

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- 03

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 MAKE “WAREHOUSING AND DISTRIBUTION, GENERAL” A CONDITIONAL USE IN ANY DOWNTOWN (D) DISTRICT; TO MAKE “WAREHOUSING AND DISTRIBUTION, LIMITED” A CONDITIONAL USE IN ANY DOWNTOWN (D) DISTRICT; TO REQUIRE SWIMMING POOL ENCLOSURES; TO ENABLE RESIDENTIAL FRONT YARD PARKING IN CERTAIN ZONING DISTRICTS; TO REDUCE THE MAXIMUM CURB CUT WIDTH; TO PROVIDE NOISE REGULATIONS AND RESTRICTIONS; TO PERMIT AWNINGS AND CANOPIES EXTENDING INTO RIGHTS OF WAY UNDER SPECIFIC CONDITIONS; TO AMEND THE DEFINITION OF “FOOD TRUCK” AND “SIGN, CANOPY”; 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 comprehensive changes to the zoning classifications of various parcels of land situate in the City of Jeannette; and

WHEREAS, since the adoption of Ordinance 2017-10, 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 enable warehousing and distribution as a conditional use in the Downtown District, to require swimming pools to be enclosed, to enable front yard parking in certain zoning districts and under certain conditions, to reduce the maximum curb cut width, to provide noise regulations and restrictions as hereinafter set forth, to permit awnings and canopies within public rights of way under specific conditions, and to amend the definition of food trucks and sign, canopy; 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 hereinafter set forth.

Section 1. Article 2: Zoning Districts. Article 2, Section 2.14, and the chart of uses therein, is hereby amended to add “Warehousing and Distribution, General” and “Warehousing and Distribution, Limited” as a conditional use in any Downtown District as follows:

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
P = Permitted C = Conditional ¹ A = Accessory SE = Special Exception ¹											

INDUSTRIAL										
Warehousing and Distribution, General				P				C		P
Warehousing and Distribution, Limited				P		P		C		P

Section 2. Article 3: Private Swimming Pools. Article 3, Subsection 3.5.1(C) is hereby amended to delete Subsection 3.5.1(C) in its entirety and to replace it to read as follows:

- C. Swimming pools shall either be (i) fully indoors or (ii) fully enclosed with a fence at least 4 feet high at each point around the entire swimming pool or swimming pool area. Any gate shall be locked when not in use by the property owner or occupant or invited guests and self-latching.

Section 3. Article 7: Parking. Article 7, Subsection 7.2(B) and Subsection 7.2(C) are hereby amended to delete Subsection 7.2(B) and Subsection 7.2(C) in their entirety and to replace them to read as follows:

- B. In all zoning districts, parking on residential properties is permitted in the side and rear yards. In the event that a portion of a driveway located in the front yard leads to a garage located in a side or rear yard, parking is also permitted in said portion of the driveway. In the Traditional Neighborhood (TN), Mixed Residential (MR), and Commercial Transition (CT) zoning districts, parking on residential properties is permitted in the front yard on a driveway or parking area of concrete, asphalt, pavement, brick, stone, gravel, or permitted permeable paving surface for which a permit has been obtained from the City, that is well-maintained and free of accumulations of dirt or mud, and that, with the width of any driveway, is not wider than fifty percent (50%) of the width of the property as measured at the front setback line. No parking shall block, obstruct, or be on any sidewalk or public right-of-way.
- C. The maximum curb cut width is 20 feet.

Section 4. Article 3: Noise. Article 3, Subsection 3.4.5 is hereby amended to delete Subsection 3.4.5 in its entirety and to replace it to read as follows:

3.4.5 Noise

Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Additionally, no use shall generate noise in excess of fifty-five (55) dB(A), or three (3) dB(A) above background sound level, whichever is greater, between the hours of 10:00 p.m. and 7:00 a.m. or in excess of sixty-five (65) dB(A), or three (3) dB(A) above background sound level, whichever is greater, at all other times, as measured at or from the lot line of any lot zoned as part of a Traditional Neighborhood (TN), Mixed Residential (MR), Commercial Transition (CT), Urban Center (UC), Commercial Corridor (CC),

Regional Commercial (RC), Institutional Campus (IC), Neighborhood Commercial (NC), or Downtown (D) District.

- A. Fire, police, emergency, and first responder sirens and related apparatuses used solely for public purposes shall be exempt from these restrictions.
- B. Applications and permits for generators shall include restrictions to schedule regular testing and maintenance during daytime hours in order to minimize impact on surrounding residential properties.
- C. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them within this section.

Background Sound Level. The measured sound level in an area, exclusive of extraneous sounds and the sound contributing of the specific source in question.

Decibel. Unit of measure of the noise level. Symbol is dB.

dB(A). The symbol designation of a noise level, reported in decibels, using the A-Weighting network of a sound level meter, as defined in ANSI S1.4—Specification For Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this ordinance, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter.

Noise or Noise Level (used interchangeably for purposes of this section). The terms noise and noise level may mean the sound that is capable of being measured as sound pressure level in decibels. Noise and noise level may also mean the sound that is plainly audible from a distance of seventy-five (75) feet or sound that annoys or disturbs a reasonable person of normal sensitivities.

Plainly Audible. Any noise that clearly can be heard, however, words or phrases need not be discernible.

Sound Pressure Level. In decibels, ten (10) times the logarithm (to the base ten (10)) of the ratio of the square of a sound pressure to the square of the reference sound pressure of twenty (20) microPascals.

Section 5. Article 8: Signs Article 8, Subsection 8.4(D) and Subsection 8.4.5(A) are hereby amended to delete Subsection 8.4(D) and Subsection 8.4.5(A) in their entirety and to replace them to read as follows:

- D. No sign shall project over a street, alley, or driveway, nor be closer than 2 feet from the closest perpendicular edge of the curb or paved edge of any

such vehicular way. No sign shall project over a street, alley, or driveway without the express approval of the City.

- A. Signs located within or extending into any City right-of-way unless placed by a government entity or with the express approval of the City.

Section 6. Article 14: Definitions. Article 14 is hereby amended to delete the definitions of “Food Truck” and “Sign, Canopy” in their entirety and to replace them to read as follows:

Food Truck. A temporary food service establishment that is a vehicle-mounted food service establishment having current registrations, inspections, and insurance, designed to be readily movable. A food truck must be properly Serve Safe certified and have a retail food facility license issued by the Pennsylvania Department of Agriculture or local jurisdiction. A food truck may be an accessory use or a primary use. A food truck is not a temporary food service establishment if it is not moved and relocated on a weekly and ongoing basis. A food truck may be operated on a public right of way as a primary use if adjacent to a lot or parcel located within an Urban Center, Neighborhood Commercial, Commercial Corridor, Regional Commercial, or Downtown zoning district.

Sign, Canopy. A canopy, awning, or sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. See also Canopy.

Section 7. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen, or impair the lawful police powers vested in the City under applicable federal, state, and local laws and regulations.

Section 8. 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 9. 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 9. Effective Date. This Ordinance shall become effective immediately.

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 13th day of April, 2023.

CITY OF JEANNETTE



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

ATTEST: (SEAL)

Ben Walker
Benjamin D. Walker
City Clerk