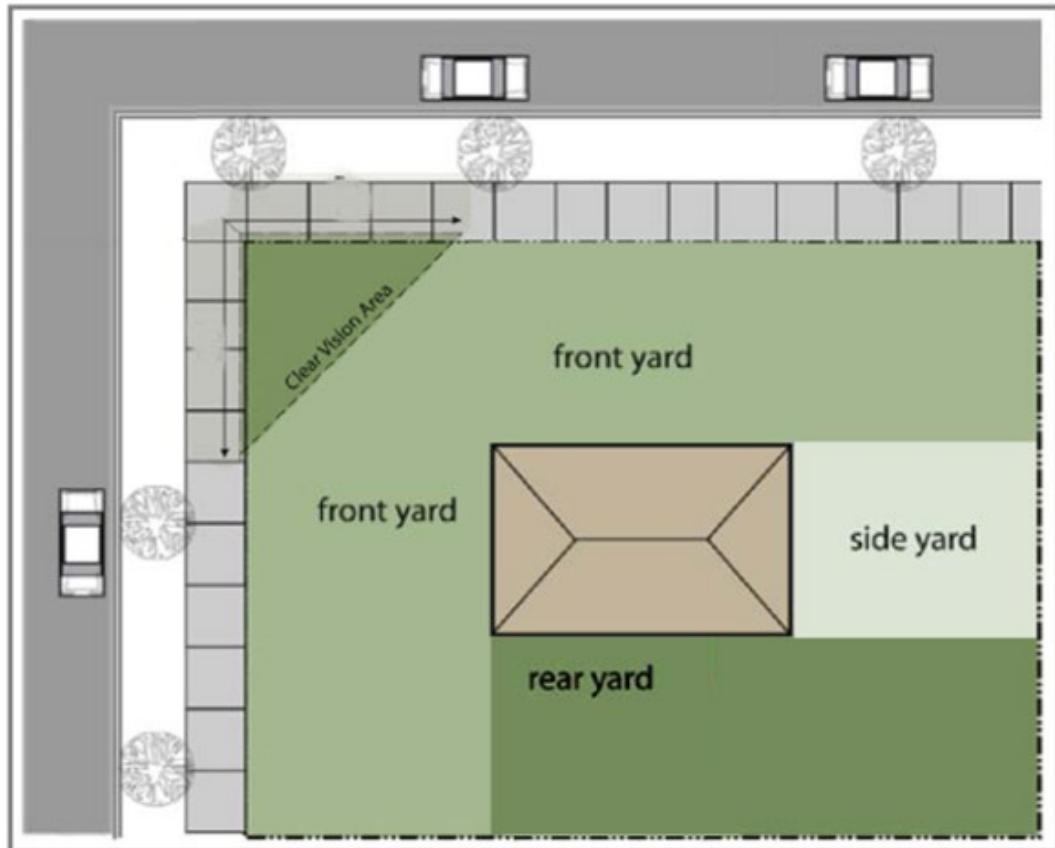
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9

YARD, SIDE – The area between the principal building and the side lot line, extending from the front yard to the rear yard.



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1 ZERO-LOT-LINE – A common lot line on which a wall of a principal building may be
2 constructed.

3 ZONING CERTIFICATE OF COMPLIANCE – A Zoning Certificate of Compliance is a document
4 signed and issued by the Zoning Officer, as required under this Chapter, acknowledging
5 that such land, building, or structure may be occupied or used in compliance with the
6 provisions of this Chapter or an authorized variance therefrom. The Zoning Certificate of
7 Compliance shall refer only to conformance or nonconformance with this Chapter and
8 shall not be construed as a building permit or a certificate of occupancy under the purview
9 of the Pennsylvania Uniform Construction Code Act 45 of 1999, as amended.

10 ZONING MAP – The Official Zoning Map of the City of Monessen, Westmoreland County,
11 Pennsylvania.

12 ZONING OFFICER(S) – The administrative officer(s) charged with the duty of administering
13 and enforcing the provisions of this Chapter or their officially designated assistants.

14 ZONING ORDINANCE – The City of Monessen Zoning Ordinance, as reenacted and
15 amended.

16 ZONING PERMIT – A document signed and issued by the Zoning Officer, as required under
17 this Chapter, as a condition precedent to the commencement of a use or the erection,
18 construction, reconstruction, restoration, relocation, alteration, conversion, or
19 installation of a structure or building, which document acknowledges that such use,
20 structure, or building, as proposed, complies with the provisions of this Chapter or an
21 authorized variance therefrom. The issuance of a Zoning Permit shall not be construed
22 as a building permit for construction which are under the purview of the Pennsylvania
23 Uniform Construction Code Act 45 of 1999, as amended.

24 **1903 PROCEEDINGS DEFINITIONS.** The following words and phrases, when used in and for the
25 provisions of Article IX (Zoning Hearing Board and other Administrative Proceedings) and
26 Article X-A (Appeals to Court) of the Pennsylvania Municipalities Planning Code Act of
27 1968, P.L. 805, No. 247, as reenacted and amended, shall have the meanings given to
28 them in this subsection unless the context clearly indicates otherwise:

29 BOARD – Any body granted jurisdiction under a land use ordinance or under this Chapter
30 to render final adjudications.

31 DECISION – Final adjudication of any board or other body granted jurisdiction under any
32 land use ordinance or this act to do so, either by reason of the grant of exclusive

1 jurisdiction or by reason of appeals from determinations. All decisions shall be appealable
2 to the court of common pleas of the county and judicial district wherein the municipality
3 lies.

4 DETERMINATION - Final action by an officer, body or agency charged with the
5 administration of any land use ordinance or applications thereunder, except the
6 following:

7 (A) The Monessen City Council.

8 (B) The Monessen Zoning Hearing Board.

9 (C) The Monessen Planning Commission, only if and to the extent the Planning
10 Commission is charged with final decision on preliminary or final plans under the
11 Monessen Subdivision and Land Development Ordinance (Chapter 345).

12 Determinations shall be appealable only to the boards designated as having
13 jurisdiction for such appeal.

14 HEARING – An administrative proceeding conducted by a board pursuant to Section
15 909.1, Article IX of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805,
16 No. 247 as reenacted and amended.

17 LAND USE ORDINANCE – Any ordinance or map adopted pursuant to the authority
18 granted in Articles IV (Official Map), V (Subdivision and Land Development), VI (Zoning),
19 and VII (Planned Residential Development) of the Pennsylvania Municipalities Planning
20 Code Act of 1968, P.L. 805, No. 247 as reenacted and amended.

21 REPORT – Any letter, review, memorandum, compilation, or similar writing made by any
22 body, board, officer, or consultant other than a solicitor to any other body, board, officer,
23 or consultant for the purpose of assisting the recipient of such report in the rendering of
24 any decision or determination. All reports shall be deemed recommendatory and
25 advisory only, and shall not be binding upon the recipient, board, officer, body, or agency,
26 nor shall any appeal lie therefrom. Any report used, received, or considered by the body,
27 board, officer, or agency rendering a determination or decision shall be made available
28 for inspection to the applicant and all other parties to any proceeding upon request, and
29 copies thereof shall be provided at cost of reproduction.
30

1 **1904 MEASUREMENTS.** The following section explains the regulations established in the tables
2 and diagrams for each zoning district. Refer to Articles 7 through 10 of this Chapter for
3 regulations specific to each zoning district.

4 **1904.1 Uses.** Principal use tables identify the permitted uses allowed within a zoning
5 district, with a reference section listed for supplemental regulations that may
6 apply.

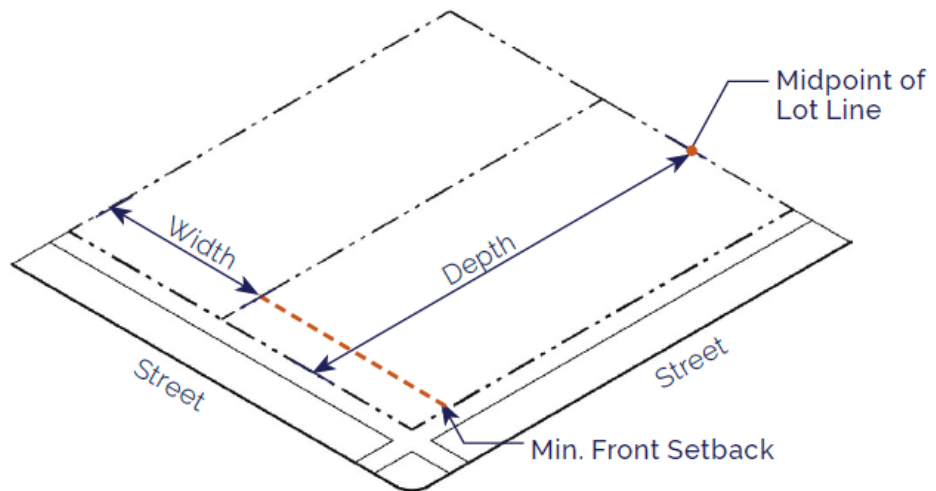
7 **1904.2 Land Use Separation.** Measurement of distance shall be from the lot line of the
8 lot or out lot occupied by the use, measured in a straight line, without regard for
9 intervening buildings, structures, or objects. If a use is a part of a business or
10 industrial use, then all measurements shall be from the perimeter wall of the
11 tenant space.

12 **1904.3 Building Placement.** These regulations define where a building can be situated
13 within a lot.

14 (A) Lot Size.

15 (1) Lot width is the full horizontal distance measured between lot lines
16 along the minimum front yard setback.

17 (2) Lot depth is measured as the distance from the midpoint of the front
18 lot line to the midpoint of the rear lot line.



19 *Lot Width & Depth*

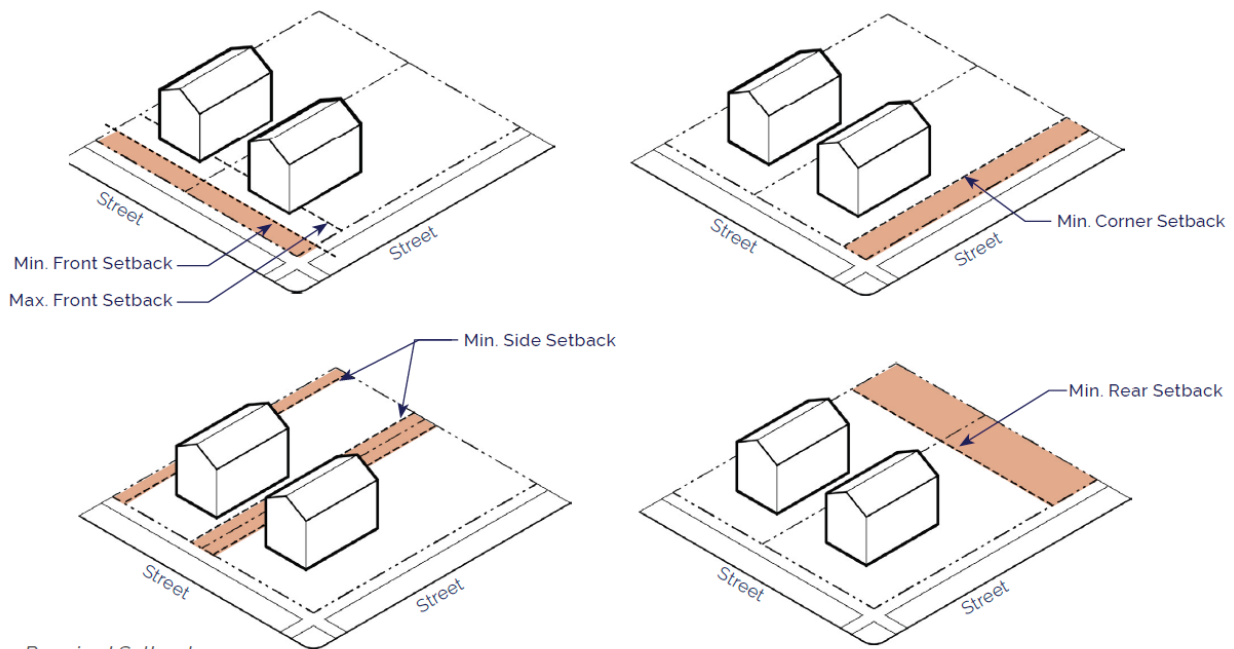
1 (B) Lot Line Determination. For non-frontage, double frontage, and multiple
2 frontage lots, the Zoning Official shall determine which lot lines shall be
3 considered front, corner, side, or rear based on the context of the
4 development.

5 (C) Building Setbacks. A setback distance establishing the setback line that is
6 measured perpendicular from the lot line to the closest exterior wall of a
7 building's façade, excluding an open porch, stoop, steps, overhangs, etc. A
8 setback is measured from the greater of an actual or proposed street.

9 (1) Setback Line. Such line shall be measured at right angles from and
10 run parallel to the corresponding lot line.

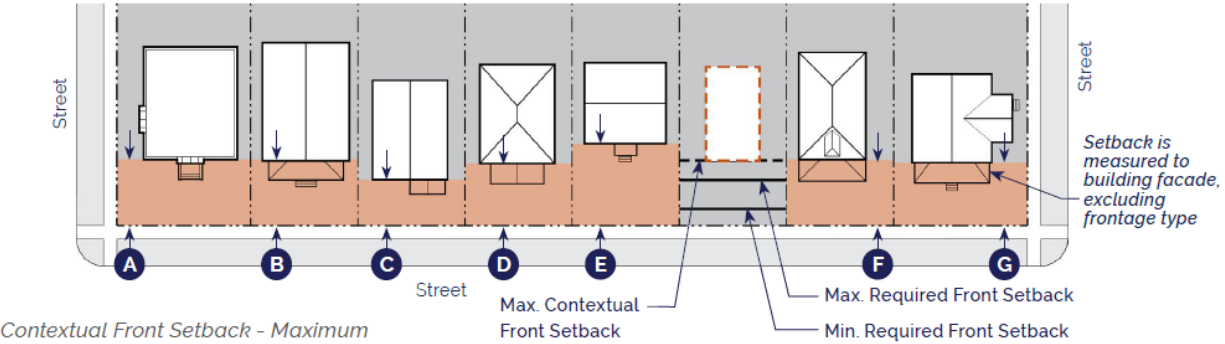
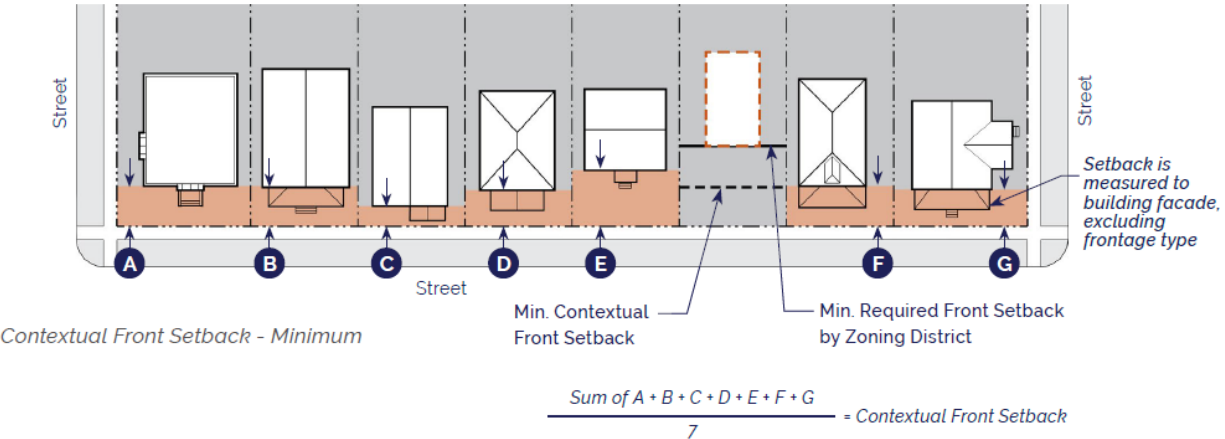
11 (2) Corner (or Secondary Street) Setback. For all corner lots, one street
12 shall be designated as a primary street frontage, and one shall be
13 designated as a secondary street frontage. See definition for LOT
14 FRONT in Section 1902 "General Definitions" of this Article.

15 (3) Private Streets – For a building setback measured from a private
16 street, the setback shall be measured from the existing right-of-way
17 of such a street, if a right-of-way exists. If a private street does not
18 have a right-of-way, the setback shall be measured from the edge of
19 the cartway.



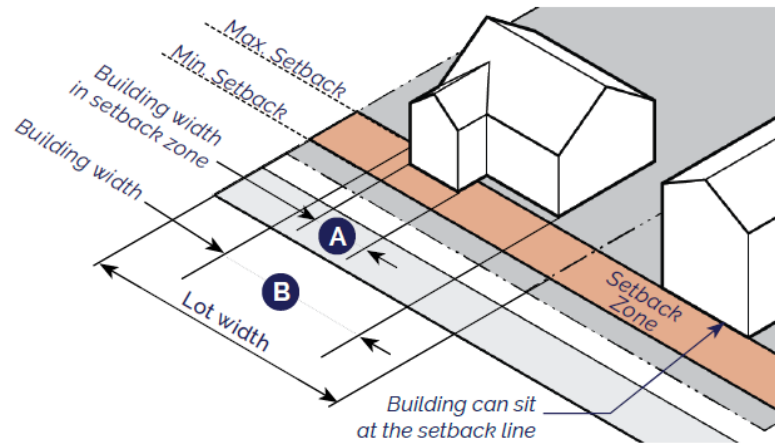
20 *Required Setbacks*

- 1 (4) Contextual Setback. In order to create consistent setbacks along a
 2 block where existing buildings are in front of the required minimum
 3 front setback or beyond the maximum front setback, any new
 4 building may use the average setback of existing building along the
 5 same blockface.
- 6 (a) Where less than 25 percent of the lots along a blockface have
 7 primary buildings, the contextual front setback line shall be
 8 determined by the Zoning Official.
- 9 (b) Where one or more adjacent lots, located along the same
 10 blockface as the subject lot, vary front the average front
 11 setback line by more than 10 feet, the contextual front setback
 12 line shall be determined by the Zoning Officer.



- 13
- 14 (D) Percentage Façade within Setback Zone. This regulation specifies the
 15 percentage of the width of the building façade, measured along the
 16 abutting right-of-way line, which shall be located within a setback zone, as
 17 established by the zoning district requirements.

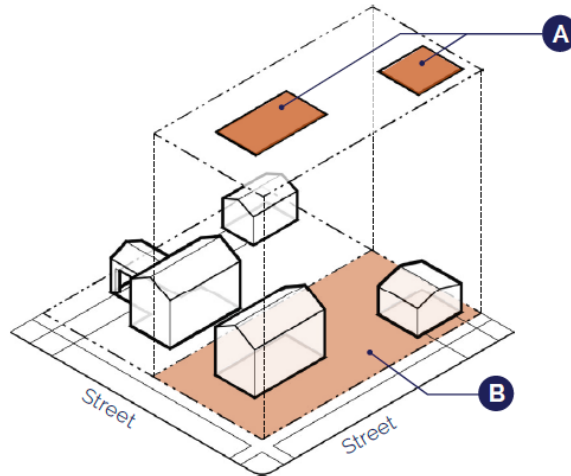
- (1) On lots with an angled front lot line, the percentage of the facade required within the setback zone may be reduced by the Zoning Official provided the reduction is not more than 50 percent of what is required and meets the intent of this Chapter.
- (2) For the purpose of this regulation, the percentage of the façade required within a Setback Zone, as set forth within a zoning district, is applied only to that portion of façade below the top of the 3rd story, unless specified otherwise.
- (3) For a multiple frontage lot or double frontage lot, the Zoning Officer may waive the requirement for a maximum setback on one frontage provided the development meets the intent of the zoning district in which it is located and doing so is in context with and compliments the surrounding built environment.
- (4) For development projects containing multiple buildings, only the facades of buildings visible in elevation view from a street shall be used to determine the percentage of the façade within a setback zone.



$$\frac{A}{B} \times 100 = \% \text{ of Facade within Setback Zone}$$

Facade within Setback Zone

- (E) Building Coverage. Building coverage is measured by dividing the total area of building footprints for all primary and accessory structures by the total lot area. Driveways, walkways, fences, decks/patios less than 30" above grade, above-ground or inground pools, and walls not attached in any way to a roof do not count toward building coverage.



$$\frac{\text{Sum of } \mathbf{A}}{\mathbf{B}} \times 100 = \% \text{ Building Coverage}$$

Building Coverage

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1904.4 Access and Parking. These regulations allow for parking that supports that function of land uses while preserving the character of neighborhood and surrounding built environment.

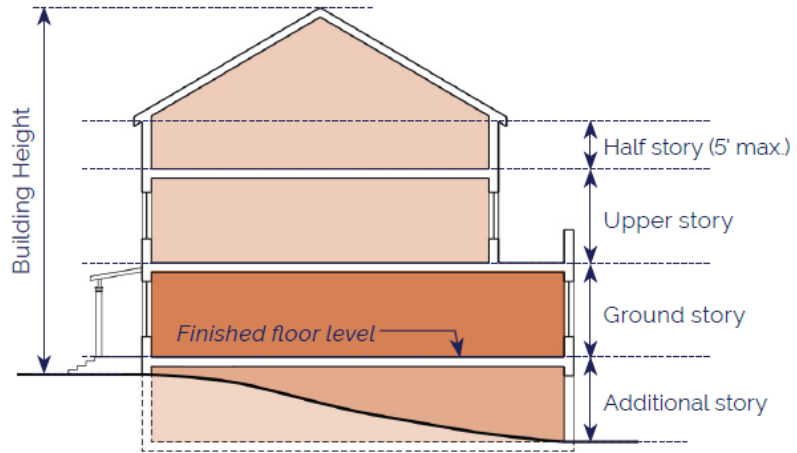
(A) Required Spaces. Indicates the minimum required number of off-street (on-site) parking spaces, if any, based on the land use or combination of land uses on the premises.

(B) Any fractional result shall be rounded up to the next higher whole number. For example, if a minimum of 2 spaces is required per 1,000 square feet for a 4,200 square foot area, the resulting fraction of 4.2 is rounded up to 5 required parking spaces.

1904.5 Building Form. These regulations ensure that buildings are in scale with the surrounding context and appearance that address the street in a way that reinforces the desired character. A building shall comply with the required height in both feet and stories for the applicable zoning district.

(A) Building Height (Feet). Height is measured as the vertical distance from the average finished grade adjacent to the front of the building to the highest point of the building (typically the peak or highest point of the roofline of a flat roof or the ridge of a pitched roof).

- 1 (1) Maximum Building Height Exceptions.
- 2 (a) Elements such as chimneys, cooling towers, elevator towers,
3 mechanical penthouses, stage towers, water towers, radio or
4 television antenna, ornamental towers, cupolas, domes,
5 smokestacks, steeples, and spires, may exceed the maximum
6 building height, up to twenty (25) feet in height above the
7 roofline. Farm-Related Use buildings and structures are
8 exempt from maximum building height standards.
- 9 (b) Parapet walls may exceed the maximum building height,
10 provided such parapet walls do not exceed four (4) feet in
11 height above the roofline.
- 12 (B) Building Height (Stories). A story is measured from the finished floor level
13 to the surface of the floor above or, in the case of a one-story building,
14 from the finished ground floor level to the surface of the eave.
- 15 (1) A half-story is located either completely within the space under a
16 sloping roof (above the roofline) or in a visible basement exposed an
17 average of more than two (2) feet but less than four (4) feet above
18 the finished grade of the front side of the building that faces onto a
19 street. A building incorporating both a half story within the roof and
20 a visible basement shall count the two (2) half stories as one (1) full
21 story.
- 22 (2) When building height allows for half-stories, the half-story shall be a
23 maximum of 5 feet above grade or calculated between the line of
24 intersection of roof decking and exterior wall face above the top floor
25 level.
- 26 (3) A basement shall be considered a story if the top of the foundation
27 of the building is an average of four (4) or more feet above the
28 average finished grade of the front side of the building that faces
29 onto a street.
- 30 (4) When a lot slopes downward from the front lot line, additional
31 stories do not count toward the maximum number allowed. These
32 stories are only allowed on the lower rear portion of the lot.



Building Height (Stories)

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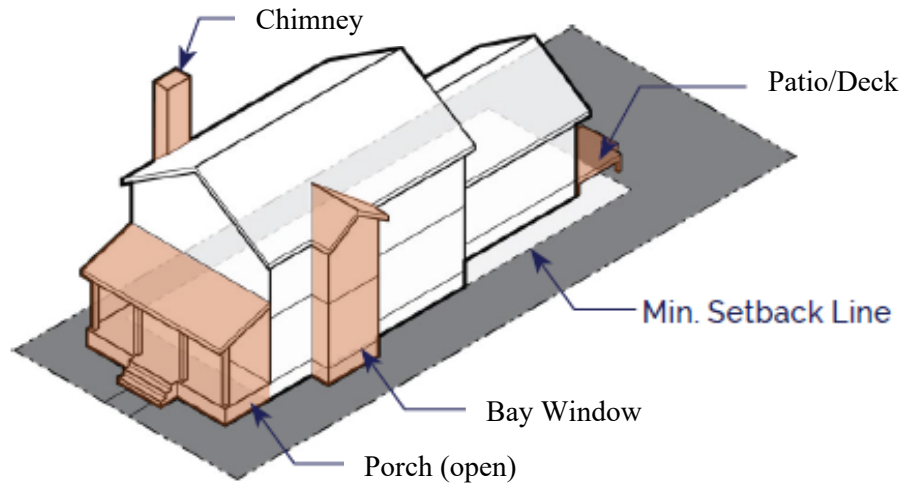
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1904.6 Building Components. These regulations discuss elements that are commonly attached to a building. When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components.



Encroachment of Building Components

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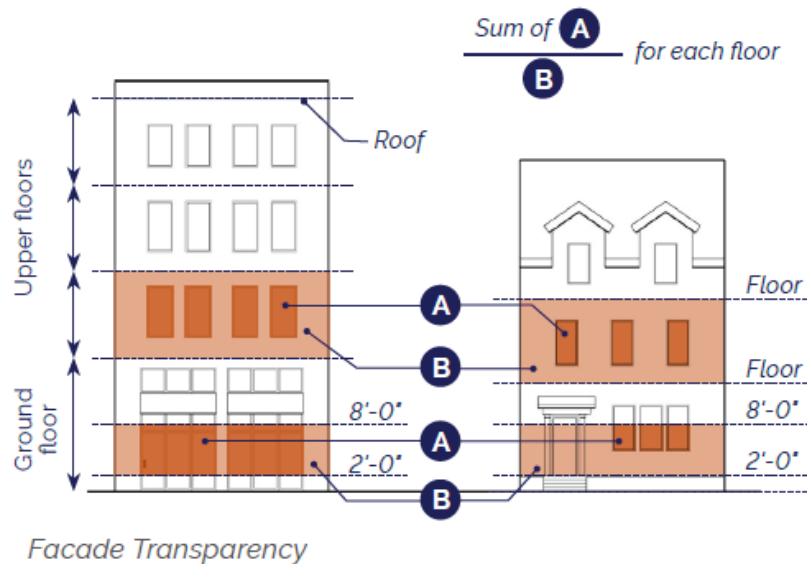
1 **1904.7 Building Standards.** These regulations define certain attributes that affect a
2 building's appearance and are intended to improve the physical quality of
3 buildings, emphasizing the importance of how buildings relate to the public
4 street.

5 (A) Façade Transparency.

6 (1) In order to count toward this requirement, windows and doors shall
7 have clear, transparent glass that has a minimum Visible Light
8 Transmittance (VLT) of 50 percent and a maximum Visible Light
9 Reflectance (VLR) of 25 percent as indicated by the glass
10 manufacturer.

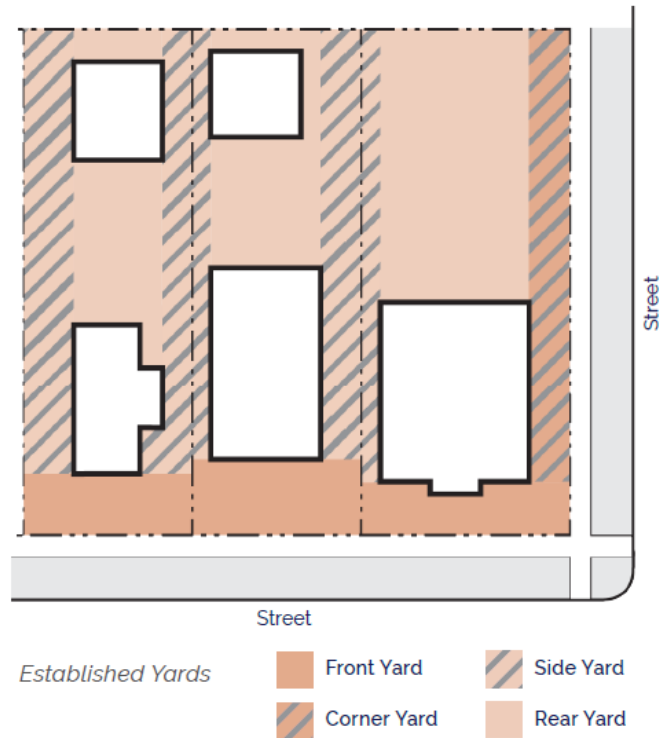
11 (2) Ground floor transparency is calculated based on the total facade
12 area located between two (2) feet and eight (8) feet above the
13 finished ground floor level.

14 (3) Upper floor transparency is calculated based on the total facade area
15 located between the surface of any floor to the surface of the floor
16 above it or, if there is no floor above, from the surface of the floor to
17 the surface of the roofline.



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19 **1904.8 Site Development.** These regulations affect elements that may be located on a
20 lot, typically detached from the primary building.

1 (A) Established Yards. An established yard is the area defined between a lot
2 line and a line running parallel to the nearest point of the building façade
3 oriented to that lot line. An established yard may be different than the
4 required minimum setback.

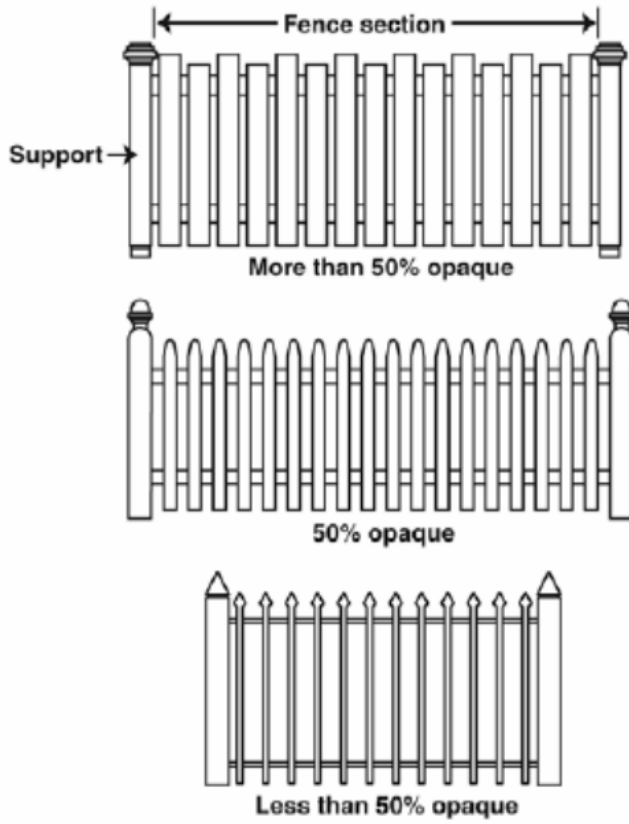


5
6 (B) Fences. Unless specified otherwise in this Chapter, fences may be located
7 along any lot line or within any established yard but shall not exceed the
8 height limits set forth within each zoning district.

9 (1) The height of all fences is measured from the average ground level
10 within two (2) feet of the base of the fence.

11 (2) An additional one (1) foot of height is allowed, above the maximum
12 permitted height, for posts, columns, or light fixtures.

13 (3) Fence opacity is the degree to which light or views are blocked and is
14 measured perpendicular to the fence section between supports.



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(4) Concertina, razor, and electric fences shall be prohibited in all zoning districts.

1904.9 Landscape. Landscape requirements increase the safety, comfort, visual appeal, and sustainability of each individual lot. See Article 13 “Landscaping and Screening” of this Chapter for measurement standards of all required landscaping.

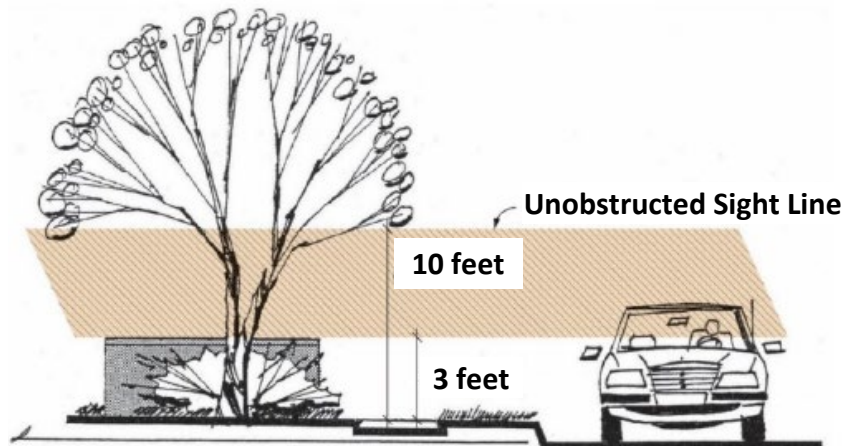
1904.10 Signs. These regulations determined the size, number, and location of signs used for residential, nonresidential, or off-premises uses on a lot. See Article 15 “Signs” of this Chapter for the measurement standards of signs.

1904.11 Clear Vision Triangle. An unobstructed triangular area located at the intersection of the two (2) streets, a street and an alley, a street and a railroad, or a street and a driveway between three (3) feet at grade and ten (10) feet above the highest grade within the triangular area; two (2) sides of which are measured from their corner intersection specified in the table and generally illustrated in the following graphics. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) measured sides.

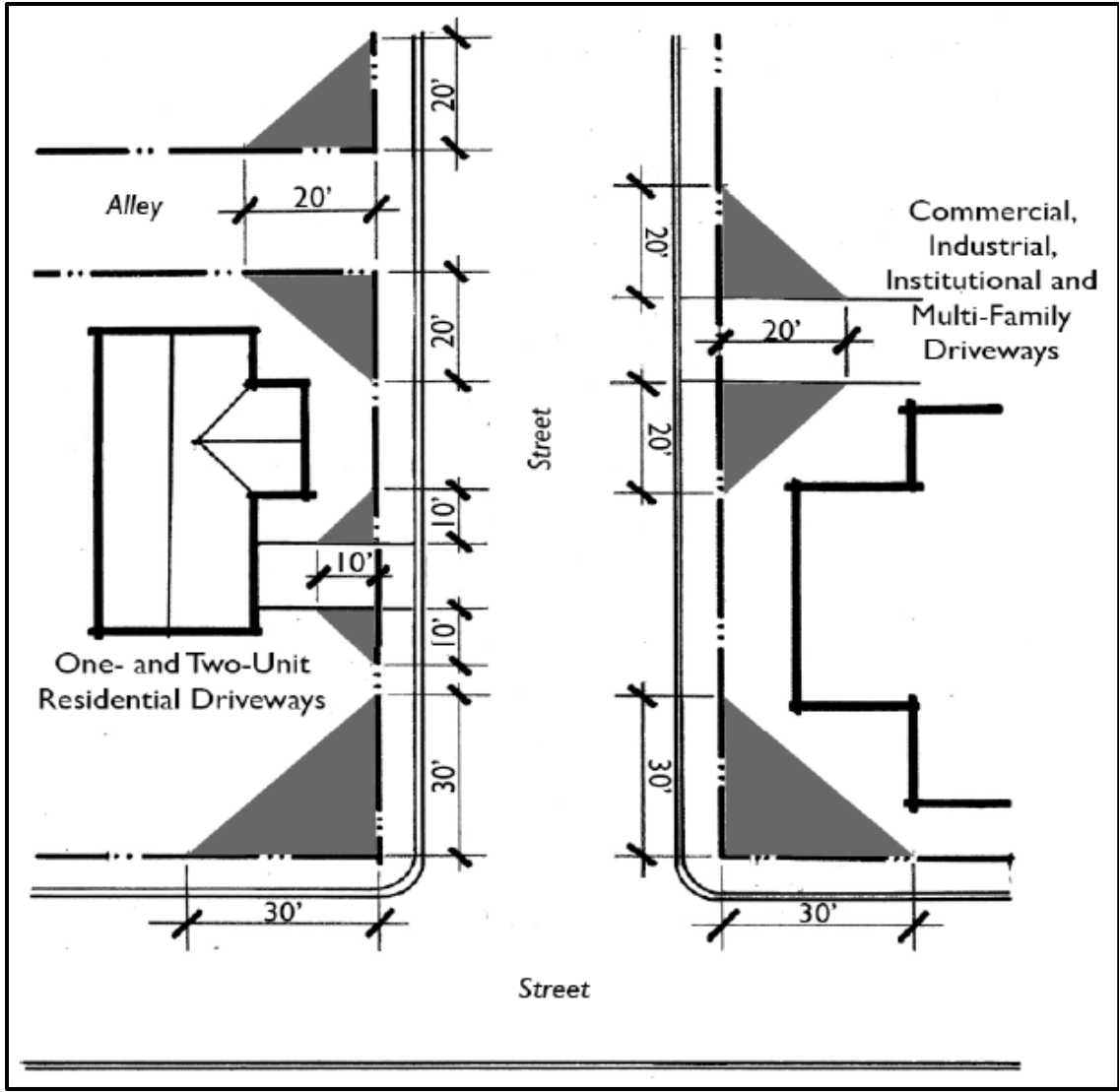
1 Where the lot lines at intersections have rounded corners, the lot lines and/or
 2 right-of-way lines will be extended in a straight line to a point of intersection.

Intersection Type	Driveway Serving Specific Use Type, if applicable	Measured Distance from their Corner Intersection
Two (2) Streets	N/A	30 feet
A Street and a Railroad	N/A	40 feet
A Street and an Alley	N/A	20 feet
Driveway and a Street or an Alley	One- and Two-Unit Residential	10 feet
Driveway and a Street or an Alley	Multi-Family, Commercial, Industrial, and Institutional	20 feet

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1 **1905 LAND USE DEFINITIONS AND DEVELOPMENT STANDARDS AND CONDITIONS OF**
2 **GENERAL APPLICABILITY.**

3 **1905.1** For the purposes of this Chapter, the land use terms defined in this Section shall
4 have the meanings ascribed to them herein. Where land use terms are not
5 specifically defined in this Section, they shall have ascribed to them their
6 ordinarily accepted meanings and/or such as the context herein may imply.

7 **1905.2** This Section establishes additional specific development standards and
8 conditions of general applicability for certain specific uses, in addition to the
9 sign, parking, floodplain, environmental, and other general requirements of this
10 chapter and the requirements of each zoning district. Wherever two (2)
11 requirements conflict, the more restrictive requirement shall apply.

12 **1905.3** The standards and conditions listed for land uses in this Section are applicable
13 to permitted uses and to special exception and conditional uses, as specified for
14 each zoning district, unless otherwise noted.

15 **1905.4** For uses allowed within a specific zoning district as special exception or
16 conditional uses, see the application, review, and approval procedures set forth
17 in Article 5 “Development Review Procedures” in this Chapter. Articles 7
18 through 10 of this Chapter provide additional standards to be used within
19 specific zoning districts in determining whether a proposed special exception
20 use or conditional use should be approved.

21 **1905.5** Specific zoning districts and/or overlay districts may provide additional
22 development standards and conditions applicable to that specific zoning district
23 and/or overlay district that supplement or supplant development standards and
24 conditions of general applicability provided in this Section.

25 **ADULT USE** – This shall include only the following use types:

26 (A) **ADULT LIVE ENTERTAINMENT FACILITY** — A use including live entertainment
27 involving persons (which may include waiters, waitresses, dancers, clerks,
28 bartenders, contractors or others) displaying uncovered male or female genitals
29 or nude female breasts or engaging in simulated or actual specified sexual
30 activities related to some form of monetary compensation paid to a person,
31 company, or organization operating the use or to persons involved in such
32 activity.

- 1 (B) ADULT MOVIE THEATER — A use involving the presentation typically to three or
2 more persons at one time of motion pictures, videotapes or similarly reproduced
3 images distinguished or characterized by an emphasis on depiction of specified
4 sexual activities for observation by patrons therein and that is related to some
5 form of monetary compensation by the persons viewing such matter.
- 6 (C) ADULT RETAIL ESTABLISHMENT – An establishment in which 10 percent or more
7 of the gross public floor area is devoted to, or 10 percent or more of the stock-
8 in-trade consists of, the following: books, magazines or other periodicals,
9 movies, videotapes, compact discs (CD), digital versatile discs (DVD), novelty
10 items, games, greeting cards, and other materials which are distinguished or
11 characterized by their emphasis on matters depicting, describing, or relating to
12 specified sexual activities.
- 13 (D) Standards and conditions for all ADULT USES generally applicable in all zoning
14 districts where permitted:
- 15 (1) No such use shall be located within 500 linear feet of the lot line of any
16 primary or secondary school, place of worship, public park, day-care
17 center, child nursery, library, existing dwelling unit not owned by the same
18 owner as the adult use or any site marked as a proposed future park
19 location on any City Official Map.
- 20 (2) No such use shall be located within 1,000 linear feet of the lot line of any
21 existing adult use.
- 22 (3) A thirty-five (35) foot buffer yard shall be provided along the side and rear
23 lot lines in accordance with Article 13 “Landscaping and Screening” of this
24 Chapter, but with plantings of an initial minimum height of five feet.
- 25 (4) No images, displays, or legible descriptions of SPECIFIED SEXUAL
26 ACTIVITIES may be placed in view of persons who are not inside the
27 establishment. Definite precautions shall be made to prohibit minors from
28 entering the premises.
- 29 (5) No such use shall be used for any purpose that violates any Federal, State
30 or City law.
- 31 (6) No such use shall be allowed in combination with the sale of alcoholic
32 beverages.

- 1 (7) The use shall not include the sale or display of obscene materials, as
2 defined by State Law, as may be amended by applicable court decisions.
- 3 (8) A minimum lot area of one (1) acre is required, unless a larger lot is
4 required in the applicable district regulations.
- 5 (9) For public health reasons, private or semiprivate viewing booths of any
6 kind are prohibited. This specifically includes, but is not limited to, booths
7 for viewing adult movies or nude dancers. No room of any kind accessible
8 to customers shall include less than 150 square feet.
- 9 (10) No use may include live actual or simulated sex acts or any sexual contact
10 between entertainers or between entertainers and customers or between
11 customers.
- 12 (11) Only lawful massages as defined by state court decisions shall be
13 performed in a massage parlor.
- 14 (12) All persons within any adult use, other than performers in an adult live
15 entertainment use, shall wear nontransparent garments that cover their
16 genitals and the female areola.
- 17 (13) Unless the Zoning Officer agrees in advance to send such notices, the
18 applicant shall provide a written affidavit stating that he has mailed or
19 delivered a written notice of the proposed hearing date to all property
20 owners of record within 1,000 feet of the subject property at least 10 days
21 prior to the hearing date.
- 22 (14) Any application for such use shall state the names, home addresses, and
23 home phone or personal mobile numbers of all individuals intended to
24 have more than a five (5) percent ownership in such use or in a corporation
25 owning such use; the on-site manager responsible to ensure compliance
26 with this Chapter; and, any legal representative of the applicant. Such
27 information shall be updated once a year in writing to the Zoning Officer.

28 AFTER-HOURS CLUB – A commercial use or membership club that permits the
29 consumption of alcohol and is routinely open between the hours of 2:00 a.m. to 4:00 a.m.,
30 in addition to any other hours.

- 31 (A) Standards and conditions generally applicable in all zoning districts where
32 permitted:

1 (1) This use generally is prohibited under State Act 219 of 1990.

2 AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial
3 production and preparation for market of crops, livestock and livestock products and in
4 the production, harvesting and preparation for market or use of agricultural, agronomic,
5 horticultural, silvicultural and aquacultural crops and commodities. The term includes an
6 enterprise that implements changes in production practices and procedures or types of
7 crops, livestock, livestock products or commodities produced consistent with practices
8 and procedures that are normally engaged by farmers or are consistent with technological
9 development within the agricultural industry.

10 AGRICULTURAL USE – The use of land for agricultural purposes, including farming,
11 dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and
12 poultry husbandry, and the necessary accessory uses for storing the products. The term
13 shall include incidental retail sales by the produce of products raised on site. Examples of
14 AGRICULTURAL USES include, but are not limited to:

15 (A) BEEKEEPING – An apiary or collection of beehives where one or more colonies
16 of bees are kept, cared for, and managed for their honey and other products or
17 their services as pollinators of fruit and vegetable blossoms or as a hobby.

18 (B) CHRISTMAS TREE FARM OR TREE FARM – A type of crop farming involving the
19 raising and harvesting of evergreen trees for commercial purposes. This may
20 include the retail sale of trees from November 15 to January 7 that were
21 produced on the premises.

22 (C) CROP FARMING – The cultivating, raising, and harvesting of products from the
23 soil and the storage of these products produced on the premises. Crop farming
24 shall also include orchards and Christmas tree farms and raising of limited
25 numbers of livestock as a clearly accessory use, but shall not include intense
26 raising of livestock, commercial forestry, riding academies, or kennels.

27 (D) LIVESTOCK, RAISING OF – The raising and keeping of livestock, poultry or insects
28 for any commercial purposes or the keeping of any animals for any reason
29 beyond what is allowed under the "Keeping of Pets" and beyond what is allowed
30 within the definition of "crop farming." This use shall not include a
31 "slaughterhouse" nor a "stockyard" used for the housing of animals awaiting
32 slaughter.

1 (E) PLANT NURSERY – The indoor or outdoor raising of trees, plants, shrubs, or
2 flowers for sale, but not primarily including commercial forestry or lumber. A
3 plant nursery may include the growth of trees, shrubs, plants, and flowers for
4 sale for internal or external decoration of homes.

5 AIRPORT - An area of land or water or a surface of a building which is designated, used,
6 or intended to be used for the landing and takeoff of motorized aircraft (other than one-
7 person ultralight aircraft, which are not regulated by this chapter) that carry people and
8 any related aircraft support facilities such as, for maintenance, refueling and parking. A
9 public airport shall be one that does not meet the definition of a private airport. A private
10 airport shall be one that is limited to a maximum total of 15 flights and/or takeoffs in any
11 seven-day period and that is not available for use by the general public.

12 ANIMAL CEMETERY – Land or buildings used for the internment or burial of the remains
13 of noncremated nonhuman animals. This term shall not include the following, which shall
14 be permitted by-right, as accessory uses in any district:

15 (A) The burial of up to:

- 16 (1) three (3) animals on a lot of less than 4,000 square feet;
- 17 (2) six (6) animals on a lot between 4,000 square feet and one quarter (1/4)
18 acre;
- 19 (3) nine (9) animals on a lot over one quarter (1/4) acre.

20 (B) The spreading of remains of animals cremated in a sanitary fashion.

21 (C) Standards and conditions generally applicable in all zoning districts where
22 permitted:

- 23 (1) All regulations for a CEMETERY use in this Section shall apply.
- 24 (2) The applicant shall prove to the satisfaction of the City Council, with advice
25 by the Planning Commission, that the use will be conducted in such a
26 manner that the public health and groundwater quality will not be
27 threatened.
- 28 (3) Any crematorium shall be set back a minimum of 250 feet from any
29 residential lot line.

1 (4) The applicant shall prove that there will be a long-term system to ensure
2 perpetual maintenance.

3 ANIMAL DAY CARE – A use primarily providing exercising and socializing for domestic pets
4 on a daily basis for less than twenty-four (24) hours per day by a person other than the
5 owner of the animal.

6 (A) Standards and conditions generally applicable in all zoning districts where
7 permitted:

8 (1) In Residential Districts, B-1, B-3, and B-4 Districts, all activity shall take
9 place within completely enclosed building except for the walking of
10 animals on a leash.

11 (2) In B-2 and Industrial Districts, an outdoor exercise/relief area shall be
12 entirely enclosed with a fence. The property where the use is located shall
13 not adjoin a residentially zoned property.

14 ANIMAL HOSPITAL – Any establishment maintained by or for the use of a licensed
15 veterinarian for the care, observation, or treatment of the diseases and injuries of
16 domestic animals (e.g., dogs, cats, or other comparable animals) and wherein the
17 overnight care of said animals is prohibited except when necessary in the medical
18 treatment of the animal.

19 ANTENNA – A device used to collect or transmit telecommunications or radio signals, or
20 any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices
21 used for the transmission or reception of wireless signals. An antenna may include an
22 omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or
23 any other wireless antenna. An antenna shall not include tower-based wireless
24 communications facilities defined in Article 18 “Wireless Communications Facilities” of
25 this Chapter. An antenna shall not include private residence-mounted satellite dishes or
26 television antennas or amateur radio equipment including, without limitation, ham, or
27 citizen band radio antennas.

28 AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES – A building or area, other
29 than a street, used for the outdoor or indoor display, sale, or rental of one or more of the
30 following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm
31 machinery, motorcycles, trucks, utility trailers, construction vehicles or boats or
32 transportable mobile/manufactured homes in a livable condition. This use may include
33 an auto repair garage as an accessory use, provided that all requirements of such use are

1 complied with. This use shall not include a mobile/manufactured home park or a
2 junkyard.

3 (A) Standards and conditions generally applicable in all zoning districts where
4 permitted:

5 (1) No vehicle or home on display shall occupy any part of the street right-of-
6 way or within minimum required parking spaces.

7 AUTO REPAIR GARAGE – A building and/or land where repairs, improvements, and
8 installation of parts and accessories for motor vehicles and/or boats are conducted that
9 involves work that is more intense in character than work permitted under the definition
10 of AUTO SERVICE STATION. An AUTO REPAIR GARAGE shall include, but not be limited to,
11 any use that involves any of the following work: major mechanical or body work,
12 straightening of body parts, painting, welding or rebuilding of transmissions. Any use
13 permitted as part of an AUTO SERVICE STATION is also permitted as part of an AUTO
14 REPAIR GARAGE.

15 (A) Standards and conditions generally applicable in all zoning districts where
16 permitted:

17 (1) Any spray paint work shall be performed within a building. All spray
18 painting shall require a fume collection system that directs fumes away
19 from any adjacent dwellings.

20 (2) Outdoor storage of vehicles shall be set back a minimum of 20 feet from a
21 lot line of an existing dwelling.

22 (3) Overnight outdoor storage of junk other than junk vehicles shall be
23 prohibited within view of a public street or an abutting or adjacent
24 dwelling.

25 (4) An individual junk vehicle shall not be stored within view of a public street
26 or an abutting or adjacent dwelling for a total of more than 20 days. A
27 maximum of six (6) junk vehicles may be parked on a lot outside of an
28 enclosed building at any one time.

29 (5) Fuel pumps shall be at least 25 feet from the street right-of-way.

30 AUTO FUEL/SERVICE STATION – A building and/or land where vehicle fuel (i.e., gasoline,
31 diesel, etc.) is sold and where no repairs are conducted, except work that may be

1 conducted that is closely similar in character to the following: sale and installation of oil,
2 lubricants, batteries, belts, and similar accessories and safety and emission inspections.
3 This use may include a convenience store selling ready-to-eat food for consumption off
4 the lot, common household products, and similar items.

5 (A) Standards and conditions generally applicable in all zoning districts where
6 permitted:

7 (1) See standards and conditions for AUTO REPAIR GARAGE uses.

8 BED-AND-BREAKFAST – The use of a single-family detached dwelling which includes the
9 rental of overnight sleeping accommodations and bathroom access. This shall not include
10 a use that provides any cooking facilities for use by guests or that provides meals for
11 persons other than overnight guests, unless the requirements for a RESTAURANT are also
12 met. This term shall only include a use serving transient visitors to the area.

13 (A) Standards and conditions generally applicable in all zoning districts where
14 permitted:

15 (1) Minimum lot area of 6,000 square feet plus 300 square feet for each
16 sleeping accommodation in excess of four (4), provided that the prescribed
17 yard, lot width, and height requirements for single-family detached
18 dwelling are met.

19 (2) Capacity. A maximum of five (5) sleeping accommodations.

20 (3) Minimum off-street parking: two (2) parking spaces for the
21 owners/managers/employees PLUS 1.0 parking spaces for each sleeping
22 accommodation. No more than two (2) parking spaces shall be located
23 within the required front yard. If more than four (4) parking spaces are
24 provided within 50 feet of an abutting dwelling, the parking spaces shall
25 be separated from the abutting lot line by a buffer yard of least ten (10)
26 feet in depth the entire length of the parking spaces.

27 (4) At least one (1) bathroom shall be provided for every three (3) sleeping
28 accommodations, plus one (1) bathroom for resident operators.

29 (5) Signs. There shall not be any signs, show windows, or any type of display
30 or advertising visible from outside the premises, except for a single sign
31 which shall:

- 1 (a) Not be internally illuminated;
- 2 (b) Have a maximum sign area of six (6) square feet; and
- 3 (c) Have a maximum total height above the adjoining grade of eight (8)
- 4 feet.
- 5 (6) Appearance. The use shall have an appearance and character consistent
- 6 with a residence. The only exterior changes permitted to portions of
- 7 residential buildings that are visible from a public street shall be for historic
- 8 restoration, cosmetic improvements, and any necessary safety or
- 9 handicapped access improvements.
- 10 (7) The use shall be operated and managed on a daily basis by owners
- 11 permanently residing on the premises. A maximum of two (2) nonresident
- 12 employees may regularly work on the premises.
- 13 (8) Food. Separate cooking facilities shall not be provided in any guest room.
- 14 Food shall only be served to guests who are staying overnight and not to
- 15 the general public, unless a restaurant is also permitted in the district and
- 16 the requirements for a restaurant are also met.
- 17 (9) The use shall be limited to transient visitors to the area. No guest shall stay
- 18 for more than 24 total days in any sixty-day period.
- 19 (10) The use of any amenities, such as swimming pool or tennis court, shall be
- 20 restricted in use by overnight guests and permanent residents of the
- 21 establishment and their occasional invited guests, unless commercial
- 22 recreation facility is permitted in the district and the requirements for such
- 23 use are also met.
- 24 (11) Utilities. The applicant shall prove that any existing on-lot septic system is
- 25 sufficient in size for the expected increase in flow and that there is no
- 26 visible sign of failure of the system. The applicant shall also provide a
- 27 written signed statement stating that any well water to be used has been
- 28 tested by a professional laboratory within the last three (3) months and
- 29 found to be of satisfactory quality and quantity.
- 30 (12) A bed-and-breakfast use may be within any principal building that meets
- 31 the requirements of this Section. No new accessory building may be built
- 32 to accommodate sleeping accommodations or a restaurant. All existing

1 principal buildings shall be retained, and the rooflines of such buildings
2 shall be maintained.

3 (13) Recreation activity setback. All active recreation activities shall be set back
4 a minimum of 25 feet from lot lines and shall cease within one hour after
5 sundown.

6 (14) Liquor. The use shall not operate in combination with a liquor license, nor
7 shall alcoholic beverages be sold by the drink. If alcoholic beverages are
8 made available to guests, all applicable State Laws regulating the use of
9 alcoholic beverages shall be complied with.

10 BETTING USE – A use where lawful gambling activities are conducted including, but not
11 limited to, offtrack pari-mutuel betting. This term shall not include betting under the
12 State Lottery programs or betting under the small games of chance provisions of State
13 Law, which shall instead be regulated under the regulations applicable to the principal
14 use of the property (such as a MEMBERSHIP CLUB).

15 BOARDINGHOUSE OR ROOMING HOUSE – A residential use in which:

16 (A) Two (2) or more individual rooms that do not meet the definition of a dwelling
17 unit are rented for habitation; or

18 (B) A dwelling unit that includes greater than the permitted maximum number of
19 unrelated persons.

20 (C) Standards and conditions generally applicable in all zoning districts where
21 permitted:

22 (1) Minimum lot area of 6,000 square feet plus 300 square feet for each
23 sleeping room in excess of four (4), provided that the prescribed yard, lot
24 width, and height requirements for a single-family detached dwelling are
25 met unless a larger lot is required by the applicable district regulations.

26 (2) Each sleeping room shall be limited to two (2) persons each.

27 (3) A boardinghouse may either involve or not involve the providing of meals
28 to residents; provided, sleeping rooms do not contain facilities for the
29 refrigeration and preparation of food by guests, such as a refrigerator and
30 a cooktop/stove (or a refrigerator, a microwave, a hot plate, and a
31 dishwasher or kitchenette sink).

- 1 (4) Water used in the operation shall be collected and recycled and shall not
2 flow into any storm sewers, waterways, or the groundwater outside of an
3 on-lot septic system.
- 4 (5) Water from the operation shall not flow onto sidewalks or streets, to
5 prevent hazards form by ice.
- 6 (6) Any car wash that is located within 250 feet of the lot of an existing
7 dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
- 8 (7) Any chemicals that may be hazardous to aquatic life shall be stored within
9 an area that will completely contain any leaks or spills.

10 CEMETERY – Land or buildings used for the burial of deceased humans, but not animals.
11 The internment or scattering of remains of properly cremated humans is not regulated by
12 this chapter.

13 (A) Standards and conditions generally applicable in all zoning districts where
14 permitted:

- 15 (1) Minimum lot area of two (2) acres.
- 16 (2) A crematorium, where allowed, shall be set back a minimum of 250 feet
17 from all lot lines of existing dwellings and all undeveloped residentially
18 zoned lots.
- 19 (3) All structures and graves shall be set back a minimum of 30 feet from the
20 lot line of an abutting dwelling or any undeveloped residentially zoned lot;
21 20 feet from the right-of-way of any public street; and, 10 feet from the
22 cartway of an internal driveway.
- 23 (4) No grave sites shall be located within the one-hundred-year floodplain.
- 24 (5) The use shall include an appropriate system to ensure perpetual
25 maintenance.
- 26

1 CHILD CARE USE:

2 (A) FAMILY CHILD CARE HOME – Out-of-home childcare provided at any one time
3 for part of a 24-hour day, to six (6) or fewer children, who are fifteen (15) years
4 of age or younger, and who are not related to operator. Family Child Care Home
5 is operated as an accessible use within the operator’s principal use dwelling unit
6 either for profit or not-for-profit.

7 (1) Standards and conditions generally applicable in all zoning districts where
8 permitted:

9 (a) The use may only be operated as an accessory use incidental to the
10 primary residential dwelling use.

11 (b) The use shall be actively operated by a permanent resident of the
12 dwelling.

13 (c) The use may be operated either for profit or not-for-profit.

14 (d) The dwelling shall retain a residential appearance with no change to
15 the exterior of the dwelling to accommodate the use, other than any
16 needed safety improvements.

17 (e) Children of the operator and residing in the principal dwelling within
18 which childcare is provided shall not be counted toward the
19 maximum number of six (6) children permitted within the principal
20 dwelling at any one time.

21 (f) The use shall, if applicable, comply with all requirements and
22 certifications regulated by the Pennsylvania Department of Human
23 Services.

24 (g) A minimum of 200 square feet of safe exterior play area on the
25 subject lot shall be available, which must be fenced.

26 (h) Childcare provided to seven (7) or more children fifteen (15) years of
27 age or younger shall be considered a principal use CHILD CARE
28 CENTER and meet the standards for same, where permitted.

- 1 (B) CHILDCARE CENTER – A nonresidential facility in which out-of-home care is
2 provided at any one time for part of a 24-hour day to seven (7) or more children,
3 who are fifteen (15) years of age or younger.
- 4 (1) Such facilities include:
- 5 (a) Care provided to a child at the parent’s work site when the parent is
6 not present in the childcare space.
- 7 (b) Care provided in private or public, profit or nonprofit facilities.
- 8 (c) Care provided before or after the hours of instruction in nonpublic
9 schools and in private nursery schools and kindergartens.
- 10 (2) Such facilities do not include:
- 11 (a) Care provided by relatives.
- 12 (b) Care furnished in places of worship during religious services.
- 13 (c) Care provided in a facility where the parent is present at all times
14 childcare is being provided.
- 15 (d) Care provided during the hours of instruction in nonpublic schools
16 and in private nursery schools and kindergartens.
- 17 (3) Standards and conditions generally applicable in all zoning districts where
18 permitted:
- 19 (a) A Childcare Center shall be a principal use the premises or accessory
20 and incidental to an appropriate nonresidential use (e.g., place of
21 worship, office building, large employer, etc.).
- 22 (b) For the purposes of zoning, a “Group Child Care Home” facility, as
23 regulated by the Pennsylvania Department of Human Services, shall
24 be considered a CHILDCARE CENTER facility.
- 25 (c) A Childcare Center may occur in a building that also includes
26 permitted or nonconforming dwelling units, provided the Childcare
27 Center is not considered the principal use of the premises.

- 1 (d) The use shall comply with all requirements and certifications
2 regulated by the Pennsylvania Department of Human Services.
- 3 (e) Traffic flow and ingress-egress shall not cause traffic hazards on
4 adjacent streets, nor cause stacking of vehicles onto streets waiting
5 for drop-off and pick-up.
- 6 (f) Convenient parking spaces, whether required or not, shall be
7 provided for persons delivering and waiting to pick up children.
- 8 (g) In residential districts, any permitted Childcare Center shall maintain
9 an exterior appearance that resembles and is compatible with
10 adjacent dwellings in the neighborhood.
- 11 (h) The use shall include adequate measures to ensure the safety of
12 children from traffic or other nearby hazards. This shall include a
13 secure fence around any outdoor areas routinely used for outdoor
14 play to separate the areas from abutting streets or other nuisances
15 or hazards on adjoining lots that might be attractive to children.
- 16 (i) Outside play areas shall be limited to use between 8:00 a.m. and 6:00
17 p.m. if located within 200 feet of an abutting or adjacent dwelling.
- 18 (j) Outdoor play areas of a daycare center involving the care of twenty-
19 five (25) or more children at any one time shall be set back a
20 minimum of twenty-five (25) feet from the lot line of an abutting
21 dwelling.

22 COMMUNITY CENTER – A noncommercial use that exists solely to provide leisure and
23 educational activities and programs to the general public or certain age groups. The use
24 also may include the noncommercial preparation and provision of meals to low-income
25 and/or elderly persons. This shall not include residential uses or a treatment center.

- 26 (A) Standards and conditions generally applicable in all zoning districts where
27 permitted:
 - 28 (1) Minimum lot area of 20,000 square feet.
 - 29 (2) All parking and interior driveways, except necessary entrance/exit drives,
30 shall be set back a minimum of 50 feet from all residential lot lines and 25

1 feet from all other lot lines. All buildings shall be set back a minimum of
2 25 feet from side and rear lot lines.

3 DATA CENTER – A facility used primarily for or intended to be used primarily for the
4 housing, operation, and/or co-location of computer and communications equipment and
5 for handling, storing, and backing up the data necessary for the operation of a business
6 or organizational entity. A data center generally includes environmental controls (air
7 conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data
8 communications connections, and high security.

9 DAYCARE CENTER, ADULT – A use providing supervised care and assistance primarily to
10 persons who are over age 60 and/or persons with Alzheimer's disease, or persons
11 mentally, physically, or developmentally disabled who need such daily assistance because
12 of their limited mental and/or physical abilities. This use shall not include persons who
13 need oversight because of behavior that is criminal or violent in nature.

14 (A) Standards and conditions generally applicable in all zoning districts where
15 permitted:

16 (1) This use may involve occasional overnight stays, but shall not primarily be
17 a residential use.

18 (2) The use shall involve typical stays of less than a total of 60 hours per week
19 per person.

20 (3) Shall be fully licensed by the State, if required by the State.

21 (4) Shall include constant supervision during all hours of operation.

22 (5) Shall not meet the definition of a TREATMENT CENTER.

23 DISTRIBUTION – A use involving the processing of materials so as to sort out which
24 finished goods are to be transported to different locations and the loading and unloading
25 of such goods. This use usually involves inventory control, material handling, order
26 administration, and packaging and distributes goods to retail stores. See ORDER
27 FULFILLMENT CENTER and WAREHOUSE.

28 DORMITORY – A building specifically designed for a long-term stay by students of a school,
29 college, university, or nonprofit organization for the purpose of providing rooms for
30 sleeping purposes. One common kitchen and some common gathering rooms for social
31 purposes may also be provided.

1 DRIVE-THROUGH FACILITY – A facility which provides a service directly to a motor vehicle
2 or where the customer drives a motor vehicle onto the premise and to a window or
3 mechanical device through or by which the customer is serviced without exiting the
4 vehicle.

5 DWELLING / DWELLING UNIT – A building or part of a building designed for occupancy by
6 one (1) family for non-transient residential purposes, as a single housekeeping unit
7 containing independent living, sleeping, cooking, and sanitary facilities. In no case shall a
8 motor home, trailer coach, automobile chassis, tent, or portable building be considered a
9 dwelling. No dwelling unit may include a separate living area that is completely separated
10 by interior walls so as to prevent interior access from the remainder of the living area.
11 This Chapter categorizes dwellings into the following types:

12 (A) CONVERSION APARTMENT – A new dwelling unit created within an existing
13 building in accordance with the following standards, where permitted.

14 (1) Standards and conditions generally applicable in all zoning districts where
15 permitted:

16 (a) Shall include a minimum of 500 square feet of habitable, indoor,
17 heated floor area.

18 (b) Shall meet the standards and conditions generally applicable in all
19 zoning districts where permitted for ACCESSORY DWELLING UNIT

20 (B) DWELLING UNIT, ACCESSORY (ADU) – A separate, complete housekeeping
21 dwelling unit, but not a mobile/manufactured home, located on the same lot as
22 a single-family dwelling unit, either within the same building as the single-family
23 dwelling unit or in a detached building.

24 (1) Standards and conditions generally applicable in all zoning districts where
25 permitted:

26 (a) The accessory dwelling unit shall be inhabited by a minimum of one
27 (1) of the following:

28 (i) A relative of an occupant of the principal dwelling unit on
29 the same lot;

- 1 (ii) A full-time caretaker of the property who does not pay cash
2 rent and who does not have any other full-time occupation;
3 or
- 4 (iii) A full-time caregiver (such as a nurse) to an occupant of the
5 principal dwelling unit, provided that such caregiver does
6 not pay cash rent, and who does not have any other full-
7 time occupation.
- 8 (b) An existing single-family detached dwelling shall maintain the
9 appearance of a single-family detached dwelling from the street with
10 a single front entrance. Additional entrances may be placed on the
11 side or rear of the structure or the principal and accessory dwellings
12 may internally share the single front entrance.
- 13 (c) The principal dwelling unit shall include a minimum of 600 square
14 feet of floor area.
- 15 (d) No more than one (1) accessory dwelling unit, where permitted, may
16 be developed on a lot.
- 17 (e) The dwelling unit should be designed and installed in such a way that
18 it can easily be reconverted into part of the principal dwelling unit (or
19 in the case of an accessory building, revert to a nonresidential use)
20 after the permitted occupant no longer lives within it. Once the
21 accessory dwelling is no longer occupied by a permitted occupant,
22 the dwelling shall be reconverted into part of the principal dwelling
23 unit, be removed, or be converted to storage or another permitted
24 accessory use.
- 25 (f) If the accessory dwelling is within the same building as the principal
26 dwelling, the two dwelling units shall have at least one
27 interconnecting inside door.
- 28 (g) The dwelling shall be within a principal or accessory building that
29 existed at the time of adoption of this Chapter or within an addition
30 to such a building.
- 31 (C) DWELLING, ATTACHED – A dwelling which is joined to another dwelling with one
32 (1) or more party wall or walls.

- 1 (D) DWELLING, GARDEN APARTMENT – A multiple-family dwelling located in a
2 purpose-designed residential building containing three (3) or more dwelling
3 units on one (1) lot, not exceeding three (3) stories, with units located side-by-
4 side and on top of each other. Garden apartment buildings are usually a group
5 of buildings designed as an integral whole sharing design features such as
6 balconies, courts, considerable common lawn or garden space, etc.
- 7 (E) DWELLING, HIGH RISE – A multiple-family dwelling located in a building
8 containing three (3) or more dwelling units on one (1) lot having eight (8) or
9 more stories in height. See DWELLING, MULTI-FAMILY.
- 10 (F) DWELLING, LOW-RISE – A multiple-family dwelling located in a building
11 containing three (3) or more dwelling units on one (1) lot having two (2) to three
12 (3) stories in height. See DWELLING, MULTI-FAMILY.
- 13 (G) DWELLING, MANUFACTURED – See MANUFACTURED DWELLING UNIT.
- 14 (H) DWELLING, MID-RISE – A multiple-family dwelling located in a building
15 containing three (3) or more dwelling units on one (1) lot having four (4) to seven
16 (7) stories in height. See DWELLING, MULTI-FAMILY.
- 17 (I) DWELLING, MIXED-USE – One (1) or more dwelling units within a mixed-use
18 building; the residential component space of a mixed-use building or a mixed-
19 use development. See MIXED-USE BUILDING for standards and conditions
20 generally applicable in all zoning districts where permitted.
- 21 (J) DWELLING, MULTI-FAMILY – A dwelling unit located in a building, or portion
22 thereof, located on one (1) designed exclusively for occupancy by three (3) or
23 more families living independently of each other in individual dwelling units.
24 Such dwelling units may or may not share common entrances or other spaces.
25 Individual dwelling units may be owned as condominiums or offered for rent.
26 The term includes “flats” and “apartments.”
- 27 (1) Standards and conditions generally applicable in all zoning districts where
28 permitted:
- 29 (a) Multi-family dwelling units located above the ground floor shall not
30 have direct access to the individual dwelling unit from a principal
31 façade by way of an outdoor pedestrian walkway as generally shown
32 in the following image.



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- (H) DWELLING, SINGLE-FAMILY (DETACHED) – A building containing (1) dwelling unit accommodating only one (1) family that is entirely surrounded by open space on the same lot.
 - (1) Standards and conditions generally applicable in all zoning districts where permitted:
 - (a) No single-family detached dwelling unit shall be less than twenty (20) feet in width.
 - (b) Principal single-family detached dwelling units should have a pitch that conforms to the roof pitches of adjacent single-family detached dwelling units.
 - (c) Single-family detached dwelling units should be clad in one or a combination of wood siding, vinyl siding, aluminum siding, fiber cement siding, unit masonry, manufactured masonry, or other material acceptable under the Building Code.

- (I) DWELLING, TOWNHOUSE – A single-family attached dwelling unit located in a building containing three (3) or more like dwelling units and with each dwelling unit being completely separated from and attached to each other by unpierced vertical walls. Each dwelling unit shall have its own outside access.



1 Each dwelling unit may or may not be on a separate lot. Side yards are adjacent
2 to each end unit. Townhouses may also be commonly referred to as "row
3 houses."

4 (1) Standards and conditions generally applicable in all zoning districts where
5 permitted:

6 (a) Minimum size of a site to be developed for townhouse dwelling units
7 shall be 9,000 square feet.

8 (b) Maximum residential density for townhouse dwelling units shall be
9 15 dwelling units per acre.

10 (c) Areas of land that are capable of additional development shall not be
11 used towards calculating the allowable residential density unless
12 those lands are deed restricted against further development.

13 (d) Lot area and dimensions for each townhouse unit. No townhouse lot
14 or premises shall contain an area of less than 1,600 square feet and
15 a minimum lot and townhouse dwelling unit width of not less than
16 twenty (20) feet.

17 (e) Maximum number of dwelling units within a townhouse building
18 shall be six (6) to reduce the visual impact of a long and imposing
19 façade.

20 (f) Dwelling unit access. No two (2) townhouse dwelling units shall be
21 served by the same interior or exterior stairway or by the same
22 exterior door.

23 (g) Yard requirements.

24 (i) Front yards. With the exception of the Building Setbacks and
25 Garage Access standard in Subsection (k) below, the
26 minimum and maximum front yard setbacks, including
27 contextual setback, if applicable, of the zoning district in
28 which the use is located shall be observed.

29 (ii) Rear yards. The minimum rear yard setback requirement for
30 the principal townhouse building shall be fifteen (15) feet to
31 the rear lot line.

- 1 (iii) Private yard area. Every lot containing a townhouse dwelling
2 unit must provide a private usable yard of at least 320 square
3 feet, oriented to either the building rear or side, enclosed
4 visually by fences at least five (5) feet in height or plantings to
5 screen first level views from abutting units.
- 6 (iv) Side yards. The minimum side yard setback, including corner
7 lots, of the district in which the use is located shall be
8 observed.
- 9 (h) Buffer yard. A fifteen (15) foot buffer yard with screening shall be
10 provided between any townhouse building and:
- 11 (i) An abutting existing single-family detached dwelling; or,
12 (ii) The right-of-way of an arterial street that abuts the side or
13 rear of a townhouse building.
- 14 (i) Separation. No portion of a townhouse building, accessory structure,
15 or other building type in or related to one (1) group or cluster of
16 townhouse buildings shall be nearer than fifteen (15) feet to any
17 portion of a townhouse building, accessory structure, or other
18 building type.
- 19 (j) Architectural treatment. The facades of townhouse dwelling units in
20 a townhouse building shall be varied so that not more than two (2)
21 abutting townhouse dwelling units have the same front yard setback
22 and the same or essentially the same architectural treatment of
23 facades and rooflines. Minimum variance standards are, at least, as
24 follows:
- 25 (i) Setback variation. No more than two (2) abutting townhouse
26 dwelling units shall have a common front building setback.
27 Variations in the setback of front facades of townhouse
28 dwelling units within a townhouse building shall be two (2) to
29 six (6) feet.
- 30 (ii) Townhouse dwelling units shall have a variation of building
31 materials, window treatments, protrusions, and/or rooflines
32 to enhance otherwise flat façades.

- 1 (k) Building Setbacks and Garage Access.
- 2 (i) No townhouse dwelling unit shall be located further than
3 twenty-five (25) feet from the front property boundary when
4 front-accessed surface parking and/or front-loaded garage
5 entrance are provided.
- 6 (ii) Where a rear or side alley provides vehicle access, no garage
7 or carport entrance, whether integral to the townhouse unit
8 or detached, shall be located a minimum of twenty-six (26)
9 feet from the opposite right-of-way line of the alley.
- 10 (l) Access – curb cuts.
- 11 (i) All front-loaded garages and driveways must be paired and
12 not more than one (1) curb cut shall be permitted per two (2)
13 townhouse dwelling units. Curb cut widths shall not exceed
14 twenty (20) feet at the right-of-way line.
- 15 (ii) A minimum distance of forty (40) feet shall be maintained
16 between curb cuts along the townhouse building frontage.
- 17 (iii) A minimum corner clearance for curb cuts shall be fifteen (15)
18 feet from property line at uncontrolled intersections and
19 thirty (30) feet from property line at controlled (either signed
20 or signalized) intersections.
- 21 (iv) Vehicular ingress and egress access points (curb cuts) onto all
22 arterial and collector streets shall be minimized to the lowest
23 reasonable number. No townhouse dwelling unit shall be
24 constructed so as to provide direct vehicular ingress or egress
25 (curb cut) to any arterial or collector street. A townhouse
26 building shall have not more than two (2) curb cuts to any
27 arterial or collector street.
- 28 (v) In no case shall any curb cut be permitted which, in the
29 opinion of the Zoning Official, may cause an unsafe or
30 hazardous driving condition.
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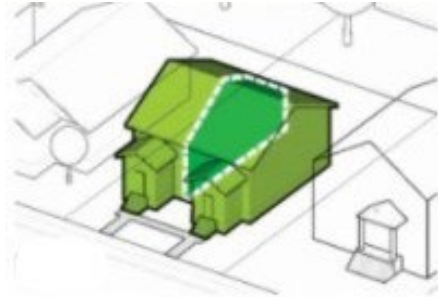
- (m) Parking.
 - (i) Access to off-street parking spaces and rear-loaded integral, attached, or detached garages from a rear alley is desired and strongly encouraged to promote pedestrian-friendly streetscapes along townhouse building fronts.
 - (ii) Required off-street parking spaces may be provided on the lot or premises of the townhouse dwelling unit it is intended or in a commonly owned and maintained off-street parking bay or facility; provided, that no parking space shall be more than 175 hundred feet, by the most direct pedestrian route, from the entrance of the townhouse it is intended to serve.
 - (iii) Parking Space Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be set back a minimum of ten (10) feet from any adjoining single- or two-family dwelling.

- (n) Garage doors or openings.
 - (i) To avoid garages from being an overly prominent part of the view of townhouses from streets, landscaped parking courts or garages/carports at the rear of dwellings are desired and strongly encouraged.
 - (ii) Garage doors/openings shall not occupy more than 70% of the first-floor front façade of each townhouse dwelling unit.
 - (iii) Garage doors/openings shall not occupy more than 50% of the first-floor front façade of the total townhouse building unless at least one (1) of the following design techniques are utilized:
 - Incorporate architectural design features in the garage doors such as windows or other decorative elements.
 - Garage doors are painted a color other than white to complement the façade.

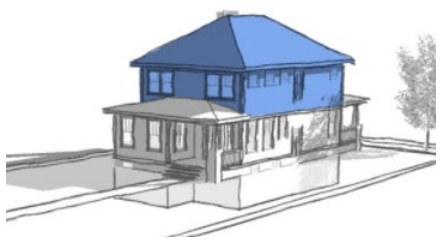
1 (r) Condominiums. The division of land into individual lots is not
2 required, but instead, condominium ownership may be used.

3 (J) DWELLING, TWO-FAMILY – An attached single-family dwelling unit located in a
4 building designed as a single structure, containing two (2) separate dwelling
5 units, each of which is designed to be occupied as a separate dwelling unit for
6 one (1) family. Also referred to as a “duplex.”

7 (1) TWO-FAMILY DWELLING, SIDE-BY-SIDE
8 – A two-family building where each of
9 the two (2) dwelling units are
10 completely separated from and
11 attached to each other by an unpierced
12 vertical party wall. Each dwelling unit
13 generally has a side yard. Each
14 dwelling unit may or may not be on a separate lot.



15 (2) TWO-FAMILY DWELLING, OVER-
16 UNDER – A two-family building on a
17 single lot where one dwelling unit is
18 situated above the other and the
19 dwelling units within the building are
20 not separated an unpierced vertical
21 party wall. The two-family building
22 generally has two (2) side yards.



23 EMERGENCY SERVICES STATION - A building for the housing of fire, emergency medical,
24 or police equipment and for related activities, which may include sleeping
25 accommodations for emergency personnel while on-call.

26 ESSENTIAL SERVICES – Utility or municipal uses that are necessary for the preservation of
27 the public health and safety and that are routine, customary, and appropriate to the
28 character of the area in which they are to be located. Essential services shall not include
29 a central sewage treatment plant, a solid waste disposal area or facility, commercial
30 communications towers, a power generating station, septic or sludge disposal, offices,
31 storage of trucks or equipment, or bulk storage of materials.

32

1 EXTRACTION, MINERAL – All or any part of the process involved in the mining of minerals
2 by removing overburden and mining directly from the mineral deposits, open pit mining
3 or minerals naturally exposed, mining by auger method, dredging and quarrying,
4 underground mining and surface work incidental to an underground mine.

5 EXTRACTION, OIL AND GAS – All or any part of the process involved in the drilling,
6 stimulating, production or waste treatment and disposal of natural crude oil, petroleum,
7 natural gas or other fluid hydrocarbons.

8 EXTRACTIVE INDUSTRY – A heavy industry use that involves the extraction of minerals,
9 including solids, such as coal and ores; liquids, such as crude petroleum; and gasses, such
10 as natural gasses. The term also includes quarrying; well operation; milling, such as
11 crushing, screening, washing, and flotation; and other preparation customarily done at
12 the extraction site or as a part of the extractive activity.

13 FACTORY-BUILT DWELLING – Dwelling units built in a factory, transported to the site, and
14 installed and are required to meet the same building code requirements for “site-built”
15 or “stick-built” dwelling units. In contrast, see MANUFACTURED DWELLING UNIT. For
16 zoning purposes, such dwelling units are considered to be identical to “site-built” or
17 “stick-built” dwelling units. Types of factory-built homes, for the purpose of this Chapter,
18 include:

- 19 (A) MODULAR HOMES – These factory-built dwelling units are built in modules to
20 local and state building codes standards, transported to the site, and installed
21 to the same local and state building code standards. In Pennsylvania, modular
22 housing is referred to as industrialized housing by the Industrialized Housing Act
23 (IHA), as amended, and is regulated by the Department of Community and
24 Economic Development. The IHA defines industrialized housing as a structure
25 designed primarily for residential occupancy, and classified with Use Group R in
26 accordance with the standards adopted under §29.41 (relating to adoption of
27 standards), as amended, and which is wholly or in substantial part made,
28 constructed, fabricated, formed, or assembled in manufacturing facilities for
29 installation or assembly and installation on the building site so that concealed
30 parts or processes of manufacture cannot be inspected at the site without
31 disassembly, damage, or destruction. Dwelling units built to be sited in
32 Pennsylvania must be built to comply with the adopted International Residential
33 Code (IRC) and once they reach the home site are subjected to the same
34 inspection processes as site-built homes.

1 (B) PANELIZED HOMES – Similar to modular homes, these dwelling units are built to
2 the adopted International Residential Code (IRC). But unlike modular, a
3 panelized dwelling unit is built wall by wall and shipped to the site, instead of in
4 boxes or modules.

5 (C) PRE-CUT HOMES – This type of factory-built dwelling uses building materials
6 factory-cut to design specifications, transported to the site, and assembled. Pre-
7 cut homes include kit, log, and dome homes. These homes must meet the
8 adopted International Residential Code (IRC).

9 FARM-RELATED USE – An accessory use to a dwelling or farmstead.

10 FINANCIAL SERVICES – An establishment primarily engaged in providing financial and
11 banking services. Typical uses include banks, savings and loan institutions, stock and bond
12 brokers, loan and lending activities and similar services.

13 FUNERAL HOME – An establishment engaged in undertaking services such as preparing
14 the human dead for burial, the performance of autopsies and similar surgical procedures,
15 arranging and managing funerals, space(s) or chapel(s) for the conduct of funerals and
16 informal gatherings, the display of funeral merchandise/supplies, and may include limited
17 caretaker facilities.

18 (A) Standards and conditions generally applicable in all zoning districts where
19 permitted:

20 (1) Minimum lot area of 7,200 square feet plus 300 square feet for each
21 chapel.

22 (2) The prescribed yard, lot width, and building height requirements for a
23 single-family detached dwelling in the R-1A District are met.

24 (3) The main building shall not be located nearer than 100 feet to an R-1A
25 District.

26 (4) There shall be no crematory, receiving vault, preparation room, or display
27 of merchandise/supplies or advertising visible from outside the main or
28 accessory building.

29 (5) There shall be no loading or unloading of uncasketed bodies of deceased
30 persons from the public right-of-way.

1 (6) There shall be no parking or standing of motor vehicles within the public
2 right-of-way in a manner that impedes normal traffic movement.

3 (7) The scale of business in relationship to the character of uses around the
4 funeral home location shall not be detrimental to or alter the character of
5 the neighborhood.

6 GARAGE SALE - The accessory use of any lot for the occasional sale or auction of only
7 common household goods and furniture and items of a closely similar character.

8 (A) Standards and conditions generally applicable in all zoning districts where
9 permitted:

10 (1) A garage sale shall not include sale of new merchandise, other than custom
11 crafts.

12 (2) Garage sales shall be limited to a maximum of four (4) total days in any two
13 (2) consecutive months.

14 GARAGE, PRIVATE – A detached accessory or portion of a principal building housing the
15 motor vehicles of the occupants of the premises, but not commercial vehicles.

16 GARAGE, PUBLIC – A building or portion thereof for the parking or storage of motor
17 vehicles and in which no other use is conducted, which is available for public use.

18 GROUP HOME – A group of up to ten (10) unrelated “handicapped” or “developmentally
19 delayed” persons living together in a lawful dwelling unit as a single housekeeping unit
20 and sharing common facilities.

21 (A) Standards and conditions generally applicable in all zoning districts where
22 permitted:

23 (1) Supervision. There shall be adequate supervision as needed by an
24 adequate number of person(s) trained in the field for which the group
25 home is intended. The dwelling unit may also be occupied by not more
26 than two (2) additional persons acting as houseparents or guardians who
27 need not be related to each other or to any of the “handicapped” or
28 “disabled” persons residing in the group home.

29 (2) Certification. The use shall be licensed or certified under an applicable
30 State, County, or Federal program for group housing, if applicable. A copy

1 of any such license or certification shall be filed with the City and shall be
2 required to be shown to the Zoning Officer in the future, upon request.
3 The group home shall notify the City within fourteen (14) days if there is a
4 change in the type of clients, the sponsoring agency, the maximum number
5 of residents, or if an applicable certification/license expires, is suspended,
6 or is withdrawn.

7 (3) Counseling. Any medical, counseling services, or office space located
8 within the dwelling unit shall be limited to providing services to residents
9 of the group home.

10 (4) A group home may not be a lodging house, fraternity, sorority, personal
11 care home, or treatment center.

12 (5) The dwelling unit shall have one primary means of ingress/egress, common
13 eating/cooking areas, and single utility connections.

14 (6) Except as may be required for health or safety codes or for accessibility
15 accommodations, the use may not require alteration to the exterior of the
16 building not otherwise permitted for single-family detached dwellings.

17 (7) Minimum on-site parking: Two (2) parking spaces for the dwelling unit
18 PLUS one (1) additional parking space for every two (2) staff persons on
19 duty.

20 HELIPORT - An area used for the takeoff and landing of helicopters, together with any
21 related support facilities such as for maintenance, refueling and storage. This Chapter is
22 not intended to regulate the nonroutine emergency landing and takeoff of aircraft to pick
23 up seriously injured or ill persons, or other medical purposes.

24 (A) Standards and conditions generally applicable in all zoning districts where
25 permitted:

26 (1) Locational Criteria.

27 (a) Minimum Separation. Minimum separation between heliports,
28 helipads, and helistops shall be one (1), except for facilities
29 specifically intended for emergency use, such as medical evacuation
30 or police functions, and temporary landing sites.

1 (b) Protected Areas. No heliport, helipad, or helistop shall be located
2 within 1,000 feet of a residential zoning district or the site of a public
3 or private school, except for heliports or helistops specifically
4 intended only for emergency or police use.

5 (2) Site Development Standards.

6 (a) Approach and departure paths sixty-five (65) feet wide shall be free
7 of obstruction for a minimum distance of 400 feet.

8 (b) Setbacks from property lines shall be as follows:

9 (i) Takeoff and landing area..... 50 feet

10 (ii) Helicopter maintenance facilities..... 25 feet

11 (iii) Administrative or operations building..... 15 feet

12 (c) Any lighting used for nighttime operations shall be directed away
13 from adjacent properties and public rights-of-way.

14 (d) A telephone shall be provided on or adjacent to the heliport, helipad,
15 or helistop.

16 (e) Helipads or helistops intended for emergency use shall have a
17 landing pad with a standard landing area designated and the words
18 "Emergency Only." The initial direction of the departure routes shall
19 be indicated on the takeoff and landing area.

20 (3) Conditional Use Approval and Conditions. The City Council, with advice by
21 the Planning Commission, may place such necessary and reasonable
22 conditions on the use to prevent adverse impacts on surrounding
23 properties and to carry out the objectives of this Chapter. If such impacts
24 cannot be mitigated to an acceptable level, the conditional use application
25 shall be denied. Examples of conditions include, but are not limited to,
26 restricting the types and sizes of aircraft, the hours of flight operations, the
27 numbers of flights per day, and the general direction of approach, etc.
28 However, City Council shall not place any conditions on the use that will
29 seriously interfere with the safety of the operations. In granting
30 conditional use approval, City Council, with the advice of the Planning
31 Commission must find that the proposed heliport:

- 1 (a) Conforms to the location criteria and standards established below
- 2 and the requirements of the Pennsylvania Bureau of Aviation and the
- 3 Federal Aviation Administration.
- 4 (b) Is compatible with the surrounding environment.
- 5 (c) Will not pose a threat to public health, safety, or welfare.

6 HOME OCCUPATION – An occupation, profession, service, or use conducted within a
7 dwelling unit by the resident thereof, that is clearly a customary, secondary, and
8 incidental use of a residential dwelling unit and does not change the residential character
9 of the property or the neighborhood. Home occupations are divided into the two (2) class
10 types as further defined and explained below.

11 (A) Standards and conditions generally applicable to all Home Occupation accessory
12 uses, regardless of class type, in all zoning districts where permitted:

- 13 (1) A permit shall be required for any home occupation. Conditional use
14 approval shall be required for Class II Home Occupations. If the type of
15 home occupation enterprise or the home occupation class type changes, a
16 new approval shall be required.
- 17 (2) A home occupation shall be conducted completely indoors and may be
18 within a principal or accessory building. The total amount of floor area of
19 all buildings used for a home occupation shall not be greater than twenty-
20 five (25) percent of the total floor area of the principal dwelling unit.
- 21 (3) Prohibited home occupation types. The following uses shall not be
22 permitted as a home occupation: adult uses, veterinarian office on a lot of
23 less than three (3) acres, stable, kennel, funeral home, industrial uses,
24 wholesale sales on the premises (except for sales over the phone, internet,
25 or mail), restaurant, repairs of motor vehicles, trucking terminal,
26 machinery repair, manufacturing, etc.
- 27 (4) Nuisances. The business activity may not use any machinery, equipment,
28 or process that produces noise, noxious odor, vibration, glare, electrical or
29 electronic interference (including interference with radio or television
30 reception detectable outside the dwelling unit). Only general types and
31 sizes of machinery that are typically found in dwellings for hobby,
32 domestic, or sewing purposes shall be permitted. No home occupation

1 use shall generate noise or glare in excess of what is typical in a residential
2 neighborhood.

3 (5) Building appearance. The exterior of the dwelling unit and the lot shall not
4 be changed in such a way as to decrease its residential appearance, except
5 for permitted parking spaces and signage permitted for Class II Home
6 Occupation uses.

7 (6) Hours of operation. A home occupation shall not be conducted in a way
8 that is perceptible from beyond the lot line between the hours of 9:00 p.m.
9 and 7:00 a.m. This time limit shall also apply to any loading or unloading
10 from vehicles on the property or on a street that causes noise to abutting
11 and adjacent residents.

12 (7) Hazardous substances. The use shall not involve the storage or use of
13 hazardous, flammable, or explosive substances, other than types and
14 amounts commonly found in a dwelling.

15 (8) No new buildings or additions shall be constructed to accommodate a
16 home occupation.

17 (9) There shall be no outdoor operations or outdoor storage of materials,
18 products or equipment.

19 (10) There shall be no stockpiling or inventory of a substantial nature.

20 (11) Truck traffic. The use shall not require the parking of, storage of, or regular
21 servicing by a vehicle with an aggregate gross vehicle weight rating (GVWR)
22 over 12,000 pounds.

23 (12) Advertising. The address of the home occupation shall not be advertised
24 in such a way that would encourage customers, clients, visitors, or sales
25 persons to come to the property without an appointment.

26 (13) The business may not involve any illegal activity.

27 (14) The business must obtain and maintain all requisite State and City business
28 licensing.
29

1 HOME OCCUPATION, CLASS I – An accessory use which does not generate customer,
2 client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal
3 functions to or from the dwelling unit, in excess of those normally associated with the
4 principal residential use. Also referred to as a “no-impact home-based business.”

5 (A) Standards and conditions generally applicable to Class I Home Occupation
6 accessory uses in all zoning districts where permitted:

7 (1) A Class I Home Occupation is considered a by-right accessory use, is
8 personal to the resident, is not transferable to any other person, and does
9 not apply to any other business of the resident.

10 (2) The business activity shall not be detrimental to the residential character
11 and use of the property and surrounding residential uses.

12 (3) Employees. With the exception of permanent residents of the dwelling,
13 there shall be no employees of the home occupation establishment
14 working from or regularly visiting the dwelling from which the home
15 occupation is conducted.

16 (4) Signs and displays. There shall be no outside appearance of a business use
17 including show windows, business display, signs, lights, or advertising
18 visible from outside the premises.

19 (5) There shall be not outside appearance of a business use, including, but not
20 limited to parking, signs, or lights.

21 (6) No clients or customers are permitted to visit the premises.

22 HOME OCCUPATION, CLASS II – A home occupation Special Exception Use intended to
23 allow businesses that generate limited quantities of customer visitation and/or
24 merchandise deliveries. Any home occupation that is not clearly of type Class I shall be
25 deemed to be Class II.

26 (A) Standards and conditions generally applicable to Class II Home Occupation
27 accessory uses in all zoning districts where permitted:

28 (1) Class II Home Occupation is considered a conditional accessory use, is
29 personal to the resident, is not transferable to any other person, and does
30 not apply to any other business of the resident.

- 1 (2) An applicant for Class II Home Occupation conditional use approval shall
2 deliver or mail to all owners of record of adjacent dwellings a photocopy
3 of the zoning application and a statement of the date, time, and place of
4 the meeting at which the application is intended to be reviewed by the City
5 Council. The information shall be mailed or delivered a minimum of seven
6 (7) days before the meeting.
- 7 (3) The business activity shall not be detrimental to the residential character
8 and use of the property and surrounding residential uses.
- 9 (4) Employees. With the exception of permanent residents of the dwelling,
10 there shall be no more than three (3) employees working from the
11 premises at any one time. For home occupation business establishment
12 that do not generate customer, client, or sales persons visiting the
13 premises, the maximum of three (3) employees working from the premises
14 at any one time may be increased to five (5) persons; provided, the
15 applicant demonstrates to the City Council that the increase in employees
16 working from the premises at any one time will not cause adverse impacts
17 upon neighbors, such as high amounts of traffic, parking congestions, etc.
- 18 (5) Retail sales shall not occur, nor services be provided on the premises on a
19 regular basis or in substantial volume that would be detrimental to the
20 residential character and use of the property and surrounding residential
21 uses. The City Council shall decide if customer visitation for the proposed
22 type and volume of retail activities or services is reasonable when
23 considering the conditional use application.
- 24 (6) Instruction. Any instruction or tutoring shall be limited to a maximum of
25 four (4) students or clients on the property any one time.
- 26 (7) Signs and displays. There shall be no outside appearance of a business use
27 including show windows, business display, signs, lights, or advertising
28 visible from outside the premises, except one (1) nonilluminated wall sign
29 is permitted with a maximum sign area of six (6) square feet.
- 30 (8) Parking and loading. The lot shall include sufficient parking for the
31 maximum number of vehicles on site at any one (1) time, plus the number
32 of parking spaces required for the dwelling unit. A defined driveway shall
33 be provided and shall be shown on the site plan. The applicant shall prove
34 that the driveway provides for safe sight distance.

- 1 (a) If five (5) or more vehicles are expected to be parked within fifty (50)
2 feet of an abutting dwelling, then such parking spaces shall be
3 screened by evergreen plants meeting the requirements of Article 13
4 “Landscaping and Screening” of this Chapter.
- 5 (b) The applicant shall show that there is a safe location available, as
6 needed for any deliveries, which shall be located off the cartway of a
7 public street.
- 8 (c) For any vehicle repair operation, a maximum of two (2) vehicles may
9 be parked on site, other than vehicles owned by the operator of the
10 home occupation use.

11 HOSPITAL – A use involving the diagnosis, treatment, or other medical care of humans
12 that includes, but is not limited to, care requiring stays overnight. A medical care use that
13 does not involve stays overnight shall be considered a MEDICAL OFFICE or MEDICAL
14 CLINIC. A hospital may involve care and rehabilitation for medical, dental, or mental
15 health, but shall not primarily include housing or treatment of the criminally insane or
16 persons actively serving an official sentence after being convicted of a felony. A hospital
17 may include a hospice for care of the terminally ill.

18 HOTEL, MOTEL OR INN – A building, a portion of a building, or buildings including rooms
19 offered to the public for compensation, which are advertised, designed, and clearly
20 intended for transient persons as temporary living quarters.

21 (A) Standards and conditions generally applicable in all zoning districts where
22 permitted:

23 (1) With the exception of uses meeting the definition of an EXTENDED STAY
24 HOTEL, MOTEL, or INN, any use that customarily involves the housing of
25 persons for periods of time longer than 30 days shall be considered a
26 BOARDINGHOUSE use and shall meet the requirements of that use.

27 (2) A hotel, motel, or inn may include a restaurant, nightclub, newsstand, or
28 tavern, provided that such uses are clearly accessory and incidental to the
29 principal use of overnight accommodations.

30 (3) Recreational facilities such as workout room, gym, swimming pool, and the
31 like limited to overnight guests may be permitted as accessory uses to a
32 hotel, motel, or inn.

1 HOTEL, MOTEL or INN, EXTENDED STAY – A building, a portion of a building, or buildings
2 including rooms offered to the public for compensation, which are advertised, designed,
3 intended, or routinely utilized for weekly or monthly occupancy, or in which at least 30%
4 of all guest rooms have facilities for the refrigeration and preparation of food by guests,
5 such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a
6 dishwasher or kitchenette sink, and a self-serve laundry facility is available for guest use.
7 For the purposes of this Chapter, extended stay hotels (or motels or inns) are separate
8 and distinct uses from hotels, motels, or inns.

9 (A) Standards and conditions generally applicable in all zoning districts where
10 permitted:

11 (1) See standards and conditions generally applicable to HOTEL, MOTEL, INN
12 in all zoning districts where permitted.

13 INDUSTRIAL/INDUSTRY – Of, relating to, concerning, or arising from the manufacture,
14 fabrication, processing, reduction, destruction, assembly, finishing, or packaging of any
15 article, substance, or commodity or any other treatment thereof in such a manner as to
16 change the form, character, or appearance thereof.

17 (A) INDUSTRIAL ASSEMBLY – The fitting or joining of parts of a mechanism by means
18 of fasteners, nuts and bolts, screws, glue, welding, or other similar technique.
19 Industrial assembly does not include the construction, stamping, or shaping of
20 any of the component parts.

21 (B) INDUSTRIAL PROCESSING – The series of continuous actions that changes one or
22 more raw materials into a finished product.

23 (C) INDUSTRIAL SERVICES – Establishments providing industrial services to
24 individuals or businesses. This classification includes dry cleaning plants; metal,
25 machine, and welding shops; cabinetry and woodworking shops; furniture
26 upholstery shops; and similar business engagements in custom fabrication and
27 repair.

28 (D) INDUSTRY, HEAVY – A use engaged in the basic processing, manufacturing, or
29 other enterprises of materials or products predominately from extracted or raw
30 materials, or a use engaged in the storage of or manufacturing processes with
31 significant external effects, or which pose significant risks due to the
32 involvement of flammable or explosive materials, radioactive materials, poisons,

1 pesticides, herbicides, other hazardous materials, or commonly recognized
2 offensive conditions in the manufacturing or other process.

3 (E) INDUSTRY, LIGHT – A use engaged in research and development activities, the
4 manufacturing, compounding, processing, packaging, storage, assembly, and/or
5 treatment of finished or semifinished products from previously prepared
6 materials, which activities are conducted wholly within an enclosed building.
7 Such uses may include incidental storage, sales, and distribution of such
8 products, but excludes basic industrial processing.

9 (F) INDUSTRY, MEDIUM – A use engaged in enterprises in which goods are generally
10 mass produced from raw materials on a large scale through use of an assembly
11 line or similar process, usually for sale to wholesalers or other industrial or
12 manufacturing uses. Medium industry produces moderate external effects such
13 as smoke, noise, soot, dirt, vibration, odor, etc.

14 JUNKYARD – Land or a structure used for the collection, storage, dismantling, processing,
15 and sale, other than within a completely enclosed building, of material of one or more
16 junk material types listed below.

17 (A) Junk Material Types:

18 (1) Junk, as defined in this Article.

19 (2) Three (3) or more junk vehicles, as defined in this Article. This shall not
20 apply to vehicles allowed to be stored within the specific requirements of
21 an AUTO REPAIR GARAGE or AUTO SERVICE STATION.

22 (3) One (1) or more mobile or manufactured homes that are not in a habitable
23 condition.

24 (B) Junk material stored within a completely enclosed building for business
25 purposes shall be considered a WAREHOUSE and shall be regulated as such.

26 (C) Standards and conditions generally applicable in all zoning districts where
27 permitted:

28 (1) Lot area. The minimum lot area shall be three (3) acres and the maximum
29 lot area shall be twenty (20) acres.

- 1 (2) Storage of garbage or biodegradable material is prohibited, other than
2 what is customarily generated on-site and routinely awaiting pickup.
- 3 (3) Tires. If more than 250 tires are stored outdoors on a lot, each unracked
4 solid piling stack shall be a maximum of eight (8) feet high.
- 5 (4) Outdoor storage of junk shall be at least:
- 6 (a) One hundred (100) feet from any residential lot line; and
- 7 (b) Fifty (50) feet from any other lot line and the right-of-way of any
8 public street.
- 9 (5) The site shall contain a minimum of two (2) exterior points of access, each
10 of which may not be less than 20 feet in width at the right-of-way line. One
11 of these access points may be limited to emergency vehicles. Cleared
12 driveways shall be provided throughout the entire use to allow access by
13 emergency vehicles.
- 14 (6) Outdoor storage shall be completely surrounded (except at approved
15 driveway entrances) by a forty (40) foot wide buffer yard which complies
16 with Article 13 “Landscaping and Screening” of this Chapter, unless such
17 storage is not visible from an exterior lot line or public street. The initial
18 height of the evergreen planting shall be six (6) feet. Secure fencing with
19 a minimum height of eight (8) feet shall be provided and well-maintained
20 around all outdoor storage areas. Such fencing shall be provided inside of
21 the buffer yard.
- 22 (7) Burning or incineration of vehicles or junk is prohibited.
- 23 (8) All gasoline and oil shall be drained from all vehicles and properly disposed
24 of. All batteries shall be removed from vehicles and properly stored in a
25 suitable area on an impervious, properly drained surface.

26 KENNEL, COMMERCIAL – The keeping of a total of ten (10) or more dogs or cats over three
27 (3) months in age on a premises. A nonprofit animal shelter is a type of kennel.

28 (A) Standards and conditions generally applicable in all zoning districts where
29 permitted:

- 30 (1) Minimum lot area of two (2) acres.

- 1 (2) All buildings in which animals are housed and all runs shall be located at
2 least 200 feet from any residential lot lines.
- 3 (3) Buildings shall be adequately soundproofed so that sounds generated
4 within the buildings cannot routinely be heard beyond the premises.
- 5 (4) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00
6 a.m. that are within 300 feet of an existing dwelling.
- 7 (5) To minimize dog barking, runs for dogs shall be separated from each other
8 by visual barriers a minimum of four feet in height.
- 9 (6) A kennel may be used for breeding

10 MAJOR EXCAVATION/GRADING/FILL – Any excavating, grading, filling, or other operation
11 (other than in connection with a foundation for a structure), involving:

- 12 (A) Strip or other mining of coal or other minerals, excavating of sand or rock and
13 the crushing of rock, drilling for gas or oil, recovery or metal or natural resources
14 and similar operations; or
- 15 (B) Material alteration of the ground surface so as to affect streets and recreation
16 sites and other public facilities, or physically affect private property within one
17 thousand (1000) feet of the operation; or
- 18 (C) A volume of earth movement exceeding ten thousand (10,000) cubic yards; or
- 19 (D) A change in ground elevation exceeding fifteen (15) feet.

20 MANUFACTURED DWELLING UNIT – A dwelling unit built in a factory according to the
21 Federal Manufactured Home Construction and Safety Standards effective June 15, 1976,
22 as amended. A manufactured dwelling unit: is transportable; is designed for permanent
23 occupancy; is contained in a single piece or two substantial pieces designed to be joined
24 into one integral unit capable of again being separated for repeated towing; which arrives
25 at a site complete and ready for occupancy except for minor and incidental unpacking and
26 assembly operations; is constructed so that it may be used with or without a permanent
27 foundation; is not a recreation vehicle; and includes a minimum of 300 square feet of
28 interior floor space. The terms "mobile home" and "manufactured home" shall have the
29 same meaning.

- 1 (A) Standards and conditions generally applicable in all zoning districts where
2 permitted, whether on an individual lot or within a mobile/manufactured home
3 park:
- 4 (1) Construction. Every manufactured home shall have been constructed in
5 accordance with the Safety and Construction Standards of the United
6 States Department of Housing and Urban Development, as amended. For
7 safety reasons, any manufactured home not meeting such standards shall
8 not be placed on a different lot for use as a residence in the City of
9 Monessen, but such home may remain at an existing location if habitable.
- 10 (2) Each home shall have the hitch mechanism, wheels, and axles removed.
- 11 (3) Anchoring. Manufactured dwelling units shall be installed on a perimeter
12 foundation that provides direct structural support for exterior walls with a
13 continuous foundation and footing. Footings and foundations shall meet
14 related Building Code requirements. Concrete piers or concrete footings
15 perpendicular to the main longitudinal frame or equivalent shall not be
16 permitted.
- 17 (4) Skirting. Because perimeter foundations are required, skirting between
18 the bottom of the home and the ground and/or home pad shall be
19 prohibited.
- 20 (5) Dwelling units shall have a pitched instead of a flat roof.
- 21 (6) Dwelling units on individual lots shall be oriented with the front building
22 façade facing the lot front.
- 23 (7) Permit. Each manufactured home shall obtain a City permit prior to
24 placement on a site.

25 MANUFACTURING – See “INDUSTRIAL/INDUSTRY.”

26 MEDICAL CLINIC – An establishment providing medical, chiropractic, psychiatric, dental,
27 or surgical services exclusively on an outpatient basis, including emergency treatment and
28 diagnostic services.

29 MEDICAL OFFICE – A professional office use involving the examination and treatment of
30 patients by state-licensed physicians, surgeons, or dentists, provided that no patients

1 shall be kept overnight on the premises. This use may involve the testing of tissue, blood,
2 or other human materials for medical or dental purposes.

3 MEMBERSHIP CLUB – Land, a building, or a portion of a building routinely used by a
4 recreational, civic, social, fraternal, religious, political, or labor union association of
5 persons for meetings and routine socializing and recreation that are limited to members
6 and their occasional guests and persons specifically invited to special celebrations, but
7 which is not routinely open to members of the general public, and which is not primarily
8 operated as a for-profit business. This use shall not include a target range for outdoor
9 shooting, a boardinghouse, a tavern, a restaurant, retail sales, or an auditorium unless
10 that particular use is permitted in that zoning district and the requirements of that use
11 are met. See AFTER-HOURS CLUB. This use shall not include a motor vehicle racetrack.

12 (A) Standards and conditions generally applicable in all zoning districts where
13 permitted:

14 (1) All parking, interior driveways (except necessary entrance/exit drives),
15 developed recreation areas, buildings, and similar activity areas shall be
16 set back a minimum of 50 feet from any residential lot lines.

17 (2) All buildings shall be set back a minimum of 25 feet from side and rear lot
18 lines.

19 (3) Any existing healthy trees within such setbacks shall be preserved, except
20 as needed for vehicular and pedestrian way crossings.

21 MINERAL EXTRACTION – The removal of bulk minerals from the surface or from beneath
22 the surface of land using machinery and powered equipment, but shall not include:

23 (A) Removal of material, including minerals, from the surface or beneath the surface
24 solely to provide routine fill.

25 (B) Routine movement of and replacement of topsoil during construction.

26 (C) Standards and conditions generally applicable in all zoning districts where
27 permitted:

28 (1) When the site that was used for mineral extraction, is no longer used, it
29 shall be reclaimed in phases to a nonhazardous and environmentally sound
30 state permitting some productive future use.

- 1 (2) A seventy-five (75) foot wide buffer yard covered by natural vegetative
2 ground cover (except at approved driveway crossings) shall be required
3 along all exterior lot lines that are within 250 feet of an area of excavation
4 or within 250 feet of machinery that is greater than 35 feet in height. This
5 yard shall include an earth berm averaging a minimum of six (6) feet in
6 height and an average of one shade tree for each 50 feet of distance along
7 the lot lines. Such shade trees shall be planted outside of any berm and
8 any fence and shall meet the size and type requirements of Article 13
9 “Landscaping and Screening” of this Chapter.
- 10 (3) The following minimum setbacks shall apply for the excavated area of a
11 mineral extraction that is not owned by the owner of the mineral
12 extraction use:
- 13 (a) One hundred (100) feet from the existing right-of-way of public
14 streets and from all exterior lot lines of the property.
- 15 (b) One hundred fifty (150) feet from a commercial or industrial building,
16 unless owned or leased by the owner/operator of the mineral
17 extraction use.
- 18 (c) Two hundred fifty (250) feet from a lot line abutting a residentially
19 zoned or used lot.
- 20 (d) One hundred fifty (150) feet from the lot line of a publicly owned
21 recreation area that existed at time of the application for the mineral
22 extraction use or expansion thereof.
- 23 (e) The excavated area of a mineral extraction use shall be set back one
24 hundred fifty (150) feet from the average waterline of a perennial
25 stream or the edge of a natural wetland of more than two (2) acres.
- 26 (4) Fencing. The City Council may require secure fencing in locations where
27 needed to protect public safety.
- 28 (5) County Conservation District. A soil erosion and sedimentation plan shall
29 be prepared by the applicant and submitted for approval by the County
30 Conservation District.

- 1 (6) Hours of operation. The City Council may reasonably limit the hours of
2 operation of the use and of related trucking and blasting operations to
3 protect the character and tranquility of adjacent residential areas.
- 4 (7) Engineering review. Upon receipt of an application for mineral extraction,
5 the Zoning Officer shall send a copy of the application to the City Engineer
6 for review. In the alternative, the Council may appoint an alternate
7 engineer to conduct a review of the plan. Where the cost of the City's
8 engineering review arises from the City's function to regulate zoning, the
9 City may seek to recover the reasonable costs of the engineering review
10 from the applicant.
- 11 (8) The applicant shall submit a copy to the Zoning Officer of all materials
12 submitted by the applicant to state agencies regarding an application for
13 this development project. The use shall comply with all applicable state
14 regulations as a condition of City approvals under this chapter, and such
15 City approval may be revoked for violation of this condition.
- 16 (9) Preemption. Unless a specific preemption of this Chapter by a state or
17 federal regulation or law, the most restrictive provisions upon the
18 applicant shall apply whenever one or more municipal, state, or federal
19 regulations apply.
- 20 (10) Application requirements. For any mineral extraction use involving a
21 proposed excavation of more than one (1) acre, the following shall be
22 submitted:
- 23 (a) Present use(s) of the site.
- 24 (b) A scaled map, prepared by a professional engineer, showing the
25 locations of:
- 26 (i) The proposed area to be excavated (and maximum depth).
- 27 (ii) Other land to be affected, including but not limited to:
28 storage sites for overburden; access and haulage streets;
29 storage sites for equipment; and offices and other accessory
30 structures.
- 31 (iii) Lot lines of adjacent lots and owners and existing uses of
32 these lots.

- 1 (iv) Watercourses, bodies of water, street rights-of-way,
2 buildings, and publicly owned recreation areas within two-
3 hundred fifty (250) feet of the boundaries of land to be
4 affected by the mineral extraction operation.
- 5 (v) Any wetlands and forested areas to be removed or protected
6 and preserved as part of the use.
- 7 (c) A detailed land reclamation plan of the area to be excavated,
8 showing:
- 9 (i) Proposed reclaimed use and topography of the land following
10 site mineral extraction.
- 11 (ii) Actions to be taken during mining to conserve and replace
12 topsoil removed during mining operations.
- 13 (iii) Reasonable assurances that the applicant will be capable of
14 reclaiming the land in accordance with the plan within a
15 reasonable time after completion of the mineral extraction
16 operations to be covered by the requested permit.
- 17 (11) Regulation of the maximum acreage actively used for mineral extraction.
- 18 (a) To ensure that large areas of land will be reclaimed in compliance
19 with state and City regulations, the City Council may establish a
20 maximum number of acres which may be affected by mineral
21 extraction at any one time on any lot or any series of lots owned by
22 one applicant or closely related applicants.
- 23 (b) Land affected by mineral extraction shall mean all total land area at
24 any point in time that is currently under active mineral extraction,
25 that is not adequately reclaimed or backfilled following prior
26 extraction operations and that contains waste or spoil piles from
27 existing or prior mining activities.
- 28 (c) This Subsection shall not apply to mineral extraction activities which
29 are regulated by the Commonwealth of Pennsylvania, Department of
30 Environmental Protection, pursuant to the Oil and Gas Act.

1 (12) An application for mineral extraction shall include the name, address and
2 phone number, including twenty-four-hour emergency phone number, of
3 at least two persons who will be responsible for extraction operations.
4 Upon approval of the application, the applicant shall, at least 10 days prior
5 to the initiation of construction and/or extraction activities, provide the
6 Zoning Officer with the contact information for the operator and the
7 emergency site contact information for the operator.

8 (13) The applicant must demonstrate compliance with the City's floodplain
9 ordinance.

10 (14) Upon approval of an application for mineral extraction, the operator shall
11 comply with the following:

12 (a) The access driveway from the public road to the mineral extraction
13 site shall be gated at the entrance to prevent illegal access to the site.
14 The site-assigned address shall be clearly visible on the access gate
15 for emergency 911 purposes. The sign shall include the name of the
16 operator and the telephone number for a person responsible who
17 may be contacted in case of emergency;

18 (b) The operator shall take the necessary safeguards to insure that City
19 roads utilized remain free of dirt, mud and debris resulting from the
20 extraction and transportation activities, and/or shall insure such
21 roads are promptly swept or cleaned if dirt, mud and debris are
22 deposited;

23 (c) The City may require fencing and/or landscaping to buffer
24 permanent surface facilities from adjacent properties.

25 MIXED-USE BUILDING – A building designed to encourage a diversity of compatible land
26 uses, which includes a mixture of residential use(s) and one (1) or more of the following
27 uses: office, commercial, retail, institutional, or civic uses.

28 (A) Standards and conditions generally applicable in all zoning districts where
29 permitted:

30 (1) Minimum Building Height. Unless provided otherwise by regulations
31 specific to a given zoning district, the minimum height of a mixed-use
32 building shall be two (2) stories.

- 1 (2) Floor-to-Floor Heights. All floor space provided on the ground floor of a
2 building, regardless of use, must have a minimum floor-to-ceiling height of
3 at least eleven (11) feet.
- 4 (3) Nonresidential component space may include commercial, business,
5 and/or office use(s) permitted in the zoning district.
- 6 (4) Residential amenity space includes areas utilized as common entrance,
7 lobby, leasing, management, meeting, exercise, and the like intended
8 principally for the comfort, convenience, amenity, and/or necessity of the
9 mixed-use dwelling unit(s). Residential amenity spaces shall be considered
10 residential component space and may not be counted toward meeting
11 minimum nonresidential component space requirements.
- 12 (5) Minimum Nonresidential Component Space. Unless provided otherwise
13 by regulations specific to a given zoning district, a minimum net floor area
14 (NFA) shall be dedicated to nonresidential component space to ensure
15 that commercial land is preserved for primarily commercial purposes,
16 which shall be calculated as at least fifty-five (55) percent of the gross floor
17 area (GFA) of the ground floor.
- 18 (6) Floor area of enclosed off-street parking areas may not be counted toward
19 meeting minimum nonresidential component space requirements.
- 20 (7) Minimum required nonresidential component space(s) shall be located
21 along a principal façade of the ground floor, except that lots with
22 topographic elevation changes may meet minimum required
23 nonresidential component space by using at-grade floors as specified in
24 this Subsection. For purposes of this Subsection, "topographical elevation
25 changes" shall mean a slope in the ground surrounding the building that
26 renders a floor above the ground floor at-grade by its direct access from
27 the adjoining ground.
- 28 (8) On lots with topographic elevation changes, the minimum required
29 nonresidential component space(s) may be developed along a principal
30 façade of an at-grade floor(s); provided, nonresidential component
31 spaces(s) is developed along the front principal façade of the ground floor
32 level.

- 1 (9) Transparency. Unless otherwise established by this Chapter within a
2 specific zoning district, the ground floor of the front façade of a mixed-use
3 building between two (2) feet and eight (8) feet in height shall have a
4 minimum fenestration ratio of sixty percent (60%).
- 5 (10) No security bars, screens or gates shall be permitted to be attached to the
6 principal façade of a mixed-use building.
- 7 (11) Mixed-Use Dwelling Units.
- 8 (a) Mixed-use dwelling units shall not be located along a principal façade
9 of the ground floor, except within residential zoning districts where
10 mixed-use buildings are permitted.
- 11 (b) Dwelling units may be located on the ground floor, where permitted,
12 but shall not, with the exception of a common entrance(s), have
13 direct access to the individual dwelling unit from a principal façade.
- 14 (c) Mixed-use dwelling units located above the ground floor shall not
15 have direct access to the individual dwelling unit from a principal
16 façade by way of an outdoor pedestrian walkway as generally shown
17 in the following image.



18

19 MOBILE/MANUFACTURED HOME PARK – A parcel of land under single ownership which
20 has been planned and improved for the placement of three or more
21 mobile/manufactured homes for non-transient residential use. The individual
22 manufactured homes may be individually owned. A development of

1 mobile/manufactured homes with each dwelling on its own subdivided and approved
2 individual lot of record shall be regulated in the same manner as a subdivision of site-built
3 homes and shall not be considered a mobile home park.

4 (A) Standards and conditions generally applicable in all zoning districts where
5 permitted:

6 (1) Minimum area of two (2) contiguous acres, which shall be under single
7 ownership.

8 (2) Any mobile/manufactured home park shall meet all requirements of the
9 Subdivision and Land Development Ordinance, except that where two (2)
10 provisions regulate the same matter, the more restrictive upon the
11 applicant shall apply. Spaces for individual mobile homes within a mobile
12 home park are not required to be individually surveyed and shall not
13 require individual meets and bounds descriptions.

14 (3) Density. The maximum average overall density shall be eight (8) dwelling
15 units per acre if both approved central water service and central sewage
16 service will serve each dwelling. Otherwise, the maximum density shall be
17 an average of two (2) dwelling units per acre. To calculate this density,
18 land in common open space or proposed streets within the park may be
19 included, but land within the one-hundred-year floodway or that has
20 natural slopes of 25% or greater shall not be included.

21 (4) Buffer yard. A fifty (50) foot wide landscaped open area shall be provided
22 around the perimeter of the mobile/manufactured home park site. This
23 open area shall include evergreen screening meeting the requirements of
24 Article 13 "Landscaping and Screening" of this Chapter where abutting an
25 existing single-family detached dwelling. The same area of land may count
26 towards both the open area and the setback requirements.

27 (5) Each home shall comply with the requirements for MANUFACTURED
28 DWELLING UNITS.

29 (6) Accessory structures.

30 (a) Detached accessory structures may be attached or immediately
31 adjacent to each other.

- 1 (b) A detached accessory shed shall not be located in a front yard
2 between a dwelling unit and a street or parking court.
- 3 (7) Common open space for a mobile home park.
- 4 (a) A minimum of 10% of the total lot area of the entire
5 mobile/manufactured home park shall be set aside as common open
6 space for the residents. Because mobile/manufactured home parks
7 are required to provide their own common open space, a
8 mobile/manufactured home park shall not be subject to additional
9 common open space requirements under the City Subdivision and
10 Land Development Ordinance, as amended.
- 11 (b) Areas within the required buffer yards, boundary setback areas, and
12 within the one-hundred-year floodplain may count towards the
13 minimum common open space, except for areas that specifically are
14 not permitted to be counted as set forth in Subsection (c) below.
- 15 (c) The following areas shall not be permitted to be counted towards the
16 minimum required common open space:
- 17 (i) That would not be accessible to pedestrians;
- 18 (ii) That would be within a stormwater basin, unless the
19 applicant proves to the satisfaction of the Zoning Officer that
20 such area could be routinely and safely usable for recreation
21 and as accessible open space;
- 22 (iii) That would be within fifteen (15) feet of any principal
23 building, other than a recreation building; or
- 24 (iv) That would have a minimum width of less than twenty (20)
25 feet.
- 26 (8) Additional uses in a mobile home park.
- 27 (a) A mobile/manufactured home park may include a recreation center
28 for residents, a rental or management office, maintenance buildings
29 for the park, swimming pool and the sale of mobile/manufactured
30 homes that will be placed within said mobile/manufactured home
31 park.

- 1 (b) A mobile home park shall not include the sale of homes for
2 placement off the tract except for routine resale of existing homes.
- 3 (9) Parking in a mobile home park. An average minimum of 2 off-street
4 parking spaces shall be provided per dwelling unit. A minimum of 2 such
5 spaces shall be provided adjacent to the dwelling they serve.
- 6 (10) Streets.
- 7 (a) Access to individual mobile/manufactured home spaces shall be from
8 interior parking courts, access drives, or private streets and shall not
9 be directly from a public street exterior to the mobile/manufactured
10 home park development.
- 11 (b) All private streets shall meet all other City cartway construction
12 standards.
- 13 (11) All mobile/manufactured home spaces shall have underground electric
14 and telecom service lines, where available.
- 15 (12) Water service. If nonpublic central water service is proposed, it shall be in
16 accordance with any applicable PADEP and City requirements.
- 17 (13) Sewer service.
- 18 (a) Where nonpublic central sewage service is proposed, it shall be in
19 accordance with PADEP requirements and all applicable City
20 requirements.
- 21 (b) If a private sanitary system is proposed, it may be constructed of PVC
22 Schedule 35 or other approved piping and shall be installed and
23 bedded in accordance with any applicable PADEP requirements.
- 24 (14) Park management and operation.
- 25 (a) The owner of the mobile/manufactured home park shall supervise
26 the installation of all mobile/manufactured dwelling homes,
27 foundation systems, and utility connections.
- 28 (b) The owner of the mobile/manufactured home park shall report all
29 arrivals of adult residents to the City Tax Collector within 30 days and

1 notify the City Tax Collector prior to any proposed resident
2 departures.

3 (c) The owner of the mobile/manufactured home park shall provide
4 reasonable access to the City or its representatives for periodic
5 inspections of the mobile/manufactured home park and its facilities.

6 MONUMENT RETAIL SALES – The use of a site and building primarily for the retail sales of
7 monuments for placement on graves. This use includes the production, sale, storage, and
8 delivery of headstones, footstones, markers, statues, obelisks, cornerstones, ledgers, and
9 the like.

10 (A) Standards and conditions generally applicable in all zoning districts where
11 permitted:

12 (1) Outdoor display and storage of raw and/or finished monuments shall not
13 exceed a total of 8,000 square feet.

14 (2) The use shall include a building on the premises within which monuments
15 are prepared, produced, and finished by hand or by automation (i.e.,
16 cutting, carving, drilling, grinding, sanding, polishing, buffing, etching, etc.).
17 Monument production activities shall be limited to indoors and may not
18 be conducted outdoors.

19 MOTOR VEHICLE RACETRACK – A use involving competitive driving of motor vehicles
20 involving speeds routinely exceeding 30 miles per hour, other than driving upon a public
21 street.

22 NATURE PRESERVE – A noncommercial preservation of land for providing wildlife
23 habitats, forests or scenic natural features that involves no buildings other than a nature
24 education and/or study center and customary maintenance buildings.

25 NIGHTCLUB – A tavern or restaurant that has a primary or substantial portion of the total
26 trade in the sale of alcoholic beverages, which frequently charges admission or cover
27 charges for entertainment or music for dancing.

28 NURSING HOME – A facility licensed by the state for the housing and intermediate or fully
29 skilled nursing care of three (3) or more persons.

30 (A) Standards and conditions generally applicable in all zoning districts where
31 permitted:

- 1 (1) A minimum of 20% of the lot shall be suitable and developed for passive
2 recreation. This area shall include outdoor sitting areas and pedestrian
3 walks.
- 4 (2) The density shall not exceed more than one (1) resident or bed per 250
5 square feet of total building floor area.
- 6 (3) Setback. Principal and accessory buildings shall be set back a minimum of
7 fifty (50) feet from a residential lot line.

8 OFFICE – A use that involves administrative, clerical, financial, governmental, or
9 professional spaces and operations of a similar character. This use shall include neither
10 retail nor industrial uses but may include business offices, medical or dental offices, clinics
11 or laboratories, photographic studios, television or radio broadcasting studios, and the
12 like.

13 ORDER FULFILLMENT CENTER – A use involving a physical location from which a third-
14 party logistics or fulfillment provider fulfills customer orders for ecommerce retailers.
15 Such use is usually intended for short-term storage to turn inventory over quickly for the
16 distribution of goods directly to the consumer. See DISTRIBUTION and WAREHOUSE.

17 PERSONAL CARE HOME – A residential use providing shelter, meals, supervision, and
18 assistance with personal care tasks for eleven (11) or more persons who are typically for
19 people who are older, or people with physical, behavioral health, or cognitive disabilities
20 who are unable to care for themselves but do not need nursing home or medical care and
21 that is licensed as a personal care home by the Commonwealth of Pennsylvania. See
22 HANDICAPPED.

23 (A) Standards and conditions generally applicable in all zoning districts where
24 permitted:

- 25 (1) The standards for nursing homes in this Section shall apply.

26 PERSONAL SERVICE ESTABLISHMENT – An establishment primarily engaged in providing
27 nonmedical individual services generally related to personal needs such as, but not
28 limited to, barbershop, beauty salon, nail salon, tattoo/body piercing studio, tanning
29 salon, garment repair, tailoring, shoe repair, clothing rental, psychic readers, self-service
30 or coin-operated laundry, dry cleaning pickup store, photography studio, household
31 appliance repair shop, and other similar establishments, but shall not include any ADULT
32 USES.

1 PICNIC GROVE, PRIVATE – An area of open space and pavilions that is not publicly owned
2 and which is rented for picnics and outdoor recreation.

3 (A) Standards and conditions generally applicable in all zoning districts where
4 permitted:

5 (1) Minimum lot area of five (5) acres.

6 (2) All parking and activity areas shall be a minimum of 250 feet from an
7 existing dwelling other than a dwelling with the same owner as the private
8 picnic grove. The use shall not operate in a way that is perceptible from
9 beyond the lot lines between the hours of 10:30 p.m. and 7 a.m.

10 PLACE OF WORSHIP – A building, buildings, or a portion of a building (e.g., storefront
11 religious meeting place) wherein persons regularly assemble for religious worship, and
12 which is maintained and controlled by a religious body organized to sustain public
13 worship, together with all accessory buildings and uses customarily associated with such
14 primary purpose. Examples include church, synagogue, temple, mosque, or other such
15 place for worship and religious activities.

16 (A) For zoning purposes, a storefront religious meeting place shall be considered a
17 PLACE OF WORSHIP and is one generally housed in a storefront building's tenant
18 space once occupied by a commercial use where the interior of the subject
19 tenant space is converted for religious use and related assembly and furnishings.

20 (B) Standards and conditions generally applicable in all zoning districts where
21 permitted:

22 (1) With the exception of storefront religious meeting places, a minimum lot
23 area of 10,000 square feet shall be required unless a larger lot area
24 requirement applies in the applicable district.

25 (2) Customary accessory uses include a caretaker's residence, a meeting or
26 activity hall, a gymnasium, a playground, the sale of items associated with
27 the practice of religion, etc., but shall not include a medical clinic, homeless
28 shelter, rehabilitation center, etc.

29 (3) A primary or secondary school and/or a childcare or adult day-care center
30 are permitted on the same lot as a place of worship, provided that the
31 requirements for such uses are also met.

- 1 (4) One (1) dwelling unit for a religious leader(s) of the place of worship and
2 their family may be accessory to a place of worship on the same lot.
- 3 (5) The height requirements of the district wherein the use is located may be
4 exceeded if every portion of the building above the height limit is at least
5 as many feet distant from lot lines as that portion of the building is in
6 height.
- 7 (6) The location of parking spaces on the site shall be such as to provide
8 maximum protection and facilitate traffic movement on abutting streets.
- 9 (7) Minimum front and rear yards shall be ten (10) feet greater in depth and
10 minimum side yards shall be ten (10) feet greater in width than the
11 minimum required for any other principal structure in the district in which
12 such use is located.

13 PLANT NURSERY – The indoor or outdoor raising of trees, plants, shrubs, ground covers,
14 and/or flowers for sale and the sale of gardening supplies, but not primarily including
15 commercial forestry or lumber. A plant nursery may include the growth of trees for sale
16 for internal decoration of homes, such as a Christmas tree farm.

17 RECREATION FACILITY, COMMERCIAL, INDOOR – A privately owned commercial profit-
18 making establishment designed and equipped for the conduct of leisure activities and
19 other recreational activities wholly within an enclosed building. Examples of such uses
20 include but are not limited to indoor play areas, training studios for martial arts,
21 gymnastics, and dance, bowling alleys, shooting ranges and skating - skateboard rinks.

22 RECREATION FACILITY, COMMERCIAL, OUTDOOR – A privately owned commercial profit-
23 making establishment, that has a total building coverage of less than 15%, designed and
24 equipped for the conduct of sports, leisure activities and other recreational activities
25 wholly or partially outside of any building or structure. Examples of such uses include,
26 but are not limited to, swimming pools, golf driving ranges, miniature golf courses,
27 amusement parks, skateboard facilities, and go-cart tracks.

28 RECREATION, PRIVATE – Noncommercial leisure recreational uses that are only open to
29 members and their occasional invited guests or persons within a specific group reserved
30 in advance.

1 RECREATION, PUBLICLY OWNED – Land, buildings, or structures that are owned by a
2 government agency or the City and are available for use by the general public for leisure
3 and recreation.

4 RECYCLING COLLECTION CENTER – A use for collection and temporary storage of more
5 than 500 pounds of common household materials for recycling, but that does not involve
6 processing or recycling other than routine sorting, baling, and weighing of materials.

7 (A) Standards and conditions generally applicable in all zoning districts where
8 permitted:

9 (1) RECYCLING COLLECTION CENTER uses shall not include the indoor storage
10 of less than 500 pounds of household recyclable and their customary
11 collection, which is a permitted by-right accessory use in all zoning
12 districts, without additional regulations.

13 (2) This use shall not be bound by the requirements of a solid waste disposal
14 facility.

15 (3) All materials shall be kept in appropriate containers, with appropriate
16 sanitary measures and frequent enough emptying to prevent the
17 attraction of insects or rodents and to avoid fire hazards.

18 (4) Adequate provision shall be made for movement of trucks if needed and
19 for off-street parking.

20 (5) A twenty (20) foot buffer yard with screening as described in Article 13
21 “Landscaping and Screening” of this Chapter shall be provided between
22 this use and any abutting residential lot line.

23 (6) This use may be a principal or accessory use, as the case may be, including
24 being permitted as a by-right accessory use to a commercial use, an
25 industrial use, public or private primary or secondary school, a place of
26 worship, a City-owned use, an emergency services station, or a college or
27 university subject to the limitations of this Section.

28 (7) Materials to be collected shall be of the same character as the following
29 materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No
30 garbage shall be stored as part of the use, except for garbage generated
31 on-site or garbage accidentally collected with the recyclables. Only

1 materials clearly being actively collected for recycling may be stored on
2 site.

3 (8) The use shall only include the following operations: collection, sorting,
4 baling, loading, weighing, routine cleaning and closely similar work. No
5 burning or melting or mechanical shredding of metal or landfilling shall
6 occur. No mechanical operations shall routinely occur at the site other
7 than operations such as baling of cardboard and shredding of newspaper.

8 (9) The use shall not include the collection or processing of pieces of metal
9 that have a weight greater than 50 pounds, except within an industrial
10 district.

11 (10) The use shall include the storage of a maximum of 50 tons of materials on
12 the site if the use is within a residential district and within 500 feet of an
13 existing dwelling.

14 RENEWABLE ENERGY SYSTEM – A device or assemblage of devices which create, capture
15 and/or store renewable energy.

16 (A) Standards and conditions generally applicable in all zoning districts where
17 permitted:

18 (1) The purpose of the following standards and conditions are to promote
19 efficient implementation of small-scale renewable energy systems, while
20 setting practical guidelines for such implementation that are respectful of
21 the neighborhood context within which such systems may occur.

22 (2) Renewable energy systems, other than utility-scale electrical generating
23 stations, are allowed as an accessory use within any zoning district, subject
24 to the standards and conditions set forth herein.

25 (3) Utility-scale concentrating solar power (CSP) generating facilities or photo-
26 voltaic solar generating facilities of any output capacity are allowed as
27 either a primary or accessory use within the Industrial Zoning Districts
28 subject to the development standards of the district in the respective
29 Industrial Zoning District in which the property is located..

30 (4) Location on the Lot. Renewable energy systems may be located on the lot
31 in a manner consistent with any accessory structure in the respective
32 zoning district in which the property is located. Unless appurtenant to a

1 building, renewable energy systems may not be located in the front yard
2 or side street yard.

3 (5) Lot Coverage. Photo-voltaic solar panels and concentrating solar
4 collectors, dish type collectors as typically utilized in stirling engine
5 technologies, and small wind generating systems associated with
6 renewable energy systems shall not constitute an increase to lot coverage.

7 (6) Height Limitations.

8 (a) Renewable energy systems located within Residential Zoning
9 Districts shall not exceed the height regulations of the zoning district
10 in which the property is located.

11 (b) Renewable energy systems located within non-residential zoning
12 districts shall not exceed the height regulations for the zoning district
13 in which the property is located unless the system is appurtenant to
14 a building.

15 (c) Ground-mounted equipment associated with renewable energy
16 systems, other than solar panel(s)/collector(s) or wind turbines and
17 their supporting structures, shall not exceed six (6) feet in height and
18 shall be screened from view to a height equal to that of the
19 equipment, or in the case of a commercial application, placed within
20 a cabinet that is not taller than six (6) feet.

21 (7) Exception for Certain Off-Grid Solar Panels. Off-grid photo-voltaic solar
22 panels which serve only a single electrical fixture or appliance, such as low-
23 voltage landscape lighting or similar, are exempt from the provisions of
24 this standards and conditions.

25 (8) Measurements.

26 (a) The height of a renewable energy system shall be measured relative
27 to the highest point of the system or supporting structure, whichever
28 is higher. In the case where a solar array tracks the sun's movement
29 across the sky, the height shall be measured relative to the array's
30 most vertical position.

31 (b) Setbacks to renewable energy systems involving solar shall be
32 measured relative to the edge of the solar panel(s)/collector(s), or

1 supporting structure, whichever is closest to the property line from
2 which the setback is being measured.

3 (c) The height of a renewable energy system involving wind technology
4 shall be measured relative to the top of the blade sweep at a point
5 where the blade is in its most vertical position, or to the top of the
6 supporting structure, whichever is taller.

7 (d) Setbacks to renewable energy systems involving wind technology
8 shall be measured relative to the blade sweep at a point where the
9 tip of the blade, or edge of the supporting structure, is closest to the
10 property line from which the setback is being calculated.

11 (9) Access to Sunlight and Wind. The owner or future owners of a property
12 onto which a renewable energy system is installed assumes all risk
13 associated with diminished performance of said system caused by any
14 present or future adjacent structure or landscaping that may interfere with
15 the system's ability to produce power at its rated capacity, regardless of
16 when that adjacent structure or landscaping is constructed or installed.

17 (10) Dilapidation. Any renewable energy system which becomes inoperable
18 shall, at the owner's expense, be made operational or shall be removed
19 from the property within one (1) year of the date the system became
20 inoperable.

21 REPAIR SERVICE ESTABLISHMENT – Establishments primarily involving the repair of
22 appliances, watches, guns, bicycles and other household items.

23 RESTAURANT – An establishment that sells ready-to-consume food or drink and that
24 routinely involves the consumption of at least a portion of such food on the premises.

25 (A) A fast-food restaurant may include the accessory sale of alcoholic beverages.
26 However, if such sale is a primary or substantial portion of the total trade, the
27 requirements of a tavern or nightclub as applicable must be met.

28 (B) A restaurant shall not include a use meeting the definition of a nightclub or an
29 after-hours club.

30 (C) Standards and conditions generally applicable in all zoning districts where
31 permitted:

1 (1) If drive-through service is provided, a maximum of two (2) outdoor menu
2 boards are permitted, beyond the signs normally permitted, with a
3 maximum sign area of 40 square feet each if drive-through service is
4 provided. The words on such signs shall not be legible from a street or
5 residential lot line.

6 (2) Traffic circulation onto, within, and off the lot shall be clearly marked. Any
7 drive-through use shall be designed with adequate capacity for waiting
8 vehicles and to avoid conflicts with traffic onto, around, and off the site.
9 Ingress-egress shall not cause traffic hazards on adjacent streets, nor cause
10 stacking of vehicles onto streets waiting to enter the site and/or the drive-
11 through lane(s).

12 RETAIL ESTABLISHMENT – A use in which merchandise is sold or rented to the general
13 public, but not including the following: sales of motor vehicles or boats, adult movie
14 theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto
15 repair garage, convenience store, or any restaurant.

16 (A) Standards and conditions generally applicable in all zoning districts where
17 permitted:

18 (1) A retail establishment in the B-2 and B-3 Districts in excess of 30,000
19 square feet of gross leasable floor area shall be in integral part of a planned
20 shopping center development and the gross leasable floor area of the
21 establishment shall not be in excess of 30% of the total gross floor area of
22 the planned shopping center development.

23 SANITARY LANDFILL (OR SOLID WASTE LANDFILL) – A type of solid waste disposal area
24 involving the depositing of solid waste on land, compacting the waste, and covering the
25 waste with soil and which has a permit to operate as a sanitary landfill from the state.

26 SATELLITE DISH ANTENNA OR SATELLITE ANTENNA – A ground-based reflector, usually
27 parabolic in shape, that receives electronic signals from a satellite. This term shall also
28 include any pedestal or attached structure.

29 SCHOOL, PUBLIC, PAROCHIAL, OR PRIVATE, PRIMARY OR SECONDARY – An educational
30 institution primarily for persons between the ages of five (5) and 19 that primarily
31 provides state-required or largely state-funded educational programs. This term shall not
32 include trade schools.

1 (A) Standards and conditions generally applicable in all zoning districts where
2 permitted:

3 (1) Minimum lot area of one (1) acre if fewer than 100 students, three (3) acres
4 if 100 students or more.

5 (2) No children's play equipment, basketball courts, baseball backstop or
6 infield, or illuminated recreation facilities shall be located within 50 feet of
7 a residential lot line.

8 (3) The use shall not include a dormitory unless specifically permitted in the
9 district.

10 SELF-STORAGE DEVELOPMENT – A building or group of buildings divided into individual
11 separate access units which are rented or leased for the storage of personal and small
12 business property.

13 (A) Standards and conditions generally applicable in all zoning districts where
14 permitted:

15 (1) Outdoor storage shall be limited to recreational vehicles, boats, and
16 trailers. No junk vehicles shall be stored within view of a public street or a
17 dwelling.

18 (2) Trash, radioactive or highly toxic substances, garbage, refuse, explosives
19 or flammable materials, hazardous substances, animal carcasses or skins,
20 or similar items are not permitted to be stored inside or outside.

21 (3) The interior traffic aisles, required off-street parking areas, loading areas,
22 and accessways shall be kept clear of stored items.

23 (4) Major body work on vehicles shall not be permitted. The use shall not
24 include a commercial auto repair garage unless that use is permitted in the
25 district and the use meets those requirements.

26 (5) Adequate lighting shall be provided for security, but lighting shall be so
27 located, shielded, and directed in such a manner that they do not reflect
28 or cause glare onto abutting properties.

29 (6) Any areas of the use that are within 200 feet of the existing right-of-way
30 of an arterial street or collector street shall be separated from that street

1 by a buffer yard with screening under Article 13 “Landscaping and
2 Screening” of this Chapter.

3 (7) Maximum building length of 250 feet.

4 (8) Minimum separation between buildings of 20 feet.

5 SHOPPING CENTER – A use involving five (5) or more retail or personal service uses or
6 establishments and that primarily involves retail sales. A shopping center may also
7 include a mix of permitted personal services, offices, and commercial recreational uses.

8 SLAUGHTERHOUSE – A use involving the killing of animals for the production of food or
9 some other commercial product. A commercial stockyard or similar facility that primarily
10 involves the bulk storage or transferring of animals on the way to slaughter shall also be
11 considered a slaughterhouse.

12 (A) Standards and conditions generally applicable in all zoning districts where
13 permitted:

14 (1) Minimum lot area of five (5) acres.

15 (2) The buildings where slaughtering takes place shall not be located closer
16 than 250 feet from all exterior lot lines and no closer than 500 feet from a
17 residential lot line.

18 (3) Proper ventilation and exhaust system must meet Westmoreland County
19 Health Department Code which restricts noxious odors being discharged
20 into the air.

21 SOLID WASTE FACILITY – Land or structures where solid waste is processed, incinerated,
22 or disposed of. This shall only include the following facilities, each of which regulated
23 through permitting by the State: sanitary landfill, solid waste transfer facility or solid-
24 waste-to-energy facility. The following uses for the purposes of this chapter shall not be
25 considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf
26 composting, clean fill or septage or sludge application.

27 (A) Standards and conditions generally applicable in all zoning districts where
28 permitted:

- 1 (1) No property shall be used as a dumpsite for solid waste without a valid City
2 and a valid State DEP permit. The City permit may be suspended for
3 violation of a City or State DEP requirement.
- 4 (2) An applicant for a solid waste facility shall reimburse the City for all legal
5 advertisements related to the application, plus pay a nonrefundable
6 administrative fee of \$2,000 plus establish an escrow account of \$40,000
7 to be used to compensate the City for actual and customary expenses of
8 professional reviews (such as but not limited to engineering and impact
9 reviews). Any escrow funds used for such reviews shall be nonrefundable,
10 while any funds not used for such reviews shall be returned to the
11 applicant after the final City approval.
- 12 (3) Site plan. A site plan shall be submitted meeting the requirements of the
13 Subdivision and Land Development Ordinance and including all
14 information required by DEP on any site plan submitted to the state. The
15 site plan shall show existing and proposed final topography, proposed
16 fencing and landscaping, owners of adjacent lots, proposed haul and
17 access roads, proposed staging, location of equipment and tire cleaning
18 areas and location of weighing and fire-fighting facilities.
- 19 (4) The applicant shall submit the names and current addresses of any and all
20 persons who have any ownership interest of more than 5% in the proposed
21 use or in businesses that are proposing or intended to own or operate the
22 use. The experience of the applicant in developing and operating other
23 solid waste facilities shall be described.
- 24 (5) The applicant shall provide the Zoning Officer with a copy of all written
25 materials and plans that are submitted to the State DEP at the same time
26 as they are submitted to the State DEP.
- 27 (6) A statement shall be submitted describing proposed uses of landfill land
28 after landfilling operations are completed.
- 29 (7) A traffic study shall be submitted showing intended routes for truck traffic
30 and estimating the total number of vehicles of over 20,000 pounds gross
31 vehicle weight that are expected to enter and exit the facility and the
32 expected impact of these vehicles on the roads considering the roads'
33 existing construction.

- 1 (8) An environmental assessment shall be submitted, including the following:
- 2 (a) Summary of important findings in language understandable to
3 laypersons, with references to more detailed reports and data (such
4 as in appendices).
- 5 (b) Descriptions of and maps showing the suitability of the proposed site
6 for the use.
- 7 (c) Applicable technical data provided in an appendix.
- 8 (d) Impacts upon natural and cultural features, including surface water
9 quality, groundwater quality, air quality and historic buildings.
- 10 (e) Impacts upon stormwater and floodwater.
- 11 (f) Visual impacts.
- 12 (g) For a use involving incineration, a professional analysis of the
13 expected health impacts of the facility on humans, including a review
14 of relevant studies on the matter.
- 15 (9) Setbacks.
- 16 (a) All solid waste storage, disposal and incineration shall be a minimum
17 of 200 feet from the following: public street right-of-way, exterior lot
18 line, one-hundred-year floodplain, edge of a surface water body
19 (including a water filled quarry) or wetland of more than two acres in
20 area.
- 21 (b) All areas to be used for the storage, disposal or incineration of solid
22 waste shall be a minimum of 400 feet from any of the following:
23 residential district, publicly owned park, lot line of any existing
24 dwelling (which the applicant does not have an agreement to
25 purchase) or the banks of any perennial creek or river.
- 26 (c) A landscaped area with a minimum width of 100 feet shall surround
27 the site and shall not be used for any use other than perpendicular
28 driveway crossings.
- 29 (10) The use shall be served by a minimum of two access roads paved with a
30 dust-free surface, each with a minimum cartway width of twenty-four (24)

1 feet. One of these roads may be restricted to use by emergency vehicles,
2 in which case it may be stoned instead of being paved.

3 (11) Any burning or incineration shall be carried out in a completely enclosed
4 incinerator approved by the State DEP. Any material to be incinerated that
5 is to be stored for more than three hours shall be stored in an enclosed
6 structure.

7 (12) The operation and day-to-day maintenance of the solid waste disposal
8 area shall comply with all applicable state and federal regulations as a
9 condition of the continuance of any permit of the City. Violations of this
10 condition shall also be considered to be violations of this chapter.

11 (13) Open burning of refuse is prohibited as part of a solid waste facility.
12 Garbage may not be dumped or buried except at an approved solid waste
13 facility.

14 (14) The applicant shall prove to the satisfaction of the City Council that the
15 existing street network can handle the additional truck traffic, especially
16 without bringing extraordinary numbers of trash hauling trucks through or
17 alongside existing residential or residentially zoned areas. The City Council
18 may require the applicant to make specific improvements to roads to
19 handle extraordinarily heavy loads.

20 (15) In cooperation with Pennsylvania DEP requirements, an appropriate
21 double liner, and a system to collect and treat leachate and methane is
22 very strongly encouraged for any sanitary landfill.

23 (16) The applicant shall prove to the satisfaction of the City Council that the use
24 would not routinely create noxious odors off of the tract.

25 (17) A chain link or other approved fence with a minimum height of eight feet
26 shall surround active solid waste disposal areas to prevent the scattering
27 of litter and to keep out children, unless the applicant proves to the
28 satisfaction of the City Council that this is unnecessary. The City Council
29 may also require temporary litter-control fences surrounding current
30 dumping areas. The City Council shall require earth berms, evergreen
31 screening and/or shade trees with a minimum total effective height of
32 eight feet or more as needed shall be used to prevent landfill operations
33 from being visible from an expressway or arterial streets or dwellings.

- 1 (18) A minimum total lot area of 50 acres (which may include land in an
2 adjoining municipality) is required for any solid waste facility other than a
3 solid-waste-to-energy facility or a solid waste transfer facility. For a solid-
4 waste-to-energy facility or solid waste transfer facility, a minimum lot area
5 of 10 acres shall be required for the first 250 tons per day of capacity to
6 treat or dispose of waste, plus one acre for each additional 50 tons per day
7 of capacity. A solid waste facility shall have a maximum total capacity of
8 500 tons per day.
- 9 (19) Health hazards. Any facility shall be operated in such a manner to prevent
10 the attraction, harborage or breeding of insects, rodents or vectors.
- 11 (20) Attendant. At least two employees shall be present during all times of
12 operation.
- 13 (21) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall
14 prevent unauthorized access.
- 15 (22) Emergency access and services. The operator of the use shall cooperate
16 fully with local emergency services. This should include allowing practice
17 exercises on the site and the provision of all information needed by the
18 emergency services to determine potential hazards. Adequate means of
19 emergency access shall be provided. Fire extinguishers, air packs for
20 employee use and an adequate water supply shall be supplied on site.
21 Employees shall be trained in basic fire-fighting methods. An emergency
22 communications system shall be provided on site, together with
23 appropriately located telephones available to contact local emergency
24 services.
- 25 (23) Under authority granted to the City under Act 101 of 1988, the hours of
26 operation shall be limited to between 8:00 a.m. and 7:00 p.m. The use
27 shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's
28 Day, Memorial Day, Labor Day, or Independence Day (July 4).
- 29 (24) Tires. If more than 250 tires are stored outdoors on a lot, each unracked
30 solid piling stack shall be a maximum of eight (8) feet high.
- 31 (25) Litter. The operator shall regularly police the area of the facility and
32 surrounding streets to collect litter that may escape from the facility or
33 trucks. All open waste trucks entering and exiting the site shall be covered.

- 1 (26) Dangerous materials. No radioactive, hazardous, chemotherapeutic, or
2 infectious materials may be stored, processed, disposed or incinerated.
3 Infectious materials are defined as medical wastes used or created in the
4 treatment of persons or animals with seriously contagious diseases.
- 5 (27) Staging. No total area(s) larger than 50 acres shall be used as a disposal
6 area for a sanitary landfill in any calendar year.
- 7 (28) The applicant shall provide sufficient information for the City to determine
8 that the requirements of this Chapter will be met.
- 9 (29) State requirements. Nothing in this chapter is intended to supersede any
10 state requirements. It is the intent of this chapter that when similar issues
11 are regulated by both the City and state, that the stricter requirement shall
12 apply for each aspect, unless it is determined that an individual state
13 regulation preempts City regulation in a particular aspect.
- 14 (30) A tire cleaning area shall be provided on access roads from a landfill.
- 15 (31) The operator shall enter into an agreement with the City specifying the
16 types and frequencies of environmental monitoring that will be put into
17 place while a solid-waste-to-energy or sanitary landfill is underway and for
18 a minimum of three years after any landfill is closed. For a landfill, such
19 testing shall include, at a minimum, groundwater monitoring wells. For an
20 incineration use, such testing shall, at a minimum, include air pollution
21 monitoring.
- 22 (32) A leachate treatment system may be an accessory use to a landfill and a
23 recycling collection center, or a bulk recycling center are permitted in
24 combination with any permitted solid waste disposal facility.
- 25 (33) For any transfer facility or waste-to-energy facility, all loading and
26 unloading of solid waste shall only occur within an enclosed building and
27 over an impervious surface drain to a holding tank that is then adequately
28 treated.
- 29 (34) For each acre upon which active landfill operations begin, a ten-thousand-
30 dollar bond payable to the City of Monessen shall be posted by the
31 operator to ensure appropriate restoration of the site and adequate
32 monitoring after the use is ended. Such bond shall be in a form acceptable

1 to the City solicitor. Such bond shall be in effect for a minimum of 10 years
2 after the operations cease.

3 (35) The operator shall keep written records of the origin of all solid waste and
4 of the type of any waste accepted other than municipal waste.

5 (36) Under the authority of State Act 101 of 1988, the City Council may appoint
6 one or more landfill inspectors. Such inspector shall have authority to visit
7 the site, to monitor operations and to review records regarding the origin
8 and types of waste.

9 (37) See Act 101 of 1988 which provides municipalities the authority to charge
10 host fees.

11 (38) The City Council may establish certain minimum insurance requirements
12 for the applicant as a condition of City approval. Such insurance shall at a
13 minimum include a ten-million-dollar liability policy regarding
14 environmental hazards.

15 SOLID-WASTE-TO-ENERGY FACILITY – A type of solid waste disposal facility that utilizes
16 waste (such as trash, sludge or any other nonhazardous commercial, residential, or
17 industrial materials) as a fuel to produce usable energy (such as steam or electricity) in
18 bulk to be marketed for reuse to offset disposal costs.

19 SOLID WASTE TRANSFER FACILITY – A type of solid waste disposal facility which receives
20 and temporarily stores solid waste at a location other than the generation site and which
21 facilitates the bulk transfer of accumulated solid waste to a facility for further processing
22 or disposal and which may or may not involve the separation of recyclables from solid
23 waste.

24 STABLE, NONHOUSEHOLD – Keeping of three (3) or more horses, which may include a
25 commercial or private riding club. The housing of one (1) or two (2) horses shall be
26 considered an accessory use under the KEEPING OF PETS.

27 (A) Standards and conditions generally applicable in all zoning districts where
28 permitted:

29 (1) Minimum lot area of three (3) acres.

- 1 (2) Any horse barn or stable shall be a minimum of fifty (50) feet from any lot
2 line, except 200 feet from the lot line of an existing dwelling. Any corral shall
3 be set back twenty-five (25) feet from the lot line of an existing dwelling.

4 STORAGE SHED – An enclosed accessory building maintained primarily for the
5 convenience of the occupants of the principal building on the lot and which is not used
6 for the housing of a motor vehicle with four (4) or more wheels.

7 SWIMMING POOL, HOUSEHOLD – A man-made area with walls of man-made materials
8 intended to enclose water at least 30 inches deep for recreational bathing or swimming
9 and that is intended to serve the residents of only one (1) dwelling unit and their
10 occasional guests.

- 11 (A) Standards and conditions generally applicable in all zoning districts where
12 permitted:

- 13 (1) The pool shall not involve any commercial use.
- 14 (2) Enclosure around in-ground pools. Any new or existing in-ground pool
15 shall be completely surrounded by a secure fence, wall, portion of a
16 building, and/or similar enclosure not less than five (5) feet in height. This
17 enclosure shall be constructed to make it very difficult for small children
18 to climb up or slip through the enclosure. All gates or door openings
19 through such enclosure (other than a door to a building) shall be self-
20 closing and include a self-latching device on the pool side for keeping the
21 gate or door securely closed when the door is not in use.
- 22 (3) Enclosure around above-ground pool. Any existing or new above-ground
23 pool shall include a secure fence, wall, or other enclosure a minimum of
24 five (5) feet high above the surrounding average ground level. This
25 enclosure may include the walls of the pool itself. Such pools shall be
26 equipped with an access ladder that can be raised and locked in a position
27 so that it is a minimum of five (5) feet above the surrounding ground level
28 or otherwise completely inaccessible to children when the pool is
29 unattended.
- 30 (4) Location. A pool and any deck or shelter that is elevated above the average
31 surrounding ground level shall meet the applicable setback requirement
32 for an accessory building. Patios around pools that are level with the

1 average surrounding ground level are not required to meet setbacks. A
2 pool is not permitted within the front yard of a residential use.

3 (5) Drainage. A proper method shall be provided for drainage of the water
4 from the pool that will not overload or flood any on-lot septic system or
5 portion of a building or property not owned by the owner of the pool. A
6 pool shall not be located so as to interfere with the operation of a well or
7 on-lot septic system.

8 SWIMMING POOL, NONHOUSEHOLD – A man-made area with walls of man-made
9 materials intended to enclose water at least 30 inches deep for recreational bathing or
10 swimming and that does not meet the definition of a household swimming pool. This
11 includes a semipublic pool that serves only residents of a development or members of a
12 club and their occasional guests; or a public pool intended to serve the general public.

13 (A) Standards and conditions generally applicable in all zoning districts where
14 permitted:

15 (1) Minimum lot area of one (1) acre.

16 (2) The water surface shall be set back at least 25 feet from any lot line.

17 (3) Any water surface within 100 feet of an existing dwelling shall be separated
18 from the dwelling by evergreen screening meeting the requirements of
19 Article 13 “Landscaping and Screening” of this Chapter.

20 (4) The water surface shall be surrounded by a secure, well-maintained fence
21 at least six (6) feet in height.

22 (5) Drainage. A proper method shall be provided for drainage of the water
23 from the pool that will not overload or flood any on-lot septic system or
24 portion of a building or property not owned by the owner of the pool. A
25 pool shall not be located so as to interfere with the operation of a well or
26 on-lot septic system.

27 (6) Water service. Any inlet from a central water system shall be above the
28 overflow level of the pool.

29 (7) Nuisances. A pool shall not include illumination of adjacent residential
30 properties beyond what is customary in a residential neighborhood. A pool

1 shall also not include the playing of a radio or recorded music at a volume
2 louder than is necessary for the convenient hearing of persons at the pool.

3 TAVERN – A place where alcoholic beverages are served as a primary or substantial
4 portion of the total trade, and which does not meet the definition of a NIGHTCLUB or an
5 AFTER-HOURS CLUB. The sale of food may also occur. See RESTAURANT.

6 THEATER – A building or part of a building devoted to the showing of motion pictures or
7 theatrical or performing arts productions as a principal use, but not including an outdoor
8 drive-in theater or adult movie theater.

9 THEATER, OUTDOOR DRIVE-IN – An outdoor area devoted primarily to the showing of
10 motion pictures or theatrical productions to patrons seated primarily in motor vehicles.

11 TIRE STORAGE, BULK – The storage of more than twenty-five (25) tires.

12 (A) Standards and conditions generally applicable in all zoning districts where
13 permitted:

14 (1) With the exception of a JUNKYARD and a SOLID WASTE FACILITY, bulk tire
15 storage may only occur within a completely enclosed building.

16 TRADE SCHOOL – A use that is primarily intended for the education of industrial, clerical,
17 managerial, artistic skills, or similar work- or vocational-related skill, craft, or hobby that
18 does not primarily provide state-required education to persons 15 years of age and under.
19 This definition applies to schools that are owned and operated privately for profit and
20 that do not offer a complete educational curriculum. Examples of trade schools include,
21 but are not limited to auto mechanic, barber/beauty, business administration, ceramics,
22 computer repair, cosmetology, theatrical makeup, costume design, special effects,
23 dancing, electrical, martial arts, mechanical, plumbing, welding, etc.

24 TREATMENT CENTER – A use (other than a prison or a permitted accessory use in a
25 hospital) providing treatment or counseling; and may include housing for persons who
26 need specialized housing for stays of less than one (1) year; and who need treatment or
27 counseling because of:

28 (A) Criminal rehabilitation, such as a criminal halfway house or a treatment center
29 for persons convicted of driving under the influence of alcohol;

30 (B) Addiction to alcohol or a controlled substance; or

1 (C) A type of mental illness or other behavior that could cause a person to be a
2 threat to the physical safety of themselves and/or others.

3 TRUCKING TERMINAL – A use that primarily involves either loading materials from tractor-
4 trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers
5 shall be considered a distribution use. This shall not include a use that involves significant
6 processing, such as a feed and grain mill.

7 (A) Standards and conditions generally applicable in all zoning districts where
8 permitted:

9 (1) No portion of the conduct of business shall be located so that vehicular
10 entrance or exit is closer than 200 feet to an entrance or exit of any
11 elementary or secondary or vocational school, playground, place of
12 worship, or public library.

13 VETERINARIAN OFFICE – A building routinely used for the treatment of animals and
14 related accessory housing or boarding of sick animals. Housing of primarily healthy
15 animals shall be considered a KENNEL and shall meet the requirements of that use. See
16 ANIMAL HOSPITAL.

17 (A) Standards and conditions generally applicable, including ANIMAL HOSPITAL, in
18 all zoning districts where permitted:

19 (1) Any structure in which animals are treated or housed shall be a minimum
20 of 100 feet from any residentially zoned lot or any lot line of a residential
21 use.

22 (2) Buildings shall be adequately soundproofed so that sounds generated
23 within the buildings cannot routinely be heard beyond the premises.

24 (3) A commercial kennel shall only be an accessory use and shall not be the
25 principal use; provided, not more than a total of ten (10) or more dogs or
26 cats over three (3) months in age are kept on the premises, unless
27 COMMERCIAL KENNEL is permitted in that district and the applicable
28 requirements are met.

29 (4) Outdoor animal runs may be provided for small animals for use between
30 8:00 a.m. and 8:00 p.m.; provided that the runs are at least 150 feet from
31 any existing dwelling and provided that the runs for dogs are separated

1 from each other by visual barriers a minimum of four feet in height, to
2 minimize dog barking.

3 WAREHOUSE – A use primarily involving a building or group of building used for the indoor
4 storage, transfer, and distribution of products and materials. Such uses are intended to
5 house inventory in bulk for an extended period of time (e.g., wholesale, etc.), but do not
6 include retail uses or truck terminal, unless such uses are specifically permitted in that
7 zoning district. See DISTRIBUTION and ORDER FULFILLMENT CENTER.

8 WIRELESS COMMUNICATIONS FACILITIES (WCF) – See Article 18 of this Chapter.

9 WHOLESALE – Sales that primarily involve transactions with other businesses and their
10 agents and not to the general public.

11 **1906 ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

12 **1906.1 General.** Accessory buildings, structures, or uses that are clearly customary and
13 incidental to a permitted by-right, special exception, or conditional use are
14 permitted by-right, except as is provided for in this Chapter.

15 **1906.2 Accessory Setbacks.** The accessory setback requirements of the applicable
16 district shall apply to every accessory building, structure, or use unless a
17 standard that is clearly meant to be more restrictive or less restrictive is
18 specifically stated in this Chapter for a particular accessory use.

19 **1906.3 Front Yard Setbacks.** No accessory structure, use, or building shall be permitted
20 in a required front yard in any district, unless specifically permitted by this
21 Chapter.

22 **1906.4 Fences and Retaining Walls.**

23 (A) Fences and retaining walls are permitted by-right in all districts. Any fence
24 or retaining wall shall be durably constructed and well-maintained. Fences
25 and retaining walls that have deteriorated shall be replace or removed.

26 (B) Clear Vision Triangle and Stormwater. No fence, wall, or vegetation shall
27 obstruct the clear vision triangle as provided in Subsection 1904.11 of this
28 Article. No fence or retaining wall shall obstruct the flow of stormwater,
29 except as part of a City approved stormwater system.

30 (C) Fences.

- 1 (1) Front yard. Any fence located in the required front yard of a lot in a
2 residential district shall have an opacity of 50% or less and a
3 maximum of five (5) feet, provided the clear vision triangle is not
4 obstructed as provided in Subsection 1904.11 of this Article.
- 5 (2) A fence shall not be required to comply with minimum setbacks for
6 accessory structures.
- 7 (3) Height.
- 8 (a) A fence in a residential district that is not within a required front
9 yard shall have a maximum height of six (6) feet, except:
- 10 (i) A maximum of height of ten (10) feet is permitted to
11 enclose a tennis or racquet sport court or a
12 nonhousehold swimming pool or an electric substation,
13 provided that such fence is set back a minimum of ten
14 (10) feet from all lot lines; or
- 15 (ii) If an applicant clearly proves in writing to the
16 satisfaction of the Zoning Officer that a higher fence is
17 needed to protect public safety around a specific
18 hazard.
- 19 (iii) Fences around swimming pools shall be a minimum of
20 six (6) feet in height.
- 21 (b) The maximum height of a fence in a nonresidential district is
22 ten (10) feet.
- 23 (4) Setbacks. A fence may be constructed on a lot line, except a fence
24 shall not be placed within a street right-of-way and a fence of a
25 nonresidential use shall be set back a minimum of five (5) feet from
26 the abutting lot line of an existing dwelling or an residentially zoned
27 lot. Homeowners are encouraged but not required to set back fences
28 at least two (2) feet from an abutting lot line in order to allow for
29 maintenance over the long term.
- 30 (5) Fence materials prohibited. A fence shall not be constructed out of
31 fabric, junk, junk vehicles, appliances, tanks, or barrels.

- 1 (D) Retaining walls.
- 2 (1) Retaining walls four (4) feet in height and above shall be engineered.
- 3 (2) Retaining walls in residential districts shall not exceed six (6) feet in
- 4 height unless terraced; provided each terraced section does not
- 5 exceed six (6) feet in height and the back terraced retaining wall is
- 6 set back from the front retaining wall twice the front retaining wall's
- 7 height (i.e., for a four-foot front retaining wall, the back retaining wall
- 8 must be set back at least 8 feet).
- 9 (3) Retaining walls in nonresidential districts shall not exceed eight (8)
- 10 feet in height unless terraced; provided each terraced section does
- 11 not exceed six (6) feet in height and the back terraced retaining wall
- 12 is set back from the front retaining wall twice the front retaining
- 13 wall's height (i.e., for a six-foot front retaining wall, the back retaining
- 14 wall must be set back at least 12 feet).

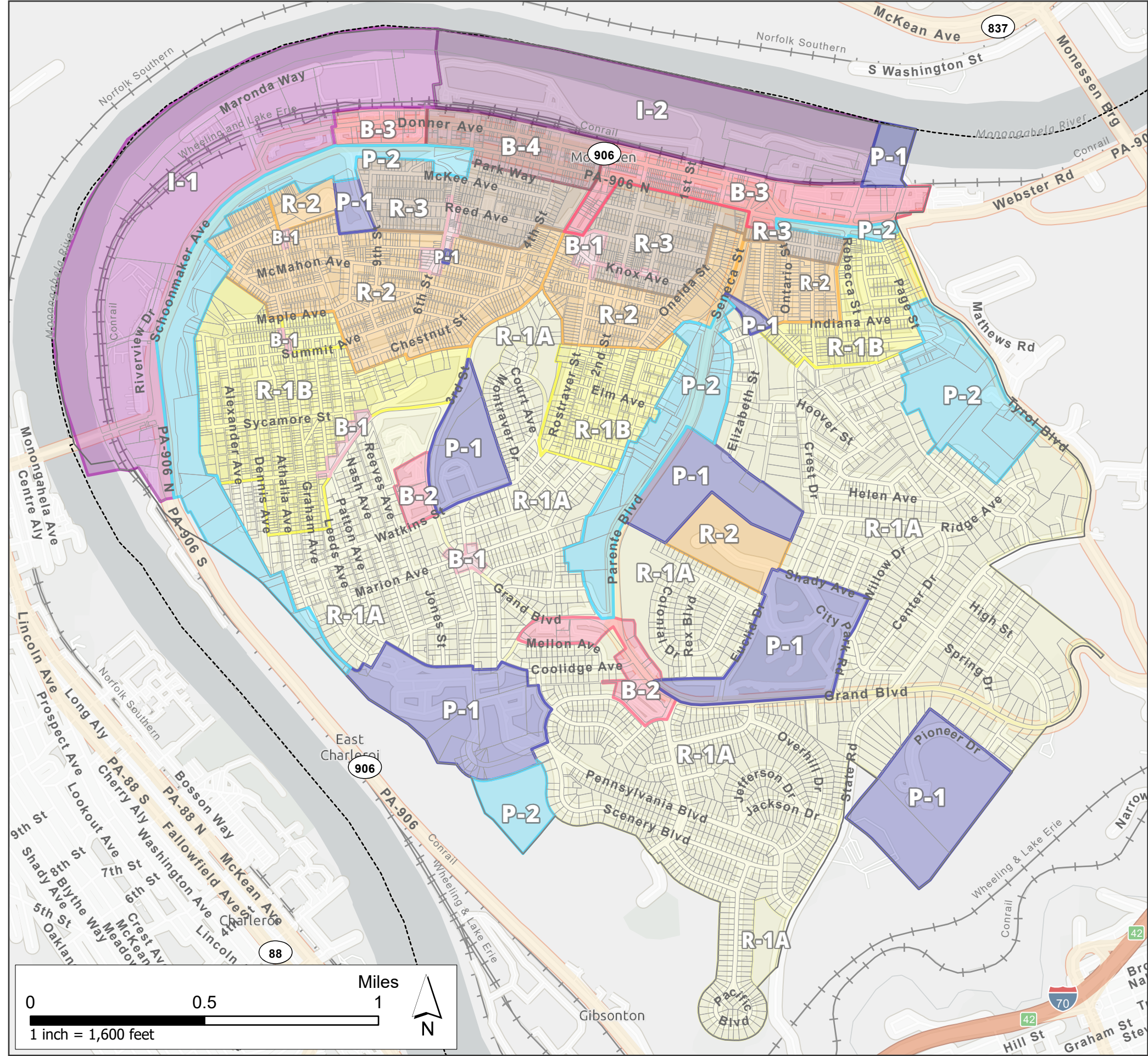
15 **1906.5 Pets, Keeping of.**

- 16 (A) This use shall not include a use meeting the definition of a KENNEL.
- 17 (B) No use shall involve the keeping of animals or fowl in such a manner or of
- 18 such types of animals that it creates a nuisance (including noise or odor),
- 19 a health hazard, or a public safety hazard.
- 20 (C) The owner of the animals shall be responsible for collecting and properly
- 21 disposing of all fecal matter from pets.
- 22 (D) No dangerous animals shall be kept outdoors in a residential district,
- 23 except within a secure, completely enclosed cage or fenced area of
- 24 sufficient height or on a leash under full control of the owner.
- 25 (E) For carrier pigeons, see the Pennsylvania State Carrier Pigeon Law.
- 26 (F) Proper soil erosion control measures shall be used as needed and comply
- 27 with the Westmoreland County Soil Conservation Guidelines, as amended.

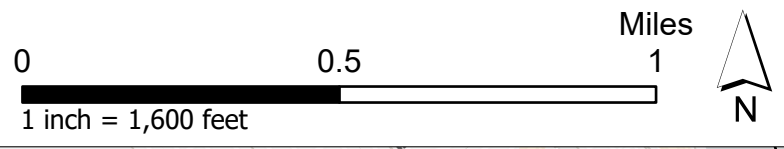
CITY OF MONESSEN ZONING MAP

WESTMORELAND COUNTY • PENNSYLVANIA

PREPARED BY: URBAN DESIGN VENTURES, LLC



MAP SYMBOLS	DESCRIPTIONS & DISTRICTS
	Tax Parcel Boundary
	County Boundary
	Municipal Boundary
	R-1A Single Family Residential
	R-1B Single Family Residential
	R-2 Two Family Residential
	R-3 Multi-Family Residential
	B-1 Neighborhood Business District
	B-2 Community Business District
	B-3 Gateway Business District
	B-4 Central Business District
	I-1 Light Industry District
	I-2 Heavy Industry District
	P-1 Civic Lands District
	P-2 Open Lands District



PLANNING COMMISSION RECOMMENDED – August 24, 2022