



**ZONING ORDINANCE NO. 84-4
ADOPTED MARCH 7, 1984
BY JEANNETTE CITY COUNCIL**

**THE CITY OF JEANNETTE
WESTMORELAND CO., PENNSYLVANIA**

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ZONING ORDINANCE

Prepared By:

MULLIN & LONERGAN ASSOCIATES, INC.
Community Development Planning Consultants
Philadelphia, Pa.

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ARTICLE I TITLES, PURPOSE AND INTERPRETATION

101 TITLE

ORDINANCE NO. 84-4

CITY OF JEANNETTE ZONING ORDINANCE

AN ORDINANCE REPEALING THE PRIOR ORDINANCE AND PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, ALTERATION AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND TO BE OCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

102 AUTHORITY

This Ordinance shall be ordained and enacted by the City Council of the City of Jeannette, County of Westmoreland, by authority of and pursuant to the Provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, P.L. 805, as amended by Act. No. 93 of 1972.

103 SHORT TITLE

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

104 PURPOSE

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

- 104.1 To achieve the best and most efficient use of all land within the City.
- 104.2 To preserve the quality of life in the City's residential neighborhoods.

- 104.3 To enhance the role of the Central Business District as the focus of commercial activities in the City, and to allow for outlying neighborhood commercial sub-centers.
- 104.4 To preserve the industrial tax base of the City and to stimulate economic growth and revitalization.
- 104.5 To undertake activities of physical improvement that will create a better community identity, improve the attractiveness of the City as a place to live and reverse the declining population trends through increased housing opportunities and improved housing stocks.
- 104.6 To provide adequate community facilities and services to meet the needs of the residents.
- 104.7 To provide adequate flood controls in areas of the City that are susceptible to flooding.
- 104.8 To guide local citizen participation in decision making.

105 INTERPRETATION

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

106 SEPARABILITY

It is hereby declared to be the legislative intent that:

- (a) If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

- (b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

107 APPLICATION TO PUBLIC UTILITY CORPORATIONS

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

108 REPEALER

This Ordinance specifically repeals the Zoning Ordinance Number 64-11, adopted September 22, 1964, and all amendments thereto.

ARTICLE II - GLOSSARY OF ZONING TERMS

200 GENERAL DEFINITIONS

It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, all words used in this Ordinance shall carry their customary dictionary meanings. The following shall, for the purpose of this Ordinance, have the meaning herein indicated:

- 200.1 Words used in the present tense include the future tense.
- 200.2 The singular includes the plural, and the plural the singular.
- 200.3 The word "person" includes a profit or non-profit corporation, company partnership, or individual.
- 200.4 The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- 200.5 The word "building" includes structure.
- 200.6 The word "lot" includes plot, tract, or parcel.
- 200.7 The word "shall" is always mandatory. The word "may" is permissive.
- 200.8 The word "City" means the City of Jeannette. The terms Council, Zoning Board, and Planning Commission mean respectively, City Council, the Zoning Hearing Board, and the City Planning Commission. The term "County" means the County of Westmoreland, Pennsylvania.

201 ACCESSORY BUILDING OR USE

A subordinate use or building customarily incidental to, and located on the same lot occupied by the main use or building. The term "Accessory Building" may include a private garage, garden shed or barn, private playhouse, private greenhouse, private swimming pool, or guest house, as hereinafter provided.

Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

202 ALLEY OR SERVICE DRIVE

A minor right-of-way having a right-of-way width of twenty (20) feet or less, privately or publicly owned, primarily for service access to the back or sides of properties. Regardless of whether an alley is given a street name, no main building shall have its frontages on an alley.

203 ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change. However, improvements normally considered as maintenance involving direct replacement or covering of surfaces with new facade material shall not be considered as "alteration".

204 BUILDING AREA

The total of areas taken using outside building dimensions on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

205 BASEMENT

A floor level partly or completely below grade. A basement shall be considered a story if more than one-third of the perimeter walls are five (5) feet or more above the finished grade level of the ground immediately adjacent to the walls.

206 BUFFER STRIP OR YARD

Continuous strips of land planted with trees, shrubs and/or fenced or walled for effective screening which serve to separate incompatible uses or zoning districts. A buffer yard or strip may consist of a lawn area if it is at least ten (10) feet in width. Fences or walls used for buffer purposes shall be at least five (5) feet in height and shrubs or trees shall be of sufficient size to obtain a height of at least five feet within three years of planting.

207 BUILDING, PRINCIPAL

A structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind; main structure on a given lot.

208 BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot.

209 BUILDING, HEIGHT OF

The vertical distance measured from the lowest elevation of the proposed finished grade of the building to the highest point of the roof. Chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

210 BUILDING OR BUILDING SETBACK LINE

The line between which, and the street or lot line, no building or other structure or portion thereof, except as provided in this Zoning Code, may be erected above grade level. The building line is considered a vertical surface intersecting the ground on such line measured at right angles to the property line and shall be parallel to said property line.

211 BUSINESS IDENTIFICATION SIGN

A sign bearing the name of the occupant of a premises and the name of products manufactured, processed, sold or displayed thereon.

212 BUSINESS OFFICE

A business establishment which does not offer a product or merchandise for sale to the public. Personal services such as barber and beauty shops and repair services are not deemed a business office.

213 CARTWAY

That portion of streets lying between the curb lines and designed and intended primarily for vehicular travel.

214 CELLAR

A basement having more than one-half (1/2) its height, measured from floor to ceiling, below the average finished grade level of the ground immediately adjacent to the building.

215 COMPREHENSIVE PLAN

A Comprehensive Plan (or Community Development Plan) consisting of maps, charts, and textual matter and indicates the recommendations of the planning commission for the continuing development of the municipality. The "Comprehensive Plan" refers to the Comprehensive Plan for the City of Jeannette.

216 CONDITIONAL USE

A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Commission.

217 COVERAGE

That portion or percentage of the plot or lot area covered by the total building area.

218 DENSITY

A measure of the number of dwelling units which occupy or may occupy an area of land. (Expressed herein by DU's/Gross Acre.)

219 DENSITY FACTORS

Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

220 DWELLING

A building or structure, except temporary housing, which is wholly or partly used or intended to be used for permanent living quarters for one or more families.

220.1 Residential Conversion Unit

To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structure shell. Any proposal to

extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.

220.2 Single Family Detached

A dwelling unit accommodating a single family and having two (2) side yards.

220.3 Single Family Semi-Detached

Two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.

220.4 Two Family Detached

Two dwelling units accommodating two families which are located one over the other, and having two (2) side yards.

220.5 Two Family Semi-Detached

Four dwelling units accommodating four families, two units of which are located directly over the other two units. A combination of both the single family semi-detached and the two family detached structures.

220.6 Townhouse (Row Dwelling)

Three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may conceivably be either one (1) or three (3) stories in height.

220.7 Garden Apartment

Three or more dwelling units accommodating three or more families which are located one over the other and which when, more than three units are utilized, are attached side by side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Garden Apartment units are generally built to a height of only two (2) stories. Each dwelling unit is accessible by a common stairwell.

220.8 Apartment House

A structure consisting of a series of single story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.

221. DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

222 FAMILY

A family consists of a household head and one or more other persons living in the same household who are related by blood, marriage or adoption.

223 FENCE

An artificially constructed barrier of manufactured material or combination of materials erected for enclosure of yard areas, storage areas, parking areas and for screening.

224 FILLING OR SERVICE STATION

A building or a lot or part thereof having pumps and storage tanks for the retail sale of motor fuels, petroleum products and other accessories for motor vehicles, including facilities for polishing, lubricating, washing, cleaning and minor repairs, but not including storage or parking space offered for rent, except in an industrial district.

225 FLOOD PLAIN

The relatively flat area adjoining a river or other body of water which has been or may be covered by flood waters.

226 FLOOR AREA

The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party

walls separating two (2) buildings. Regardless of the internal arrangement of a building it shall be deemed to have at least one (1) story for each twenty (20) feet of height or fraction thereof.

227 FLOOR AREA RATIO

The ratio of the total gross floor (horizontal) area of a building expressed in square feet and the total lot area as expressed in square feet.

228 FLOOR AREA RETAIL, NET

All that space delgated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space, and other general administrative areas.

229 GARAGE

A building or part thereof used for the storage of one (1) or more vehicles.

229.1 Community or Public Garage

One (1) or more garages other than a private garage used for compensation.

229.2 Private Garage

A garage owned and used by the owner or tenant of the premises.

229.3 Repair Garage

Any garage other than a private garage, available to the public, operated for gain, and which is used for the storage, servicing and repair of automobiles or other motor vehicles, including painting and body work and the supply of gasoline or oil products, but not including the sale of motor vehicles.

230 HOME OCCUPATION

Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is

clearly incidental and secondary to the use of the dwelling for dwelling purposes, no more than twenty-five (25) percent of the building floor area is used, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

231 LOT

Land occupied or to be occupied by a building and its accessory building, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district which such land is situated, and having its principal frontage on a street or such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

231.1 Lot Area

The total horizontal area within the boundary lines of a lot.

231.2 Lot Corner

A parcel of land at the junction of and abutting on two or more intersecting streets.

231.3 Lot Interior

A lot other than a corner lot.

232 LOT LINES

The lines bounding a lot as defined herein.

233 MODULAR HOME

A building designed for permanent dwelling purposes manufactured in two or more major portions off-site of its permanent location.

234 MOBILE HOME

A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

235 MOBILEHOME PARK

A parcel of land under single ownership, which has been planned and improved for the placement of mobile-homes for nontransient use, consisting of two or more mobilehome lots.

236 NEIGHBORHOOD COMMERCIAL

A commercial establishment which provides an outlet for convenience goods that meet daily needs such as foods, hardware, drugs and personal services. A neighborhood commercial establishment is designed and intended solely for the use of residents of the immediate area within the community; it is not intended to serve the entire community.

237 NONCONFORMING LOT OF RECORD

A lot officially recorded prior to enactment of this Ordinance which by reason of design or size does not conform with the requirements of the district in which located.

238 NONCONFORMING STRUCTURE

A structure or part of a structure not designed to comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

239 NONCONFORMING USE

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

240 OCCUPANCY PERMIT

A certificate issued by the Zoning and/or Building Officer upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. Said certificate shall acknowledge compliance with requirements of this Ordinance, such adjustments thereto granted by the Zoning Hearing Board, and/or all other applicable requirements.

241 OPEN SPACE

A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

242 PATIO

An area, courtyard or deck designed for outdoor living purposes which shall be completely unenclosed and uncovered by a permanent roof or awning except for any side which may adjoin a structure or for any fences, shrubs, or hedges.

243 PROPERTY LINE

A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

244 PORCH

An outdoor area, courtyard or deck enclosed by a permanent roof or awning. Porches shall not be permanently enclosed.

245 SCREEN PLANTING

A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

246 SERVICES, ESSENTIAL

Uses, not enclosed within a building, necessary for the preservation of the public health and safety or for the furnishing of utility services to the public, including, but not limited to, the erection, construction, alteration or maintenance by public utilities, or governmental bodies of underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

247 SIGN

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency.

248 SPECIAL EXCEPTION

The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.

249 STREET

A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian travel whether public or private which may also be used to provide space for sewers, utilities, and sidewalks. The word "street" includes avenue, boulevard, road high-way, lane, alley and viaduct.

250 VARIANCE

A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardships, not self-imposed, pursuant to the provisions of this Ordinance and pursuant to the provisions of Section 912 of the Municipalities Planning Code.

251 YARD

An unoccupied space open to the sky, on the same lot with a building or structure.

251.1 Yard, Front

An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be established as the front building setback line measured between the front line of the building and the frontage street right-of-way.

251.2 Yard, Rear

An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be established as the rear building setback line measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

251.3 Yard, Side

An open unoccupied space on the same lot with the building situated between the building and the side lines of the lot and extending from the front yard to the rear yard. The width of the side yard(s) shall be established as the side building setback lines measured between the side line of the lot and side lines of the building. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ARTICLE III - DESIGNATION OF DISTRICTS

300 DESIGNATION OF DISTRICT ZONES

For the purpose of this Ordinance, the City is hereby divided into 8 types of Districts which shall be designated as follows:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- C-1 General Commercial
- CBD Central Business District
- I-1 General Industrial
- OS Open Space
- FP Flood Plain District

301 ZONING MAP

The boundaries of said Districts shall be shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. No changes of any nature shall be made in the Zoning Map except in conformance with procedures set forth under Section 609 of Article VI, Act 247, as amended by Act 93/1972.

302 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:

- 302.1 District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads, and lot or property lines as they exist on a recorded deed or plan on record in the County Recorder of Deeds office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
- 302.2 Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

- 302.3 In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- 302.4 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 302.5 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map; or in other circumstances not covered by subsections above, the Zoning Hearing Board shall interpret the district boundaries.
- 302.6 Where a district boundary line divided a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot provided that such extension does not extend the district boundary along any street or road.