

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 18-14

ORDINANCE 18-13

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2017-07, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JEANNETTE, AS AMENDED, TO CLARIFY AND DEFINE PROCEDURES AND STANDARDS FOR CONDITIONAL USES; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jeannette adopted Comprehensive Zoning Ordinance Revisions on October 11, 2017, pursuant to Ordinance 2017-07, which included procedures and standards for conditional uses; and

WHEREAS, since the adoption of Ordinance 2017-07, and after consideration by the City Council, the Planning Commission, and the Zoning Officer of the City of Jeannette, it has been determined that it is in the best interest of the City of Jeannette to clarify the procedures and standards for conditional uses to conform to the current practice of the City; and

WHEREAS, after due public notice and a public hearing as required by the Pennsylvania Municipalities Planning Code, the City Council of the City of Jeannette finds it appropriate to amend the Zoning Ordinance, as previously amended, as hereinafter set forth.

Section 1. Article 12: Conditional Uses and Special Exceptions. Article 12 shall be amended to add a new Section 12.4, Presumption as to Performance Standards, and a new Section 12.5, Licenses and Permits, as follows:

Section 12.4 Presumption as to Performance Standards

Various provisions of the Supplemental Regulations in Article 4 require that an applicant provide a written description explaining the measures which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts. In relation to each such provision, with respect to any matter that is addressed in Section 3.4 (Performance Standards), including without limitation, noise, odors, vibration and lighting, if the applicant provides plans demonstrating that its proposed use complies with the performance standards in Section 3.4 applicable to such matter, then, notwithstanding any provision of this Ordinance to the contrary, it shall be presumed that the applicant has satisfied its obligation to explain the measures which will be implemented to ensure that adjacent properties will be adequately protected from any negative impact relating to such matter.

Section 12.5 Licenses and Permits

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

Section 2. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 3. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 17th day of July, 2018.

CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon
Michelle Langdon
City Clerk