

City of Monongahela • Washington County, PA  
**ZONING ORDINANCE**

City of Monongahela  
Pennsylvania



BILL NO. 4-2010  
INTRODUCED October 13, 2010  
ORDINANCE NO. 4-2010  
ADOPTED November 10, 2010

AN ORDINANCE OF THE CITY OF MONONGAHELA, COUNTY OF WASHINGTON, PENNSYLVANIA AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES.

An Ordinance adopting a revised and restated code for the zoning, subdivision and land development of properties within the City of Monongahela, Washington County, PA to consolidate, amend and repeal the current ordinance and those resolutions inconsistent with the revised and restated codes for zoning, subdivision and land development, effective immediately.

ADOPTED AND RESOLVED By the Council of the City of Monongahela this 10th day of November 2010.

A handwritten signature in cursive script, appearing to read "Bob Kepri", is written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Carolee Foglia", is written over a horizontal line.  
City Clerk

*City of Monongahela*  
Washington County, Pennsylvania

**ZONING ORDINANCE**

Enacted November 10, 2010

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**City of Monongahela Council**

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Ken Kulak  
Daryl Miller  
Claudia Williams

**City of Monongahela Mayor**

Robert Kepics

**City of Monongahela Planning Commission**

Fred Angerman  
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Joan Langan  
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**Funding and Technical Assistance**

Funding was provided by a Pennsylvania Department of Community and Economic Development (DCED) Land Use Planning and Technical Assistance Program (LUPTAP) grant, Local Government Academy (LGA) Multi-Municipal Planning Grant, and a Redevelopment Authority of the County of Washington (RACW) Community Development Block Grant.

This Ordinance was prepared on behalf of the City of Monongahela by:



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# ARTICLE I – BASIC PROVISIONS

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## **§ 100. Title.**

**§ 100.1 Long Title:** An ordinance of the City of Monongahela Washington County, Pennsylvania, has been created to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, watercourses, and other bodies of water, and structures for agricultural, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and, the prescribing of remedies for violations.

**§ 100.2 Short Title:** This Ordinance shall be known and may be cited as the “City of Monongahela Zoning Ordinance.”

## **§ 101. Purpose.**

**§ 101.1** This Ordinance is enacted to promote, protect and facilitate any or all of the following: the health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provisions of adequate light and air, access to incident solar energy; police protection; vehicle parking and loading space; transportation; schools, recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

**§ 101.2** To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

## **§ 102. Community Development Objectives.**

**§ 102.1** The Community Development Objectives shall be those cited in the adopted Monongahela-New Eagle Joint Comprehensive Plan (2008).

**§ 102.2** In addition to the Community Development Objectives, this Zoning Ordinance is intended to implement the goals and objectives contained in the Monongahela-New Eagle Joint Comprehensive Plan (2008) and

any other plan which may be adopted by the either the City of Monongahela.

**§ 103. Establishment of Uses.**

**§ 103.1 Uses by Right.** Authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this Chapter. Principal uses within each district, the purposes for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building, other structure, or tract of land.

**§ 103.2 Accessory Uses and Buildings.** A use conducted on the same lot and/or in a subordinate building, as the principal use to which it is related; a use or building which is clearly incidental to, and customarily found in connection with a particular principal use. Accessory uses and buildings shall not be permitted unless a primary use or building is existing.

**§ 103.3 Conditional Uses.** A conditional use is the use of a parcel which may be allowed or denied by the Township Council after recommendation by the Township Planning Commission pursuant to the express standards and criteria set forth within this Chapter.

**§ 103.4 Uses by Special Exception.** A special exception is granted or denied by the Zoning Hearing Board to occupy land or a building for specific uses listed in the District Regulations as Special Exceptions.

**§ 103.5 Uses Not Provided For.** When under this Ordinance a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use in accordance with (a) the purpose and intent of this Chapter and (b) the similarity of the use to the listed uses and the intent of the zoning district.

**§ 104. Applicability.**

**§ 104.1 Authority.** This Ordinance is enacted by virtue of the authority granted to the City of Monongahela by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 as reenacted and amended.

**§ 104.2 Conformance.** From and after the effective date of this Ordinance, no building shall be erected, altered or used and no land shall be used save

for a use or uses, together with uses accessory thereto, in conformity with the requirements of this Ordinance

**§ 104.3 Regulated Activities.** Any of the following activities or any other activity or matter regulated by this Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

(A) The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

(B) In all districts, after the effective date of this Ordinance, any existing land use, building or other structure, or any lot of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as non-conforming and be subject to the Non-conforming Regulations in this Ordinance (see Article IX).

(C) In all districts, after the effective date of this Ordinance, any new building or other structure on a lot of land or any change in occupancy or use of a building, structure or land shall be constructed, altered, developed, and used only in accordance with the regulations specified for each district in this Ordinance.

(D) Any new lot must be equal to or exceed the minimum sizes prescribed by this Ordinance for the district and shall be in accordance with the City of Monongahela Subdivision and Land Development Ordinance.

**§ 104.4 Repairs and Maintenance.** Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or 4) any other activity regulated by this Ordinance.

**§ 105. Interpretation.**

**§ 105.1** In interpreting the language of this Ordinance to determine the extent of the restriction upon use of property, the language shall be interpreted where doubt exists as to the intended meaning, in favor of the property owner and against any implied extension of the restriction.

**§ 106. Federal and state owned property.**

**§ 106.1** Whenever federal or state owned property or property owned by any federal or state agency or any political subdivision thereof is included in one or more zoning districts, it shall be subject to the provisions of this Chapter only insofar as permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

**§ 107. Severability.**

**§ 107.1** It is hereby declared to be the intent of the governing body of the City of Monongahela, Washington County, Pennsylvania that:

(A) If any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue to be separately and fully effective; and,

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

**§ 108. Conflicts between Regulations.**

**§ 108.1** Whenever there is a difference between the minimum standards specified herein and those included in other City ordinances and regulations, the more stringent requirements shall apply.

**§ 109. Repeal.**

**§ 109.1** Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

**§ 110. Effective Date.**

**§ 110.1** This Chapter shall become effective immediately upon enactment by the Council of the City of Monongahela. Ordained and enacted by the Council of the City of Monongahela, PA this 10<sup>th</sup> day of November, 2010.

## ARTICLE II – DEFINITIONS

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### **§ 200. Interpretations.**

**§ 200.1** For the purpose of this Chapter the following rules shall apply:

- (A) The particular shall control the general.
- (B) The words “shall” and “will” are mandatory; the word “may” is permissive
- (C) If there is a difference in meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.
- (D) Words used in the present tense include the future tense.
- (E) The singular includes the plural and the plural the singular.
- (F) The terms “occupied” or “used” shall be construed to be followed by the words “or intended, arranged or designed to be occupied or used.”
- (G) The words “person” and “developer” include an individual, corporation, partnership, trust, company or association or any other similar entity.
- (H) The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
- (I) The masculine shall include the feminine and the neuter.

### **§ 201. Meanings of Words.**

**§ 201.1** Unless otherwise expressly stated, the following words, for the purpose of this Chapter, shall have the meaning herein indicated. When terms, phrases, or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words generally found in legal terminology shall be considered to have meanings in this Chapter similar to their generally held definitions in the Court of Law.

### **§ 202. Definitions.**

***Abandoned Vehicle.*** Any vehicle which is not in a building or garage and which does not have a current Pennsylvania registration and/or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state-authorized automotive repair facility.

***Abandonment.*** An intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

***Adult Oriented Establishment.*** The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Any and all of these uses are considered an Adult Entertainment Establishment.

The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

***Agriculture.*** Land used for agricultural purposes, including farming, dairy, pasturage, horticulture, floriculture, viticulture, animal hospitals, riding academies, stables, animal and poultry husbandry, and dog kennels and/or clinics.

***Agricultural Operation.*** The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market or poultry, livestock and their products and the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is not less than ten contiguous acres in area; or less than ten contiguous acres in area but has an anticipated yearly gross of at least \$10,000.

This term includes agricultural buildings designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structures shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

This term does not include Concentrated Animal Feeding Operations and Concentrated Animal Operations.

***Alley, Lane, or Way.*** A permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation.

***Alteration, Structural.*** Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

***Air Rights.*** The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

***Airport.*** An area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights of way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public or private airports.

***Amphitheater.*** An outside gallery with seats for spectators.

***Amusement and Recreation Center.*** An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

***Indoor Amusement Center.*** An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages, or any other similar use.

***Outdoor Amusement Center.*** A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

***Amusement Park.*** An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

***Animal Equivalent Unit.*** One thousand pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

***Animal Hospital.*** A facility where companion animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include accessory boarding facilities, but does not include a boarding kennel.

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

***Application for Development.*** Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit for the approval of a subdivision plan or for the approval of a development plan.

***Arena.*** A completely enclosed structure with fixed seating, which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority, or corporation.

***Architect.*** A registered professional architect licensed as such by the Commonwealth of Pennsylvania.

***Assisted Living Facility.*** A state-licensed facility designed to provide individual dwelling units or rooms for individuals who are independently mobile and are not in need of the level of service provided by a personal care home, and which provides on-site supervision and assistance available to residents on an occasional, “as needed” basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

***Authority.*** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

***Bakery.*** An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

**Bank/Financial Institution.** An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses.

**Basement.** That portion of a building or structure that is partly or completely below grade, but having half of its clear height below the average grade of the adjoining land. This room does not count as a “story,” nor can it be used as a “dwelling.”

**Bath house.** An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs.

**Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

**Bed and Breakfast Inn.** A detached dwelling unit and operated by the dwelling’s owner in which a maximum of eight (8) rooms provide overnight guests sleeping quarters for a period not more than seven (7) consecutive nights in a thirty (30) day period, with or without breakfast meals for hire or for pay. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units. A bed and breakfast shall not include a boarding house, group living facility or hotel.

**Billboard.** An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

**Board.** The Zoning Hearing Board of the City of Monongahela.

**Boarding House.** A commercial and/or for-profit establishment with lodging for five (5) or more persons where food and meals are regularly prepared, provided and served for compensation, placed upon the table family-style, without service or ordering of individual portions from a menu.

**Boat Storage.** An enclosed building or separate structure that is primarily used for the storage of boats.

**Boat and Marine Sales/Service.** Any building or lot used for the maintenance, servicing, repair, or painting of boats or other related watercraft.

**Bottle Club.** An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or

malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

***Brewery Pub.*** A facility licensed by the Commonwealth of Pennsylvania and conducted in accordance with Commonwealth requirements where malt or brewed beverages are manufactured on site. The facility may sell, transport, and deliver malt beverages to various off-site locations; however, the majority of the manufactured malt or brewed beverage products is sold and consumed on-premises.

***Broadcasting Studio (Radio and Television).*** Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

***Buffer Area.*** A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Chapter, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Chapter.

***Buildable Area.*** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

***Building.*** Any structure having enclosing walls and roofs and requiring a permanent location on the land.

***Accessory Building.*** A detached building customarily incidental and subordinate to the principal building and located on the same lot.

***Principal Building.*** A building in which is conducted the principal use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

***Building Height.*** The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip, and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendices.

***Building Inspector.*** The person officially appointed by the municipal governing body or council to administer and enforce the Building Code.

***Building Material Facility.*** A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials without an enclosed building.

***Building Setback Line.*** An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

***Bus/Transit Facilities.*** A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term also includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

***Bus/Other Transit Shelter.*** A covered structure at a bus or other transit stop providing protection against the weather.

***Bus/Other Transit Stop.*** A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

***Business Services/School.*** Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales, employment service; and other similar business services.

***Campground.*** A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment/vehicles open to the public for free or for a fee.

***Car Wash.*** Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

**Canopy.** A roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

**Catering Business.** An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

**Cemetery/Mausoleum.** An area used, or intended to be used, for the burial of the deceased, including a columbarium, crematorium, and mortuary when operated in conjunction with the cemetery and within its boundaries.

**Centerline.** An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

**Child Day Care Facility.** Any institution or place licensed by the Commonwealth of Pennsylvania which is maintained in whole or in part for the care of children, not of common parentage, apart from their parents or guardians, under the age of sixteen during any part of a day with or without stated educational purposes. This definition shall include Child Day Care Centers and Family Day Care Homes but shall not apply to public, private, or parochial school systems.

**Child Day Care Center.** A facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

**Family Day Care Home.** Any single family residence, other than the child's own home, in which child day care is provided at any time for up to six (6) children who are not relatives to the care giver where the child care areas are being used as a family residence.

**Clear-cutting.** The indiscriminant, or complete, removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

**Clear Sight Triangle.** At every intersection there shall be a triangular area deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a local classification or from non-residential or multi-family residential driveways; one hundred (100') feet from the intersection of such centerlines for a street with an collector classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an arterial classification.

There shall be no obstruction of vision between a height of two and one half (2.5') feet and fifteen (15') feet above the centerline grade of the street within the clear sight triangle. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions.

***Clinic.*** An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and/or social services on an outpatient basis.

***Coffee House/Internet Café.*** A public food service establishment licensed by the Commonwealth of Pennsylvania as such, offering light menu fare and non-alcoholic beverages to include flavored coffees, teas, espressos, and similar items, for sit-down or take-out purposes. Internet services may also be offered for purchase on computers and other devices located on the premises, however, said establishment shall not derive more than forty-nine (49) percent of its gross sales from the use of computers and/or sale of Internet services or use.

***Common Area.*** Any portion of a development that is not part of a lot, or open space tract and is designed for the common usage of the development.

***Communications Antenna.*** Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

***Communications Co-location.*** The act of installing wireless communications equipment, from more than one (1) provider, on a single tower, building, or structure.

***Communications Equipment Building.*** An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

***Communications Tower.*** A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

***Communications Tower Height.*** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

***Community Facility.*** A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities. Civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

***Community Garage.*** An accessory use comprised of a group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

***Comprehensive Plan.*** The adopted public document for the City of Monongahela, Washington County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the Monongahela-New Eagle Joint Comprehensive Plan.

***Concentrated Animal Operation (CAO).*** An operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been approved by a county conservation district or the State Conservation Commission.

***Concentrated Animal Feeding Operation (CAFO).*** An operation that is: (1) any livestock or poultry facility with more than one thousand animal equivalent units; (2) an operation with three hundred and one to one thousand animal equivalent units that are CAOs; or (3) any other agricultural operation with a discharge to surface waters. CAFOs fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans.

***Condominium.*** A method of ownership for residential dwellings where a person obtains title to his individual unit and in addition becomes a member of a non-profit condominium association and, as such, part owner of all land, buildings and amenities within his condominium project.

***Continuing Care Facility.*** A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, containing two or more of the following services: assisted living facility; home and community based services facility; senior housing; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

*Home and Community Based Services Facility.* A facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

*Personal Support Services for a Continuing Care Facility.* Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities. Although open to the public, these facilities shall primarily be for the use and service of the residents of the Continuing Care Facility.

*Convenience Store.* A retail establishment with a sales area of five thousand (5,000) square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. Convenience Store(s) without accessory use of sale of liquefied petroleum gas and/or gasoline (including diesel and alternative fuels) shall be defined as Retail Stores.

*Conversion.* The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

*Correctional Facility.* A publicly- or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers, and treatment centers.

*County.* Washington County, Pennsylvania.

*County Planning Commission.* The Washington County Planning Commission.

**Court.** An open, unoccupied, and uncovered space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court (also known as a courtyard) is usually bounded by three or more walls of an attached building.

**Covenant.** An agreement legally binding successive owners of a property to certain conditions regarding use of property stipulated by the original owner.

**Coverage.** The extent to which a permitted structure occupies its lot, expressed most commonly as the percentage of the ground area occupied by the structure to the total lot area.

**Cropland.** Land used for the production of adapted crops for harvest, along or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

**Cul-de-Sac.** A street closed at one end with a vehicular turn around provided at the closed end.

**Cultural Service.** A museum or similar use engaged in the collection, display, or preservation of objects of community or cultural interest.

**Cut.** The extraction of previously undisturbed earth material in the process of grading.

**Crematorium.** A facility utilized for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

**Deck.** A floored structure that adjoins a building and is supported by the ground.

**Developable Land.** That land proposed for development which excludes there from all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities, (3) defined by the Pennsylvania Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%).

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

***Development Plan.*** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, way and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition.

***Distribution Facility.*** Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

***Docks (Public & Private).*** A permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term “dock” also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term “dock” also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored. A public dock is considered as one controlled and maintained by a governing body or authority for use by the general public and private dock is considered such if controlled by a private entity with restricted use or open for use for a monetary fee.

***Drive Thru Business.*** Any establishment, building or structure where service is provided to the customer from an automobile service window with access provided by a drive through lane incorporated into the site design.

***Driveway.*** A pervious, semi-pervious or impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

***Dry Cleaner.*** An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

***Dwelling.*** A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Chapter, the following are the definitions of the various types of dwellings:

***Multi-Family Dwelling.*** A detached residential building containing three or more dwelling units. Units may not be arranged entirely in horizontal rows (like townhouses), and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as rental or

condominium development. This dwelling type includes garden apartments, flats, and multifamily conversions.

- A. Duplex (Two-Family Dwelling): A single residential structure that is divided into two (2) dwelling units each of which has a separate entrance.
- B. Conversion Apartment – Conversion of an existing single-family detached dwelling into multiple dwelling units. See definition of *Conversion*.
- C. Garden Apartment – A building, not exceeding three (3) stories in height, including multi-family dwelling units that are developed as attached units on a single lot, and whereas the building contains at least three (3) dwelling units but not more than twenty-four (24) dwelling units designed around courts or common open spaces and have private balconies or patios.
- D. Mid High-Rise Apartment – An apartment building which is not greater than three (3) stories in height that has multiple dwelling units that share a common entrance and/or common interior corridor.
- E. High-Rise Apartment – An apartment building which is four (4) or more stories in height but not exceeding the height limitations (in feet) of this Chapter that has multiple dwelling units that share a common entrance and/or common interior corridor.
- F. Residence over Business – A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

*Single Family Attached Dwelling Unit.* A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one but not more than three adjacent similar dwelling units, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, row houses, and/or condominiums.

- A. Townhouse. A single family attached dwelling unit, with a private entrance/ exit which may or may not be part of a structure whose dwelling units are attached horizontally in a linear arrangement:
  - Does not exceed two and one-half (2 ½) habitable stories in height;

- The continuous row shall not exceed more than ten (10) dwelling units.
- Has separate access to the outdoors not shared with the access of other dwelling units.

*Single Family Detached Dwelling Unit.* A building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.

***Dwelling Unit.*** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

***Easement.*** A public or private right of use over the property of another.

*Conservation Easement.* An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

*Utility Easement.* A right-of-way granted for limited use of land for public or quasi-public purpose.

***Educational Institution.*** A structure or part of a structure designed and used for the training and teaching of children, youths and/or adults, including laboratories appurtenant thereto.

***Emergency Services.*** An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services.

***Energy Star Home:*** A home which is predicted to use 30 % less energy than houses built to the Model Energy Code (MEC) while maintaining or improving indoor air quality. The ENERGY STAR Home Program of the U.S. Environmental Protection Agency and the U.S. Department of Energy.

***Enterprise Green Community:*** The Enterprise Green Communities initiative was launched in September 2004 and is a national green building program focused entirely on affordable housing. The initiative provides financing, funding, and expertise to enable developers to build or rehabilitate homes that are environmentally sustainable without compromising affordability.

***Engineer.*** A professional engineer licensed as such by the Commonwealth of Pennsylvania.

***Equestrian Facility.*** Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

***Equipment Rental/Repair.*** A business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

***Escort.*** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

***Escort Agency/Service.*** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

***Essential Communications Antenna.*** Any communications antenna owned or operated exclusively by an agency or authority of the Municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

***Essential Communications Tower.*** Any communications tower used exclusively to support essential communications antennas.

***Essential Services.*** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, and their essential buildings, excluding communications towers and antennas as defined herein.

***Excavation.*** The removal of earth or mineral material on or from a site or when such removal is necessary to prepare the site to receive structures.

***Extractive Industry.*** The excavation or recovery of metallic, nonmetallic, or mineral fuels, including but not limited to coal, limestone, clay, sand, gravel or other mineral resources, through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods for sale or otherwise used for commercial purposes. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

***Fair Housing Act.*** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

***Fairground.*** An area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

***Familial Status.*** One or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having legal custody of such individual or individuals; or (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

***Family.*** A single person occupying a dwelling unit; or, two or more individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, adoption, including foster children and including not more than two boarders, roomers, or lodgers; or, a maximum of five children or adults requiring special care or supervision who are under the 24-hour or full-time care of resident “parents” or persons acting in loco parentis; or, not more than three individuals living together as a single housekeeping unit and doing their cooking in one kitchen on the premises; or, any number of persons possessing a “handicap” within the meaning of the Fair Housing Act (42 USCS s.3602(h)) who reside in one dwelling unit and live and cook together as a single housekeeping unit. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, group care facility, commune, or institution.

***Family Care Facility.*** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

***Farm Equipment and Supplies Sales.*** Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

***Farmer’s Market/Fruit and Vegetable Stand.*** A place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who may or may not reside on the property.

***Fence.*** A barrier constructed for the purpose of protection, confinement, enclosure, or privacy. The term “fence” shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height. The following are types of fences as defined by this Chapter:

***Decorative Fence.*** A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.

***Privacy Fence.*** A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a yard, deck, patio, or swimming pool.

***Security Fence.*** A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.

***Fill.*** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

***Fishing Pier.*** A platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish there from. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier; or, a raised walkway over water, supported by widely spread piles or pillars built for the purpose of providing land locked anglers access to fishing grounds that are otherwise inaccessible.

***Flea Market.*** A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term “flea market” does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as “garage sales” or “yard sales,” providing that such sales do not occur more frequently than once every sixty (60) days.

The term “flea market” also shall not include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

***Flood.*** A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers and other waters.

***One-hundred Year Flood.*** A flood that, on the average, is likely to occur once every one hundred years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year), as established by the Flood Insurance Rate Map.

***Flood Insurance Rate Map (FIRM).*** A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

***Special Flood Hazard Area (SFHA).*** An area subject to inundation by the base flood, designated zones A, A1, 30, AE, AH, AO, V, V1, 30, or VE on the Flood Insurance Rate Map.

***Floodplain.*** The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one hundred year frequency flood.

***Flood Prone Area.*** Any land area susceptible to being inundated by floodwater from any source.

***Floodway.*** The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

***Floor Area.*** Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

- Basement space, if the floor to ceiling measures seven feet (7') or more.
- Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more.
- Roofed terraces, exterior balconies, breezeways or porches, provided that other fifty percent (50%) of the perimeter of these is enclosed.

- Any other floor space used for dwelling purposes, no matter where located within a building.
- Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
- Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

*Floor Area, Building.* The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

*Floor Area, Habitable.* The sum of the floor area of all heated, furnished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include: garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

*Floor Area, Gross.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

*Floor Area, Net Useable.* The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms, and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net useable floor area be less than eighty percent (80%) of the floor area of a building.

*Floor Area, Retail Net.* All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

***Floor Area Ratio (FAR).*** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

***Food and Grocery Store.*** A large, self-service, retail store and market that sells food, household goods, and household merchandise.

**Forestry.** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

**Forest Management Operations.** All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

**Foundation, Permanent.** A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

**Freight Terminal.** The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

**Front Building Line.** A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Chapter for a required yard. Where there is no required yard then the lot line shall be the front building line. See Figure 2 in the Appendices.

**Fuel Dispenser.** A device which dispenses vehicle fuel and/or kerosene (including diesel and alternative fuels) and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

**Fuel Island.** A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

**Fueling Position.** A location at which a single vehicle may be fueled from a fuel dispenser.

**Funeral Home/Mortuary.** A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for; (1) embalming and the performance of other services used in the preparation of the dead for burial, (2) the performances or autopsies and other surgical procedures, (3) the storage of caskets, funeral urns, and other related funeral supplies, and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

**Garbage.** Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

***Garden Center.*** Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil, and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

***Gasoline Service Station.*** An establishment where the principal use is the retail sale of gasoline (including diesel and alternative fuels), oil, or other motor vehicle fuel and no more than fifteen (15) percent of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

***Governing Body.*** The City Council of the City of Monongahela, Washington County Pennsylvania.

***Grade.*** The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

***Grade, New or Finished.*** The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

***Grading.*** Is the stripping or excavation of any material; the filling of any existing ground with natural or man-made material; and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

***Greenhouse.*** A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for personal use, research, or instruction only and does not exceed two hundred-fifty (250) square feet.

***Greenhouse, Commercial.*** An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants and that exceeds two hundred-fifty (250) square feet.

***Group Care Facility.*** A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

***Group Home.*** A residential facility used as living quarters by a maximum of five (5) unrelated persons, consisting of children or adults requiring special care, and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide 24-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings by staff who are not on duty.

***Group Quarters.*** Any dwelling or portion thereof that provides lodging or occupancy for more than two (2), but a maximum of five (5), persons who do not constitute a family as defined in this article. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: (1) Educational fraternity and sorority houses that are associated with, but not managed by, an educational organization that may or may not provide services requiring the user to reside on the premises; (2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; (3) Non-institutional quarters for compensation. Group Quarters does not include hotels, motels, dormitories, emergency shelters, group homes, nursing facilities, and personal care facilities.

***Habitable Areas, Basement.*** Any basement which meets the criteria for habitable space, which has at least one operable window that can serve as a means of ingress and egress, and which has a ceiling height of not less than seven (7) feet.

***Habitable Areas, Floor.*** Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a “habitable floor.”

***Habitable Areas, Room or Space.*** Space in a structure for living, sleeping, eating or cooking, Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

***Handicapped Individual.*** A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation,

mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

***Health Club.*** Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

***Height of a Communications Tower.*** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

***Height of a Tower.*** The vertical distance measured from the ground level to the highest point on a Tower not constituting a Communications Tower, including all facilities or structures of any type mounted on the tower.

***Home-based Business, No-Impact.*** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- The business shall employ no employees other than family members residing in the dwelling.
- There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- The business may not involve any illegal activity.

***Home Occupation.*** A home occupation shall be defined as any activity that falls outside the parameters of a no-impact home-based business but is an activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services. These activities may generate some traffic and require off-street parking.

***Horticulture.*** Any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

***Hospital.*** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

***Hotel/Motel.*** A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

***IESNA Cutoff Criteria.*** Criteria established by the Illuminating Engineering Society of North America (IESNA) as per the IES Lighting Handbook, 4<sup>th</sup> Edition, Illumination Engineering Society, New York.

***Impervious Surface.*** Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open spaces areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

***Impervious Surface Ratio.*** This is also the “maximum impervious coverage” and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

***Incinerator.*** An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

***Independent Living Facility (includes Retirement Homes/Community).*** A multi-unit age-restricted housing development designed to provide individual dwelling units for senior persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents. The dwelling units are comprised of apartments, condominiums, or single-family attached structures and may or may not feature a buy-in option in addition to monthly fees for services provided but are operated and maintained under a single management organization.

***Industrial Park.*** An area of land arranged and/or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

***Institutional Home.*** A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmed persons; or members of a religious community. This definition shall not include almshouses, penal or reformatory facilities and nursing homes.

***ISO/IEC 14021:*** Labeling information provided by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) about a product's or service's environmental character, a specific environmental aspect or a number of aspects which consumers use to determine making a purchase.

***Junk.*** Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

***Junk Yard.*** An area or land, with or without buildings, where junk is bought, sold, exchanged, abandoned or stored.

***Kenel.*** Any facility, household or establishment where more than four (4) dogs or cats or any combination of dogs and cats or any other domestic pets numbering four (4) or more who are more than six (6) months old are kept, bred, trained, groomed, and/or boarded at any one time, whether for profit or not. This includes dog daycare uses.

***Laboratory.*** A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

***Land Development.*** Any of the following activities:

- The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, ore a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - The division or allocation of land or space, whether initially or cumulatively, between, or among, two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- A subdivision of land.
- Development in accordance with Section 503(1.1) of the MPC.

***Landfill.*** See Solid Waste Disposal Area.

***Landing Strip.*** A private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

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

***Landscape Architect.*** A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

***Landscaping.*** Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

***Laundromat.*** A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and/or dry clothing, apparel, or other fabric.

***LEED (Leadership in Energy and Environmental Design):*** LEED is a third party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

***LEED-ND (Leadership in Energy and Environmental Design – Neighborhood Development):*** One of the six LEED Green Building Rating Systems. LEED for Neighborhood Development addresses the design and location of new, multi-lot residential, commercial, or mixed-use developments.

***Library.*** Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

***Loading Space.*** A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

***Lot.*** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. See Figure 2 in the Appendices.

***Corner Lot.*** A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

***Flag Lot.*** A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

*Interior Lot.* A lot where the side property lines do not abut a street.

*Through Lot.* An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

*Lot Area.* The total horizontal area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: Any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement. See Figure 2 in the Appendices.

*Lot Coverage.* The area of a lot or parcel that is covered by principal and/or accessory buildings or structures. See Figure 2 in the Appendices.

*Lot Depth.* The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

*Lot Frontage.* That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

*Double Frontage Lot.* A lot whose front and rear yards abut public streets, one of which may be an alley.

*Lot of Record.* A lot that has been recorded in the Office of the Recorder of Deeds.

*Lot Line.* A property boundary line of any lot held in single or joint ownership that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendices.

*Front Lot Line.* The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

*Rear Lot Line.* Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be

considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

*Side Lot Line.* Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

*Lot Width.* The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

*Minimum Width Lot.* The minimum lot width at the building setback line.

*Lumberyard.* The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

*Manufactured Home.* A structure, transportable in one or more sections, which, in the traveling mode, the body is eight (8) feet or more in width or forty (40) feet or more in length, when erected on site, is three hundred and twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

*Manufacturing.* The process of making wares by hand, by machinery or by other agent, often with the provision of labor and the use of machinery.

*Heavy Manufacturing.* Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

*Light Manufacturing.* Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

*Marina.* A docking and servicing facility for boats and equipped to provide repair service, gassing, and supplies.

***Massage Therapy Business.*** An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

***Medical Center.*** A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

***Methadone Treatment Facility.*** A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

***Mine.*** Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

***Mineral.*** Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

***Mineral Extraction.*** All or part of the process involved in the extraction and processing of petroleum products or natural gas and/or minerals such as coal, ores, rock, sand and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

***Quarry, Sand Pit, Gravel Pit, Borrow Pit.*** Land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

***Mining Accessory Structure.*** Any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

***Mining, Open Pit.*** Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

***Mining Portal.*** Structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

***Mobile Home.*** A transportable, single-family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, 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 without a permanent foundation. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized as mobile homes are primarily those units built before 1976, when HUD standards became effective.

***Mobile Home Lot.*** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

***Mobile Home Park.*** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

***Monopole.*** An antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

***MPC.*** The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

***Municipal Authority.*** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authorities Act of 1945.”

***Natural State.*** A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling with the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work

would improve the buffering characteristics of the area to be retained in its natural state.

***Net Leasable Area.*** The floor space of a structure that may be rented to tenants or used in business purposes, and excludes common areas and space devoted to the heating cooling and other equipment of a building.

***Night Club.*** A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

***Nonconforming Building or Structure.*** A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this ordinance or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of this ordinance or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

***Nonconforming Lot.*** A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

***Nude Model Studio.*** Any place where a person who appears in a state of nudity or displays “specified anatomical areas” or “specified sexual activities” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

***Nudity/State of Nudity.*** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

**Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping/gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

**Nursing Home (includes Convalescent Home).** A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

**Occupancy Permit.** A required permit allowing occupancy of a building structure, or space within a building after it has been determined that the building, structure or space meets all the requirements of applicable ordinances.

**Office.** An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

**Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Common Open Space.** A parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Private Open Space.** Open space in which the use is normally limited to occupants of a single dwelling or building.

**Public Open Space.** Lands dedicated to and/or owned by the by the City of Monongahela or other public entity or other public entity and maintained by it for the use and enjoyment of the general public.

**Parcel Delivery Facility.** Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

**Park.** A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

**Private Park for Public Use.** Privately owned property available for use by the public and containing recreational uses authorized pursuant to this Ordinance.

***Parking Lot.*** An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

***Parking Structure.*** A building with multiple stores of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee, in association with occupational, retail, entertainment, recreational, municipal, educational or residential use(s).

***Patio.*** An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

***Permit.*** A document issued by the governing body authorizing an applicant to undertake certain activities.

***Personal Care Facility.*** A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

***Pet Crematorium.*** Any land place, structure, facility or building provided by any person for a fee, whether or not for profit, to veterinarians or members of the general public for the cremation of pets. However, a pet crematorium shall not provide for permanent interment or inurnment of pet remains.

***Pet Grooming.*** An establishment providing services for household pets that may include bathing, grooming, and clipping.

***Pet Shop.*** A store where the primary business is the sale and/or grooming of animals to be used as pets, excluding boarding, veterinary, and breeding services.

***Pharmacy.*** A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

***Photographic Studio.*** A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

**Place of Public Assembly.** Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

**Place of Worship/Religious Institution.** A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

**Planning Commission.** The independent planning agency created by the City of Monongahela, in accordance with Article II of the Pennsylvania Municipalities Planning Code.

**Private Club.** Any establishment, other than an outdoor recreation facility, operated by a private organization for recreational, educational, fraternal, or social purposes, but only open to members and their guests and not to the general public.

**Private Garage.** A building used for storing vehicles by the resident of the dwelling and not to be used as a business; either attached to or detached from a residential dwelling and may be either a principal or accessory use. A private garage has a maximum capacity of three (3) motor vehicles.

**Porch.** A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than thirty inches high and open on all sides, except the side(s) adjoining the building.

**Public Grounds.** Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic sites.

**Public Hearing.** A formal meeting held pursuant to public notice by the City of Monongahela Council, Zoning Hearing Board, or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

**Public Meeting.** A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

**Public Notice.** Public notices as defined and published pursuant to the Pennsylvania Township Code, Section 1601 (a) et. seq., and the Pennsylvania Municipalities Planning Code.

**Public Utility.** An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

**Public Utility Facility/Structure.** Any tank, structure, building or part of a building used for the provision of gas, electricity, broadcasting, television and telecommunication services to serve the local area.

**Public Utility Transmission Tower.** A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**Race Track.** A commercial establishment for the racing of animals or motor vehicles.

**Recreation, Private.** Developed or undeveloped open spaces and/or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

**Recreation, Public.** Developed or undeveloped open spaces and/or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

**Recreational Vehicle.** A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

**Recycling Facility.** A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**Renewable Energy Source.** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion,

geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

***Research and Development.*** A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

***Resource Recovery Facility.*** A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- Any composting facility
- Methane gas extraction from a municipal waste landfill
- Any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste
- Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day

***Restaurant.*** That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

***Carry-out.*** An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

***Fast Food.*** An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

***Sit Down.*** A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

***Retail Store.*** A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores and pharmacies; news stands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, lumberyards, and garden centers; home furnishings and household appliance and electronics stores; small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

***Right of Way.*** Land set aside for use as a street or other means of travel or for use by a utility:

*Legal Right of Way.* The street right of way legally in the public domain at the time a plan is submitted.

*Ultimate Right of Way.* The right of way deemed necessary by the municipality or by other governmental agencies with jurisdiction over roads within the municipality to provide adequate width for future street improvements.

***Riparian Buffer.*** Any area within one hundred (100) feet of any stream bank.

***Salvage Yard.*** An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

***Screening.*** The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two (2) or more different land uses which abut one another.

***Self-Storage Facility.*** An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and/or retail materials and/or products shall not be permitted.

***Self-Supporting Tower.*** A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free standing.

***Semi-Nude.*** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

***Setback.*** The required unoccupied space between a structure and the property line of the lot on which it is located.

***Front Yard Setback.*** Refers to the unoccupied space between the furthestmost projection of the front of a structure and the public right-of-way.

***Side Yard Setback.*** Refers to the unoccupied space between the furthestmost projection of the side of a structure and the closest property line.

***Rear Yard Setback.*** Refers to the unoccupied space between the furthestmost projection on the rear of a structure and the closest property line.

***Sewage Treatment Facility.*** A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

***Sexual Encounter Center.*** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: (1) physical contact in the form of wrestling or tumbling between members of the opposite sex; or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

***Sexually Oriented Business.*** An adult arcade, adult bookstore/video store, adult cabaret, adult live theater, adult motel, adult motion picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

***Shopping Center.*** A group of commercial establishments planned and developed as a unit.

***Sign.*** Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

***Address Sign.*** A sign that indicates only a street address.

*Advertising Vehicle.* Any vehicle and/or trailer which has thereon or affixed thereto any sign or advertising device and which is parked on a public right-of-way or public or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering of service at any location, so as to be visible from the public right-of-way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

*Animated Sign.* A sign with action or motion, flashing, color changes and/or copy changes at intervals of less than ten (10) seconds requiring electrical energy, but not including wind-activated elements such as flags, banners, or specialty items.

*Banner Sign.* A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

*Bench Sign.* An advertising sign located on the backrest of a bench at a bus stop or other place of public convenience that contains information about local businesses, services, or activities.

*Bulletin Board Sign.* A type of changeable copy sign used by a school, church, library, or other public or semi-public building or use to announce hours of operation, general information, or events.

*Business Sign.* A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same property on which the sign is located.

*Changeable Copy Sign.* A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

*Electronic Changeable Copy Sign.* A changeable copy sign whose messages can be electronically programmed without altering the physical surface of the sign.

*Construction Sign.* A temporary sign identifying an architect, artisan, engineer, contractor, subcontractor, and/or material supplier who participates in construction on the property on which the sign is located.

*Development Sign.* A sign indicating that the premises is in the process of being subdivided and/or developed for the constructions of dwellings or other buildings.

*Directional Sign.* A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.

*Directory Sign.* A sign that identifies the names and locations of tenants in a multi-tenant commercial, industrial, or professional building or in a commercial, industrial, or professional development made up of a group of buildings.

*Festoons.* A string of ribbons, tinsel, small flags, or pinwheels.

*Flag.* A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Washington County, or the City of Monongahela.

*Flashing Sign.* A sign that contains an intermittent or sequential flashing light source or that has a light source that is not stationary or constant in intensity at all times and that is used primarily to attract attention.

*Freestanding Sign.* A detached sign that shall include any sign supported by one (1) or more uprights, poles, or braces placed permanently in the ground and not attached to any building, including ground and pole signs as defined below:

*Ground Sign.* A freestanding sign that is close to ground level, the bottom edge of which shall be no more than eighteen (18) inches above the adjacent ground level.

*Pole Sign.* A freestanding sign that is erected on poles or pylons, the bottom edge of which is high enough to provide visibility for motorists and to allow for safe pedestrian circulation.

*Identification Sign.* A sign that contains only the name, address, and use of the premises and that shall contain no advertising other than a logo. Subtypes of this include:

*Residential Identification Sign.* A sign that identifies a residential development such as a subdivision, a multi-family apartment dwelling, or group of dwellings. This does not include address signs and nameplates for single-family dwellings.

**Non-residential Identification Sign.** A sign that identifies a non-residential use that is occurring in a residential zone (R-1 or R-2 Districts).

***Illuminated Sign.*** A sign in which a source of light is used in order to make the message readable. This shall include internally and externally lighted signs as defined below:

**Externally Illuminated.** Artificial light, located outside and away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property. This includes festoon lighting, which is comprised of either (1) A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s); or (2) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**Internally Illuminated.** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

***Incidental Sign.*** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g. a credit card sign or a sign indicating hours of operation.

***Memorial/Historical Plaques and Markers.*** Commemorative plaques or markers placed by a recognized agency of the City, County, state, or federal government or by a private nonprofit historical association or organization.

***Nameplate Sign.*** A small non-illuminated sign attached to the wall of a dwelling or mailbox that contains only the name and address of the residents of the dwelling.

***Official Traffic Sign.*** Those signs erected or approved by the Commonwealth of Pennsylvania Department of Transportation or the City that are designed to regulate traffic or to describe road conditions.

***Painted Wall Sign.*** A sign that is applied to the face of a wall with paint or similar substance. This does not include decorative murals or graphics that do not advertise any products or services for sale.

***Point of Purchase Display.*** Advertising of a retail item accompanying its display, e.g. advertisement on a product dispenser.

***Political Sign.*** A sign that indicates the name, cause, or affiliation or anyone seeking public office or that refers to an issue concerning which a public election is scheduled to be held.

*Projecting Sign.* A building sign that extends in excess of eight (8) inches beyond any vertical surface of the building that supports it.

*Real Estate Sign.* A temporary sign erected by the owner or his/her agent advertising the real estate upon which the sign is located as being for rent, lease, or sale.

*Roof Sign.* A building sign erected above the finished roof level of a building and attached to the roof structure.

*Rotating Sign.* A sign that in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.

*Sandwich Board Sign.* A temporary exterior sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.

*Snipe Sign.* A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.

*Special Event Display.* A temporary sign or banner, constructed of durable material, erected for a specified period of less than ninety (90) days whose sole purpose is to advertise a grand opening or other special event.

*Street Identification Signage.* Signs containing the names of public streets located at intersections of all arterial, collector, and local streets.

*Temporary Sign.* A sign not constructed or intended for long-term use.

*Trespassing Sign.* A sign indicating the private nature of a driveway, structure, or property. Such signs shall not exceed four (4) square feet in surface area.

*Wall Sign.* A sign attached to the wall of the building.

*Window Display.* A sign or group of signs affixed to the inside of a display window in a commercial or industrial establishment that advertises a product or service available on the premises or that announces or promotes a sale or event.

***Sign Face.*** The plane upon, against or through which an advertisement or display is illustrated.

***Sign, Gross Surface Area of.*** The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or

between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than thirty-six (36) inches apart. If the interior angle formed by both faces of a double-faced sign is greater than forty-five (45) degrees, both sides of the sign shall be used in computing the sign area.

***Sign Height.*** The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

***Skilled Nursing Facility.*** A facility which provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but who, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

***Slaughterhouse.*** A place where livestock is slaughtered and may be cut, packaged, and/or processed.

***Slope.*** The faces of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

***Solar Collector.*** A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

***Solar Energy.*** Radiant energy (direct, diffuse, and reflected) received from the sun.

***Solar Energy System.*** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

***Solar Reflective Index:*** The Solar Reflectance Index (SRI) is a measure of a roof's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100.

***Solid Waste Disposal Area/Facility.*** An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003). Also includes a facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

***Specified Anatomical Areas.*** The human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

***Specified Sexual Activities.*** Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (3) excretory functions as a part of or in connection with any of the activities set forth in (1) or (2). The term does not include any of the following: medical publications or films or bona fide educational publications or films; any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publication or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

***Stockyards.*** An enclosed yard where cattle, pigs, horses, or sheep are kept temporarily.

***Story.*** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

***Half Story.*** A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the finished floor of such story.

***Street.*** A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

***Structural Alterations.*** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

***Structure.*** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

***Accessory Structure.*** A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

***Principal Structure.*** The structure or portion thereof housing the main use of the land.

***Temporary Structure.*** Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

***Studio, Dancing or Music.*** The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with “Dancing School” and “Music School” and similar terms.

***Swimming Pool.*** Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six inches of water.

***Commercial Swimming Pool.*** A swimming pool operated for profit and open to the public upon payment of a fee.

***Private Swimming Pool.*** A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

***Public Swimming Pool.*** A swimming pool operated by a unit of government for the general public.

***Semi-public Swimming Pool.*** A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

***Tattoo Parlor.*** An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

***Tavern/Drinking Establishment.*** An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

***Telephone Exchange Building.*** A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business

facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

***Temporary Shelter.*** A structure, or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

***Theater.*** A building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

***Drive In Theater.*** An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

***Tower.*** A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

***Transportation Services.*** A facility for private taxicab, limousine, bus service and similar passenger service.

***Travel Plaza.*** A facility that provides auto and/or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

***Travel Trailer.*** A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

***Truck Terminal.*** A facility where trucks load and unload goods, products, cargo and/or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

***Use.*** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

*Accessory Use.* A use customarily incidental and subordinate to the principal use of the lot.

*Utility Sub Station.* An assemblage of equipment for purposes other than generation or utilization, through which energy in bulk is passed for the purposes of switching or general public, provided that a substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

*Variance.* Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

*Vehicle.* Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

*Vehicle Repair/Service Station.* Any building or lot used for the maintenance, servicing, repair, or painting of vehicles.

*Vehicle Sales/Rental Facility.* A facility for the sales and/or rental of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

*Veterinary Office.* A facility where companion animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight medical treatment but shall not include a boarding kennel.

*Viewing Booths.* Booths, stalls, portions of a room, rooms or other enclosures that are available for viewing: (1) films, movies, videos, or visual reproductions of any kind depicting or describing “specified sexual activities” or “specified anatomical areas”; or (2) persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

*Warehouse.* A structure primarily used for the storage of goods and materials.

*WaterSense (EPA):* Generally, products bearing the EPA WaterSense label will: (1) Perform as well or better than their less efficient counterparts; (2) be about 20 percent more water-efficient than average products in that category; (3) realize water savings on a national level (4) provide measurable water savings results; (5) achieve water efficiency through several technology options.

*Wetlands.* Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

***Wholesale Establishment.*** An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

***Wild or Exotic Animal.*** Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. “Wild animals,” however domesticated, shall also include but not be limited to: (a) Dog family (Canidea): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc., (b) Cat family (Felidea): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc., (c) Bears (Ursidea): all bears, including grizzly bears, brown bears, black bears, etc., (d) Weasels (Mustelidea): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., (e) Raccoons (Procynnidae): all raccoons and civets, (f) Porcupine (Erethizontidae): all porcupines, (g) Skunks, (h) Snakes: all venomous and constricting snakes, (i) Venomous lizards, (j) Crocodillians: all alligators, caimans, crocodiles, gavials, etc., (k) Venomous Fish and piranha, and (l) Venomous invertebrates.

***Winery.*** A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

***Wind Energy Equipment (Small Wind Facilities).*** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 60 kW or less.

***Wind Turbine.*** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

***Yard.*** An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**Front Yard.** A yard extending along the full width of the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

**Rear Yard.** A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance there from equal to the depth of the required rear yard.

**Side Yard.** An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

**Yard Sale.** A sale of limited duration conducted from the yard, porch, patio or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, patio, porch, or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in a calendar year.

**Zoning Approval.** Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

**Zoning Hearing Board.** A Board appointed by the governing body of the City of Monongahela to examine and decide appeals for relief from strict conformance of application of this Chapter and to hear testimony regarding the validity of any regulations upon development in the City or regarding challenges to the decisions of the Zoning Officer.

**Zoning Map.** The City of Monongahela Zoning Map together with all amendments subsequently adopted.

**Zoning Officer.** The person appointed by the governing body of the City of Monongahela having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this ordinance and such other ordinances that may be assigned by the governing body.

## ARTICLE III – DISTRICT OVERVIEW

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### **§ 300. Purpose.**

**§ 300.1** The purpose of this Article is to establish and to identify the following general guidelines for all zoning districts.

### **§ 301. Classification of Districts.**

**§ 301.1** For the purposes of this Ordinance, the City of Monongahela is divided into the following zoning and overlay districts, which are shown by the district boundaries on the Official Zoning Map. If, and whenever, changes are made to boundaries or other matter included on the said Zoning District Map, such changes to the Map shall be made within thirty (30) days after each amendment has been approved by the Council.

- (A) Single-Family Residential District (R-1)
- (B) Multi-Family Residential District (R-2)
- (C) Central Business District (C-1)
- (D) Highway Commercial District (C-2)
- (E) Mixed Use Residential/Commercial District (MU)
- (F) Riverfront District (RD)
- (G) Light Industrial District (I-1)
- (H) Heavy Industrial District (I-2)

### **§ 302. Zoning Map.**

**§ 302.1** The boundaries of said districts shall be as shown upon Map 3.1 and made a part of this Ordinance, which shall be designated the “Official Zoning Map of the City of Monongahela.” Said map and all notations, references, and other features shown thereon shall be made a part of this Chapter as if the matters and features shown by said map were all fully described herein.

**§ 303. District Boundaries.**

**§ 303.1** Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

**§ 303.2** The district boundaries are the property lines and/or street lines, unless otherwise shown.

**§ 303.3** When a district boundary line passes through a parcel of land with no indication of distance, the scale of the map shall determine the location of such line.

**§ 304. R-1: Single Family Residential District**

**§ 304.1 Intent.** The intent of the R-1: Single-Family Residential District is to provide for low to medium density single family residential development while allowing for community facilities and agricultural activities consistent with state requirements.

**§ 304.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 304.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Bus/other transit shelter
- (2) Dwelling, Single-family detached
- (3) Education institution
- (4) Forestry
- (5) Library
- (6) Municipal use, excluding landfill/dump
- (7) Park
- (8) Place of worship/religious institution
- (9) Signs, subject to the provisions of Article VI of this Ordinance
- (10) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a) Greenhouse (private)
  - (b) Home--based business, no impact
  - (c) Private garage
  - (d) Solar energy equipment
  - (e) Swimming pools
  - (f) Wind energy equipment (Small wind facilities)

**(B) Special Exception Uses.** Any of the following purposes when authorized as a special exception, provided they meet the parameters set forth in Article V of this Ordinance:

- (1)** Agricultural operations
- (2)** Cemetery/mausoleum
- (3)** Child day care facility
- (4)** Communications antenna
- (5)** Communications equipment building
- (6)** Communications tower
- (7)** Equestrian facility
- (8)** Fairground
- (9)** Group care facility
- (10)** Group home
- (11)** Group quarters
- (12)** Kennel
- (13)** Public utility facility/structure
- (14)** Recreation, private/public
- (15)** Tea room
- (16)** Winery
- (17)** Accessory use on the same lot and customarily incidental to any of the foregoing permitted uses, including:
  - (a)** Community garage
  - (b)** Home occupation
  - (c)** In-law apartment

(C) **Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Airport (includes landing strip)
- (2) Bed and breakfast inn
- (3) Concentrated Animal Operation/Concentrated Animal Feeding Operation (CAO/CAFO)
- (4) Extractive Industry (Oil and Gas Wells)
- (5) Mobile home park
- (6) Wind turbines

**§ 304.4 Dimensional Regulations.**

(A) **Minimum Lot Area.**

- (1) Agricultural operations: Ten (10) acres
- (2) Single-family detached dwelling: 3,000 square feet, with sewage; two (2) acres without sewage
- (3) All other uses: 20,000 square feet

(B) **Minimum Lot Width.**

- (1) Agricultural operations: 150 feet
- (2) Single-family detached dwelling: 30 feet
- (3) All other uses: 150 feet

(C) **Minimum Front Yard Setback.** 10 feet or the average of the two immediately adjacent properties

(D) **Minimum Side Yards Setback.**

- (1) In the case of a detached dwelling or other permitted uses there shall be two (2) side yards, the aggregate of which shall be not less than ten (10') feet and neither side yard shall be less than five (5) feet.

(E) **Minimum Rear Yard Setback.**

- (1) Principal structures: 20 feet
- (2) Accessory structures: 5 feet

**(F) Maximum Building Coverage.**

- (1) Agricultural operations: 20 percent
- (2) Single-family detached dwelling: 70 percent

**(G) Maximum Building Height.** The maximum height of buildings and other structures erected or enlarged in this district shall be as herein described:

- (1) For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2 1/2) stories.
- (2) For any building accessory to any dwelling, twenty-five (25) feet, not exceeding two (2) stories.
- (3) For any other non-dwelling building or other structure, thirty-five (35') feet, except that such height may be increased to a maximum of sixty-five feet (65) or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, chimneys, and radio or TV antenna.

**§ 305. R-2: Multi-Family Residential District**

**§ 305.1 Intent.** The intent of the R-2: Multi-Family Residential District is to provide for multi-family residential development in close proximity to the downtown business district and encourage a mixture of housing types.

**§ 305.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 305.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Assisted living facility
- (2) Bed and breakfast inn
- (3) Boarding house
- (4) Bus/other transit shelter
- (5) Dwelling, Multi-family – Duplex
- (6) Dwelling, Multi-family – Conversion apartments
- (7) Dwelling, Multi-family – Garden Apartments
- (8) Dwelling, Multi-family – Mid-rise apartment
- (9) Dwelling, Single-family detached
- (10) Dwelling, Single-family attached
- (11) Educational institution
- (12) Forestry
- (13) Library
- (14) Municipal use (excepting landfills/dump)
- (15) Park
- (16) Place of worship/religious institution
- (17) Signs, subject to the provisions of Article VI of this Ordinance
- (18) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a) Community garage
  - (b) Greenhouse, private
  - (c) Home-based business, no impact

- (d) Private garage
- (e) Solar energy equipment
- (f) Swimming pools
- (g) Wind energy equipment (Small wind facility)

(B) **Special Exception Uses.** Any of the following purposes when authorized as a special exception, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Child day care facility
- (2) Continuing care facility
- (3) Family care facility
- (4) Group care facility
- (5) Group home
- (6) Group quarters
- (7) Independent living facility
- (8) Institutional home
- (9) Nursing home
- (10) Personal care facility
- (11) Private club
- (12) Public utility facility/structure
- (13) Recreation, private/public
- (14) Tea room
- (15) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including Home occupation.

**§ 305.4 Dimensional Regulations.**

- (A) **Minimum Lot Area.** 2,400 square feet
- (B) **Minimum Lot Width.** 25 feet
- (C) **Minimum Front Yard Setback.** Five (5) feet or the average of the two (2) immediately adjacent lots

**(D) Minimum Side Yard Setback.**

- (1) In the case of a detached dwelling or other permitted uses there shall be two (2) side yards, the aggregate of which shall be not less than ten (10') feet and neither side yard shall be less than five (5) feet.

**(E) Minimum Rear Yard Setback.**

- (1) Principal structures: 15 feet
- (2) Accessory uses: 5 feet

**(F) Maximum Building Coverage.** 80 percent

**(G) Maximum Building Height.** The maximum height of buildings and other structures erected or enlarged in this district shall be as herein described:

- (1) For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2 ½) stories.
- (2) For any building accessory to any dwelling use, twenty-five (25) feet, not exceeding two (2) stories.
- (3) For any other non-dwelling building or other structure, thirty-five (35') feet, except that such height may be increased to a maximum of sixty-five (65) feet or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, chimneys, and radio or TV antenna.

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**§ 306. C-1: Central Business District.**

**§ 306.1 Intent.** The intent of the C-1: Central Business District is to provide a main street environment through concentrated retail, commercial, office, personal services, and limited residential uses.

**§ 306.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 306.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Bank/financial institution
- (2) Bed and breakfast inn
- (3) Boarding house
- (4) Broadcasting studio (radio/television)
- (5) Bus/other transit shelter
- (6) Business services/school
- (7) Child day care facility
- (8) Clinic
- (9) Community facility
- (10) Cultural service
- (11) Dwelling, Multi-family – Mid-rise apartment
- (12) Dwelling, Multi-family – Residence over business
- (13) Educational institution
- (14) Emergency services
- (15) Farmer’s market/fruit and vegetable stand
- (16) Food service establishments, including:
  - (a) Bakery
  - (b) Brewery pub
  - (c) Catering business
  - (d) Coffee house/Internet café
  - (e) Restaurant (Carry-out/sit-down)
  - (f) Tavern/drinking establishment

- (g)** Tea room
- (17)** Forestry
- (18)** Funeral home/mortuary
- (19)** Laundromat
- (20)** Library
- (21)** Municipal use (excluding landfill/dump)
- (22)** Office
- (23)** Park
- (24)** Parking lot
- (25)** Photographic studio
- (26)** Place of public assembly
- (27)** Places of worship/religious institution
- (28)** Private club
- (29)** Recreation, private/public
- (30)** Retail stores < 7,000 square feet, including but not limited to:
  - (a)** Convenience store
  - (b)** Personal service shop, including but not limited to:
    - (i)** Barber/beauty salon
    - (ii)** Dressmaker/seamstress/tailor
    - (iii)** Dry cleaner
    - (iv)** Massage therapy business
    - (v)** Shoe repair
    - (vi)** Similarly suited uses that offer commercial or personal services (excluding adult-oriented establishment as defined in Article II: Definitions, herein) at the discretion of the City
  - (c)** Pet shop
  - (d)** Pharmacy
  - (e)** Tattoo parlor
  - (f)** Similarly suited uses for sale of retail goods at the discretion of the City
- (31)** Studio, dancing or music

- (32) Theater
- (33) Vehicle sales/rental facility
- (34) Veterinary office
- (35) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a) Crematorium
  - (b) Home-based business (no-impact)
  - (c) Home occupation
  - (d) Pet crematorium
  - (e) Solar energy equipment

(B) **Special Exception Uses.** Any of the following purposes when authorized as a special exception, provided they meet the parameters set forth in Article V: Supplemental Regulations of this Ordinance:

- (1) Hotel/motel
- (2) Night club

(C) **Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V: Supplemental Regulations of this Ordinance:

- (1) Retail stores 7,000 to 25,000 square feet for the sale of goods and services (see §306.3 (A) (30), above)

**§ 306.4 Development Standards.**

(A) **Minimum Lot Size:** 2,400 square feet

(B) **Minimum Lot Width:** 20 feet.

(C) **Front Yard Setback:** There is no minimum front yard setback required. All buildings shall be built to the property line or, with approval by the Planning Commission, within four (4) feet of the front yard setback of the immediately adjacent properties.

(D) **Side Yard Setback:** There is no minimum side yard setback required. For corner properties, the front yard shall face Main Street and the side yard setback shall be within four (4) feet of the front yard setback of the immediately adjacent property on the side street.

(E) **Rear Yard Setback:** 10 feet.

(F) **Maximum Building Coverage:** 95 percent, provided all off-street parking requirements are met or the property is utilizing the off-street parking exemption provided for in 410.3.

(G) **Maximum Building Height:**

(1) Principal structures: 50 feet or four (4) stories.

(2) Accessory structures: 25 feet or two (2) stories.

**§ 306.5 General Design Guidelines.** The following are general requirements that are strongly encouraged for all properties in the C-1 Central Business District.

(A) **Parking and Access.**

(1) General Surface Parking Standards

(a) Vehicular access to surface parking should be from an alley or side street where possible.

(b) Safe provisions for pedestrian access to and through a parking lot should be required. Surface parking areas and pedestrian walkways connecting to them should be well-lit, in accordance with the IES Lighting Handbook, 4th Edition, Illumination Engineering Society, New York.

(c) The entirety of the driveway surfaces must be paved from the curb line to the off-street parking areas.

(2) Location of Parking

(a) Surface parking should be located to the rear of the principal building or to the side (parking should not be located between a building and the street). Parking should be set back ten (10) feet from the ultimate right-of-way.

(b) Off-street surface parking should not extend more than seventy (70) feet in width along any pedestrian street frontage without an outdoor dining area, urban garden, plaza, square, courtyard, or landscaping feature with seating.

(3) Interconnected Parking Areas

(a) Parking areas on abutting nonresidential lots should be interconnected by access driveways.

(b) Each nonresidential lot should provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections

should be logically placed and easily identifiable to ensure convenient traffic flow.

**(B) Refuse Areas.** The storage of refuse should be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building should be designed to be architecturally compatible with the building(s), should not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least six (6) feet high and not more than eight (8) feet in conjunction with landscape materials.

**(1)** Exceptions to this rule are permitted provided the applicant can demonstrate that there are significant site restrictions which prohibit compliance with the above; however, in no instance is refuse or waste permitted to be stored outdoors unscreened or in the public right-of-way for longer than a period of one (1) month at a time.

**(C) Screening.** All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes should be screened from public view by parapets, walls, fences, landscaping, or other approved means.

**(1)** All rooftop mechanical equipment and other appurtenances should be concealed by or integrated with the roofline, or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment.

**(D) Outdoor Dining Requirements.** The following should apply when any restaurant or food establishment elects to use outdoor dining outside the bounds of their lot or parcel and in a public right-of-way such as a street or sidewalk:

**(1)** Outdoor furnishings are limited to tables, chairs, and umbrellas.

**(2)** Outdoor furniture should be stored inside the restaurant when not in use.

**(3)** Planters, posts with ropes, or other removable enclosures as approved by governing body, as well as a reservation podium should be used as a way of defining the area occupied by the café, provided such enclosures are no more than four (4) feet in height.

**(4)** Refuse facilities should be provided.

- (5) Advertising or promotional features should be limited to umbrellas and canopies, except as provided for in Article VI, Signs.
- (6) Outdoor dining cannot impede pedestrian traffic flow.
- (7) These parameters do not apply in cases where the restaurant or food establishment has outdoor dining within the bounds of their lot.

**(E) Sustainable Design Standards.**

- (1) Buildings should have a principal functional entry with a front façade facing a public space such as a street, square, park, or plaza.
- (2) Street frontages should strive to achieve a minimum building-height-to-street-width proportions of 1:3.
- (3) Structures should be oriented wherever practical to take advantage of solar orientation. This may include building orientation/configuration to use passive and active solar energy, natural ventilation and other passive heating and cooling strategies, the location of parking areas to the north side of buildings to enable partial shading of pavement, the incorporation of landscape features to optimize passive heating and cooling effects, etc.
- (4) Residential new construction or substantial renovation projects (residential buildings 3 stories or lower) are encouraged to be certified under LEED or Enterprise Green Communities rating systems. At a minimum, they should qualify as Energy Star homes, and have plumbing fixtures that meet EPA WaterSense standards.
- (5) Commercial and institutional new construction or substantial renovation projects are encouraged to be certified under the appropriate LEED rating system (New Construction, Hospitals, Schools etc.). Multifamily buildings may be certified under either LEED or Enterprise Green Communities.
- (6) Roofing materials are encouraged to be Energy Star compliant or a vegetated roof is encouraged to be over at least 50% of the roof area.
- (7) Heat Island Effect, Paving, and Parking.
  - (a) The minimum off-street parking requirement for various uses should be waived or reduced from the requirements of §410, herein, so long as the project is supported by

availability of shared parking, on-street parking and/or alternative transportation options including public transportation, car sharing, and bicycle facilities.

- (b)** Secure bicycle parking should be provided for 15% of residential units for multifamily and mixed-use buildings and 5% of full-time equivalent employees for commercial and institutional buildings.
  - (c)** To reduce the heat island effect, structures and/or sites are encouraged to provide any combination of the following strategies for at least 50% of the hardscape area (including roads, sidewalks, courtyards and parking lots):
  - (d)** Shade (within 5 years of occupancy) – either through roof overhangs with a Solar Reflectance Index (SRI) of 29 or greater, or through shade trees. For surface parking lots, an alternate compliance path is to plant one tree for every 10 parking spaces.
  - (e)** Paving materials with a SRI of at least 29.
  - (f)** An open-grid or permeable pavement system (which achieves the secondary benefit of facilitating on-site infiltration of stormwater).
- (8)** Use of Recycled Materials.
- (a)** Applicants are encouraged to use materials for new infrastructure such that the sum of postconsumer recycled content, in-place reclaimed materials, and one-half of the preconsumer recycled content constitutes at least 50% of the total mass of infrastructure materials.
  - (b)** Applicable infrastructure items include:
    - (i)** Roadways, parking lots, sidewalks, unit paving, and curbs.
    - (ii)** Water retention tanks and vaults.
    - (iii)** Base and subbase materials for the above.
    - (iv)** Stormwater, sanitary sewer, steam energy distribution, and water piping.
    - (v)** Recycled content is defined in accordance with ISO/IEC 14021, Environmental labels and declaration, Self-declared environmental claims (Type II environmental labeling).

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**§ 307. C-2: Highway Commercial District.**

**§ 307.1 Intent.** The intent of the C-2: Highway Commercial District is to provide for the general commercial needs of the community on lots served by major roads to minimize the traffic impact on neighborhoods and accommodate more vehicle-oriented commercial uses.

**§ 307.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 307.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Bank/financial institution
- (2) Bed and breakfast inn
- (3) Broadcasting studio (radio/television)
- (4) Bus/other transit shelter
- (5) Business services/school
- (6) Car wash
- (7) Child day care facility
- (8) Clinic
- (9) Community facility
- (10) Cultural service
- (11) Dwelling, Multi-family – Residence over business
- (12) Educational institution
- (13) Emergency services
- (14) Equipment rental/repair
- (15) Farmer’s market/fruit and vegetable stand
- (16) Flea market
- (17) Food service establishments, including:
  - (a) Bakery
  - (b) Brewery pub
  - (c) Catering business
  - (d) Coffee house/Internet café



(vi) Similarly suited uses that offer commercial or personal services (excluding adult-oriented establishment as defined in Article II: Definitions, herein) at the discretion of the City

(c) Pet shop

(d) Pharmacy

(e) Tattoo parlor

(f) Similarly suited uses for sale of retail goods at the discretion of the City

(37) Studio, dancing or music

(38) Telephone exchange building

(39) Theater

(40) Transportation services

(41) Vehicle sales/rental facility

(42) Veterinary office

(43) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:

(a) Crematorium

(b) Drive-thru facility

(c) Home-based business (no-impact)

(d) Pet crematorium

(e) Solar energy equipment

**(B) Special Exception Uses.** Any of the following purposes when authorized as a special exception, provided they meet the parameters set forth in Article V of this Ordinance:

(1) Amusement and recreation center (indoor/outdoor)

(2) Continuing care facility

(3) Night club

**(C) Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

(1) Retail stores over 25,000 square feet for the sale of goods and services (see §307.3 (A) (36), above)

**§ 307.4 Development Standards.**

- (A) **Minimum Lot Size:** 5,000 square feet.
- (B) **Minimum Lot Width:** 25 feet.
- (C) **Front Yard Setback:** 10 feet or the average of the two immediately adjacent lots
- (D) **Side Yard Setback:** 5 feet minimum. If there is only one side yard, it shall be a minimum of 10 feet.
- (E) **Rear Yard Setback:** 10 feet.
- (F) **Maximum Building Coverage:** 85 percent (provided all off-street parking requirements are met or the property is utilizing the off-street parking exemption provided in 410).
- (G) **Maximum Building Height:**
  - (1) Principal structures: 40 feet or three (3) stories
  - (2) Accessory structures: 25 feet or two (2) stories

**§ 308. MU: Mixed Use Residential/Commercial District.**

**§ 308.1 Intent.** The intent of the MU: Mixed Use Residential/Commercial District is to provide for an appropriate mix of compatible residential, commercial, and professional offices and serve as a transitional area between commercial and residential neighborhoods.

**§ 308.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 308.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Animal hospital
- (2) Assisted living facility
- (3) Bank/financial institution
- (4) Bed and breakfast inn
- (5) Boarding house
- (6) Bus/other transit shelter
- (7) Car wash
- (8) Child day care facility
- (9) Clinic
- (10) Community facility
- (11) Cultural service
- (12) Docks, public and private
- (13) Dwelling, Multi-family – Duplex
- (14) Dwelling, Multi-family – Conversion apartments
- (15) Dwelling, Multi-family – Garden apartment
- (16) Dwelling, Multi-family – Mid-rise apartment
- (17) Dwelling, Multi-family – Residence over business
- (18) Dwelling, Single-family detached
- (19) Dwelling, Single-family attached
- (20) Educational institution
- (21) Emergency services

- (22)** Equipment rental/repair
- (23)** Farmer's market/fruit and vegetable stand
- (24)** Fishing piers
- (25)** Food service establishments, including:
  - (a)** Bakery
  - (b)** Brewery pub
  - (c)** Catering business
  - (d)** Coffee house/Internet café
  - (e)** Restaurant (Carry-out/sit-down)
  - (f)** Tavern/drinking establishment
  - (g)** Tea room
- (26)** Forestry
- (27)** Funeral home/mortuary
- (28)** Helipad
- (29)** Health club
- (30)** Hotel/motel
- (31)** Laundromat
- (32)** Library
- (33)** Marina
- (34)** Municipal use (excluding landfill/dump)
- (35)** Office
- (36)** Park
- (37)** Parking lot
- (38)** Photographic studio
- (39)** Place of public assembly
- (40)** Places of worship/religious institution
- (41)** Private club
- (42)** Recreation, private/public
- (43)** Retail stores < 7,000 square feet, including but not limited to:
  - (a)** Convenience store
  - (b)** Personal service shop, including but not limited to:

- (i) Barber/beauty salon
  - (ii) Dressmaker/seamstress/tailor
  - (iii) Dry cleaner
  - (iv) Massage therapy business
  - (v) Shoe repair
  - (vi) Similarly suited uses that offer commercial or personal services (excluding adult-oriented establishment as defined in Article II: Definitions, herein) at the discretion of the City
- (c) Pet shop
  - (d) Pharmacy
  - (e) Tattoo parlor
  - (f) Similarly suited uses for sale of retail goods at the discretion of the City
- (44) Studio, dancing or music
  - (45) Temporary shelter
  - (46) Vehicle sales/rental facility
  - (47) Veterinary office
  - (48) Winery
  - (49) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
    - (a) Community garage
    - (b) Crematorium
    - (c) Greenhouse (private)
    - (d) Home-based business (no-impact)
    - (e) Pet crematorium
    - (f) Private garage
    - (g) Solar energy equipment
    - (h) Swimming pools
    - (i) Wind energy equipment (Small wind facilities)

**(B) Special Exception Uses.** Any of the following purposes when authorized as a special exception use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Continuing care facility
- (2) Dwelling, Multi-family – High-rise apartment
- (3) Fairground
- (4) Family care facility
- (5) Flea market
- (6) Gasoline service station
- (7) Greenhouse, commercial
- (8) Group care facility
- (9) Group home
- (10) Group quarters
- (11) Independent living facility
- (12) Institutional home
- (13) Kennel
- (14) Nursing home
- (15) Parking structure
- (16) Personal care facility
- (17) Vehicle repair/service station
- (18) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a) Drive-thru facility
  - (b) Home occupation

**(C) Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Extractive Industry (Oil and Gas Wells)
- (2) Retail stores 7,000 to 25,000 square feet for the sale of goods and services (see §308.3 (A) (43), above)
- (3) Shopping center

**§ 308.4 Development Standards.**

(A) **Minimum Lot Size.** 3,000 square feet

(B) **Minimum Lot Width.** 30 feet

(C) **Front Yard Setback.**

(1) Single – family detached residential: 10 feet but no greater than within four (4) feet of the average of the two immediately adjacent lots

(2) All others: 5 feet but no greater than within four (4) feet of the average of the two immediately adjacent lots

(D) **Side Yard Setback.** 5 feet minimum. If there is only one side yard, it shall be a minimum of 10 feet.

(E) **Rear Yard Setback.**

(1) Principal structures: 15 feet

(2) Accessory structures: 10 feet

(F) **Maximum Building Coverage.** 95 percent (provided all off-street parking requirements are met or the property is utilizing the off-street parking exemption provided in 410).

(G) **Maximum Building Height.**

(1) Principal structures: 40 feet or three stories.

(2) Accessory structures: 25 feet.

**§ 308.5 General Design Guidelines.** The following are general requirements that are strongly encouraged for all nonresidential properties in MU Mixed Use District.

(A) **Parking and Access.**

(1) General Surface Parking Standards

(a) Vehicular access to surface parking should be from an alley or side street where possible.

(b) Safe provisions for pedestrian access to and through a parking lot should be required. Surface parking areas and pedestrian walkways connecting to them should be well-lit, in accordance with the IES Lighting Handbook, 4th Edition, Illumination Engineering Society, New York.

- (c) The entirety of the driveway surfaces must be paved from the curb line to the off-street parking areas.

**(2) Location of Parking**

- (a) Surface parking should be located to the rear of the principal building or to the side (parking should not be located between a building and the street). Parking should be set back ten (10) feet from the ultimate right-of-way.
- (b) If off-street surface parking extends seventy (70) feet in width or more along a sidewalk, the parking lot should contain at least one (1) urban garden, plaza, square, courtyard, or landscaping feature with seating.

**(3) Interconnected Parking Areas**

- (a) Parking areas on abutting nonresidential lots should be interconnected by access driveways.
- (b) Each nonresidential lot should provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections should be logically placed and easily identifiable to ensure convenient traffic flow.

**(B) Refuse Areas.** The storage of refuse should be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building should be designed to be architecturally compatible with the building(s), should not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least six (6) feet high and not more than eight (8) feet in conjunction with landscape materials.

- (1) Exceptions to this rule are permitted provided the applicant can demonstrate that there are significant site restrictions which prohibit compliance with the above; however, in no instance is refuse or waste permitted to be stored outdoors unscreened or in the public right-of-way for longer than a period of one (1) month at a time.

**(C) Screening.** All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes should be screened from public view by parapets, walls, fences, landscaping, or other approved means.

- (1) All rooftop mechanical equipment and other appurtenances should be concealed by or integrated with the roofline, or

screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment.

**(D) Outdoor Dining Requirements.** The following should apply when any restaurant or food establishment elects to use outdoor dining outside the bounds of their lot or parcel and in a public right-of-way such as a street or sidewalk:

- (1) Outdoor furnishings are limited to tables, chairs, and umbrellas.
- (2) Outdoor furniture should be stored inside the restaurant when not in use.
- (3) Planters, posts with ropes, or other removable enclosures as approved by governing body, as well as a reservation podium should be used as a way of defining the area occupied by the café, provided such enclosures are no more than four (4) feet in height.
- (4) Refuse facilities should be provided.
- (5) Advertising or promotional features should be limited to umbrellas and canopies, except as provided for in Article VI, Signs.
- (6) Outdoor dining cannot impede pedestrian traffic flow.
- (7) These parameters do not apply in cases where the restaurant or food establishment has outdoor dining within the bounds of their lot.

**(E) Sustainable Design Standards.**

- (1) Buildings should have a principal functional entry with a front façade facing a public space such as a street, square, park, or plaza.
- (2) Street frontages should strive to achieve a minimum building-height-to-street-width proportions of 1:3.
- (3) Structures should be oriented wherever practical to take advantage of solar orientation. This may include building orientation/configuration to use passive and active solar energy, natural ventilation and other passive heating and cooling strategies, the location of parking areas to the north side of buildings to enable partial shading of pavement, the incorporation of landscape features to optimize passive heating and cooling effects, etc.

- (4) Single-family, two-family and townhouse new construction or substantial renovation projects (residential buildings 3 stories or lower) are encouraged to be certified under LEED or Enterprise Green Communities rating systems. At a minimum, they should qualify as Energy Star homes, and have plumbing fixtures that meet EPA WaterSense standards.
- (5) Commercial and institutional new construction or substantial renovation projects are encouraged to be certified under the appropriate LEED rating system (New Construction, Hospitals, Schools etc.). Multifamily buildings may be certified under either LEED or Enterprise Green Communities.
- (6) Roofing materials are encouraged to be Energy Star compliant or a vegetated roof is encouraged to be over at least 50% of the roof area.
- (7) Heat Island Effect, Paving, and Parking.

  - (a) The minimum off-street parking requirement for various uses should be waived or reduced from the requirements of §410, herein, so long as the project is supported by availability of shared parking, on-street parking and/or alternative transportation options including public transportation, car sharing, and bicycle facilities.
  - (b) Secure bicycle parking should be provided for 15% of residential units for multifamily and mixed-use buildings and 5% of full-time equivalent employees for commercial and institutional buildings.
  - (c) To reduce the heat island effect, structures and/or sites are encouraged to provide any combination of the following strategies for at least 50% of the hardscape area (including roads, sidewalks, courtyards and parking lots):
  - (d) Shade (within 5 years of occupancy) – either through roof overhangs with a Solar Reflectance Index (SRI) of 29 or greater, or through shade trees. For surface parking lots, an alternate compliance path is to plant one tree for every 10 parking spaces.
  - (e) Paving materials with a SRI of at least 29
  - (f) An open-grid or permeable pavement system (which achieves the secondary benefit of facilitating on-site infiltration of stormwater)

**(8) Use of Recycled Materials.**

- (a)** Applicants are encouraged to use materials for new infrastructure such that the sum of postconsumer recycled content, in-place reclaimed materials, and one-half of the preconsumer recycled content constitutes at least 50% of the total mass of infrastructure materials.
- (b)** Applicable infrastructure items include:
  - (i)** Roadways, parking lots, sidewalks, unit paving, and curbs.
  - (ii)** Water retention tanks and vaults.
  - (iii)** Base and subbase materials for the above.
  - (iv)** Stormwater, sanitary sewer, steam energy distribution, and water piping.
  - (v)** Recycled content is defined in accordance with ISO/IEC 14021, Environmental labels and declaration, Self-declared environmental claims (Type II environmental labeling).

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**§ 309. RD: Riverfront District.**

**§ 309.1 Intent.** The intent of the RD: Riverfront Development District is to provide for a mixture of commercial, residential, recreation, and light industrial uses to capitalize upon the river by allowing the most flexibility:

**§ 309.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 309.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Amphitheater
- (2) Animal hospital
- (3) Assisted living facility
- (4) Bank/financial institution
- (5) Bed and breakfast inn
- (6) Boarding house
- (7) Boat and marine sales/service
- (8) Boat storage
- (9) Bottle club
- (10) Bus/other transit shelter
- (11) Campgrounds
- (12) Car wash
- (13) Clinic
- (14) Community facility
- (15) Cultural service
- (16) Docks, public and private
- (17) Dwelling, Multi-family – Duplex
- (18) Dwelling, Multi-family – Conversion Apartment
- (19) Dwelling, Multi-family – Garden Apartment
- (20) Dwelling, Multi-family – Mid-rise apartment
- (21) Dwelling, Multi-family – Residence over business

- (22)** Dwelling, Single-family detached
- (23)** Dwelling, Single-family attached
- (24)** Educational institution
- (25)** Farmer's market/fruit and vegetable stand
- (26)** Fishing piers
- (27)** Flea market
- (28)** Food service establishments, including:
  - (a)** Bakery
  - (b)** Brewery pub
  - (c)** Catering business
  - (d)** Coffee house/Internet café
  - (e)** Restaurant (Carry-out/sit-down)
  - (f)** Tavern/drinking establishment
  - (g)** Tea room
- (29)** Forestry
- (30)** Gasoline Service Station
- (31)** Greenhouse, Commercial
- (32)** Helipad
- (33)** Health club
- (34)** Hotel/motel
- (35)** Industrial park
- (36)** Library
- (37)** Marina
- (38)** Municipal use (excluding landfill/dump)
- (39)** Night club
- (40)** Office
- (41)** Park
- (42)** Parking lot
- (43)** Parking structure
- (44)** Photographic studio
- (45)** Place of public assembly

- (46)** Place of worship/religious institution
- (47)** Private club
- (48)** Recreation, private/public
- (49)** Retail stores up to 25,000 square feet, including but not limited to:
  - (a)** Convenience store
  - (b)** Personal service shop, including but not limited to:
    - (i)** Barber/beauty salon
    - (ii)** Dressmaker/seamstress/tailor
    - (iii)** Dry cleaner
    - (iv)** Massage therapy business
    - (v)** Shoe repair
    - (vi)** Similarly suited uses that offer commercial or personal services (excluding adult-oriented establishment as defined in Article II: Definitions, herein) at the discretion of the City
  - (c)** Pharmacy
  - (d)** Tattoo parlor
  - (e)** Similarly suited uses for sale of retail goods at the discretion of the City
- (50)** Studio, dancing or music
- (51)** Theater
- (52)** Theater, drive-in
- (53)** Utility substation
- (54)** Veterinary office
- (55)** Winery
- (56)** Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a)** Garage, private
  - (b)** Greenhouse, private
  - (c)** Home-based business (no-impact)
  - (d)** Home occupation
  - (e)** Solar energy equipment
  - (f)** Swimming pools

(g) Wind energy equipment (Small wind facilities)

(B) **Special Exception Uses.** Any of the following purposes when authorized as a special exception use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Amusement and recreation center, indoor and outdoor
- (2) Amusement park
- (3) Arena
- (4) Fairground
- (5) Race track
- (6) Sewage treatment facility
- (7) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including Drive-thru facility.

(C) **Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Retail stores over 25,000 square feet for the sale of goods and services (see §309.3 (A) (47), above)
- (2) Shopping center

**§ 309.4 Development Standards.**

(A) **Minimum Lot Size:** 6,000 square feet.

(B) **Minimum Lot Width:** 25 feet.

(C) **Front Yard Setback:** 10 feet

(D) **Side Yard Setback:** Sides where there is no shared common wall: 5 feet on each side

(E) **Rear Yard Setback:** 10 feet.

(F) **Maximum Building Coverage:** 85 percent (provided all off-street parking requirements are met or the property is utilizing the off-street parking exemption provided in 410).

**(G) Maximum Dwelling Unit Density:**

- (1) Single-family attached dwellings (townhouses): 12 units per acre for townhouses
- (2) Multi-family dwellings (except for high-rise apartments): 24 units per acre

**(H) Maximum Building Height:**

- (1) Principal structures 40 feet or 3 stories
- (2) Accessory structures: 25 feet or 2 stories

**§ 309.5 Riverfront District Design Standards.** The following standards are strongly encouraged to be used as general parameters and a guide for future land uses in the Riverfront District.

**(A) Automobile Access and Circulation.**

- (1) Vehicle circulation on-site should be clearly organized to facilitate movement into and throughout parking areas. Parking drives lanes and intersections should align wherever practical.
- (2) Service access areas should be located to the side or rear of buildings, outside of view from public rights-of-ways, including, the Monongahela River waterfront. Buildings within a development should share service areas to the extent practical.
- (3) Contiguous developments should be encouraged to combine access points to minimize curb cuts and to provide connections between adjacent development sites.
- (4) Circulation and parking for service areas should be designed to minimize disruption to the flow of vehicular and pedestrian

**(B) Orientation of Buildings.**

- (1) Orient primary structures towards the Monongahela River and the primary street to compliment existing adjacent development and to create a coordinated and visually attractive pedestrian environment. When feasible, structures should have two “fronts,” i.e., two visually appealing and pedestrian-friendly facades that open to both the river and the public right-of-way.
- (2) Align the building front facade with adjacent buildings to promote visual continuity parallel to the street edge and river

side of the site in order to create a sense of vitality for pedestrian activity.

**(C) Building Design and Character.**

- (1)** Building mass, form, length, and proportions should be designed to provide a variety of visual interest, while maintaining a human scale that is appropriate to its surroundings.
- (2)** Buildings should be designed to relate directly to and reinforce the pedestrian scale and quality of the Monongahela River and the street. The following techniques may be used to meet this objective:
  - (a)** Shifts in building massing, variations in height, profile and roof form that provide human scale while maintaining a consistent relationship of the overall building form to the street edge as well as the river;
  - (b)** Provide large areas of glass at both the street level and the river side of the building to display the goods and services offered inside (if applicable to the proposed use) as permitted by floodplain management design issues;
  - (c)** Be “double-sided,” providing entry from both the Monongahela River side and the street side of the site;
  - (d)** Buildings should be designed in a manner and constructed of materials that are compatible and complementary to the surrounding buildings in the Riverfront District, and should contain a combination of materials.

**(D) Walls and Windows**

- (1)** Buildings should incorporate a variety of architectural elements that avoid featureless design and uninterrupted repetition of building materials.
- (2)** At least 50 percent of the primary pedestrian portion (“base” level of the building facing a pedestrian walkway, non-service area) of the building should be of transparent materials to differentiate the pedestrian area from the remainder of the building and to create an inviting pedestrian area as permitted by floodplain management design issues.

- (3) The use of mirrored or reflective glass should be prohibited. Clear glass should be used for windows. Tinted, colored or opaque glass may be approved on a case-by-case basis when shown by the applicant to be compatible with the purpose of the Riverfront District.

**(E) Roofs and Architectural Rhythm**

- (1) Developments should strive to create visual continuity by designing buildings to exhibit height and massing complementary to adjacent, conforming buildings.
- (2) Roof forms should contribute to the overall image of high quality and permanence, and should be used to screen roof top equipment where possible.
- (3) The building roof pitch, its materials, size and orientation should contribute to the overall character of the building.
- (4) Flat roofs are discouraged. When allowed, on a case by case basis, parapets should be used to screen flat roofs and should be designed as an architectural feature.

**(F) Landscaping**

- (1) Using only native plants, developers are encouraged to restore the pre-existing vegetation, water bodies, or wetlands on the project site in an area equal to or greater than ten percent (10%) of the development footprint.

**Figure 3-1: Examples of Riverfront Design Guidelines**



*Morgantown, West Virginia Wharf District  
(Image credit: City of Morgantown)*



*Morgantown, West Virginia Wharf District  
(Image credit: City of Morgantown)*



*Morgantown, West Virginia Wharf District  
(Image credit: City of Morgantown)*

**§ 310. I-1: Light Industrial District.**

**§ 310.1 Intent.** The intent of the I-1: Light Industrial District is to provide for an integrated and cohesive mixture of commercial and light industrial uses that produce no appreciable negative impact to adjacent properties:

**§ 310.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 310.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Animal Hospital
- (2) Bank/financial institution
- (3) Boat and marine sales/service
- (4) Boat storage
- (5) Broadcasting studio (radio/television)
- (6) Bus and transit facilities
- (7) Bus/other transit shelter
- (8) Business services/school
- (9) Car wash
- (10) Child day care facility
- (11) Clinic
- (12) Community facility
- (13) Docks, public and private
- (14) Educational institution
- (15) Emergency services
- (16) Farm equipment supply and sales
- (17) Farmer's market/fruit and vegetable stand
- (18) Fishing piers
- (19) Flea market
- (20) Forestry

- (21)** Food service establishments, including:
  - (a)** Bakery
  - (b)** Catering business
  - (c)** Restaurant (Carry-out/sit-down)
- (22)** Freight terminal
- (23)** Funeral home/mortuary
- (24)** Gasoline service station
- (25)** Greenhouse, commercial
- (26)** Health club
- (27)** Industrial park
- (28)** Kennel
- (29)** Light manufacturing uses, including but not limited to:
  - (a)** Building material facility
  - (b)** Distribution facility
  - (c)** Equipment rental/repair
  - (d)** Laboratory
  - (e)** Parcel delivery facility
  - (f)** Research and development
  - (g)** Self-storage facility
  - (h)** Transportation services
  - (i)** Wholesale establishment
  - (j)** Similarly suited uses at the discretion of the City
- (30)** Marina
- (31)** Medical center
- (32)** Municipal use (excluding landfill/dump)
- (33)** Nursery
- (34)** Office
- (35)** Parking lot
- (36)** Places of worship/religious institutions
- (37)** Recreation, public

- (38)** Retail stores up to 25,000 square feet, including but not limited to:
  - (a)** Convenience store
  - (b)** Garden center
  - (c)** Personal service shop, including but not limited to:
    - (i)** Barber/beauty salon
    - (ii)** Dressmaker/seamstress/tailor
    - (iii)** Dry cleaner
    - (iv)** Massage therapy business
    - (v)** Shoe repair
    - (vi)** Similarly suited uses that offer commercial or personal services (excluding adult-oriented establishment as defined in Article II: Definitions, herein) at the discretion of the City
- (39)** Sewage treatment facility
- (40)** Shopping center
- (41)** Telephone exchange building
- (42)** Theater, drive- in
- (43)** Utility substation
- (44)** Vehicle repair/service station
- (45)** Vehicle sales/rental facility
- (46)** Veterinary office
- (47)** Winery
- (48)** Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a)** Drive-thru facility
  - (b)** Crematorium
  - (c)** Home-based business (no-impact)
  - (d)** Pet Crematorium
  - (e)** Solar energy equipment
  - (f)** Wind energy equipment (Small wind facilities)

(B) **Special Exception Uses.** Any of the following purposes when authorized as a special exception use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Communications antenna
- (2) Communications equipment building
- (3) Communications tower
- (4) Hospital
- (5) Mineral extraction
- (6) Public utility facility/structure
- (7) Race track
- (8) Stockyards

(C) **Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Extractive Industry (Oil and Gas Wells)
- (2) Retail stores over 25,000 square feet for the sale of goods and services (see §310.3 (A) (41), above)
- (3) Wind turbines

**§ 310.4 Development Standards.**

(A) **Minimum Lot Size:** 20,000 square feet.

(B) **Minimum Lot Width:** 100 feet.

(C) **Front Yard Setback:** 50 feet

(D) **Side Yard Setback:**

- (1) Adjoining an “R” residential District: 75 feet
- (2) All others: 40 feet

(E) **Rear Yard Setback:**

- (1) Adjoining an “R” residential District: 75 feet
- (2) All others: 40 feet

(F) **Maximum Building Coverage:** 50 percent.

(G) **Maximum Building Height:**

(1) Principal buildings: 40 feet or three (3) stories.

(2) Accessory buildings and structures: 25 feet.

**§ 310.5 General Requirements.**

(A) **Performance Standards.** All uses in the I-1 Light Industrial District shall comply with the Performance Standards set forth in addition to all applicable requirements regarding lighting, buffer yards and landscaping, and off-street parking, as set forth in Article IV, herein.

(B) **Refuse Areas.** The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least six (6) feet high and not more than eight (8) feet in conjunction with landscape materials.

(C) **Screening.** All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes should be screened from public view by parapets, walls, fences, landscaping, or other approved means.

(1) All rooftop mechanical equipment and other appurtenances should be concealed by or integrated with the roofline, or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment.

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**§ 311. I-2: Heavy Industrial District**

**§ 311.1 Intent.** The intent of the I-2 Heavy Industrial District is to provide for industry, manufacturing, processing, and related operations and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity.

**§ 311.2 Boundaries.** The boundaries of this District shall be as depicted on the Official City of Monongahela Zoning Map, as enacted and amended.

**§ 311.3 Use Regulations.**

**(A) Permitted Uses.** A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Bus and transit facilities
- (2) Bus/other transit shelter
- (3) Car wash
- (4) Docks, public and private
- (5) Emergency services
- (6) Farm equipment supply and sales
- (7) Forestry
- (8) Gasoline service station
- (9) Industrial park
- (10) Lumberyard
- (11) Light manufacturing, including but not limited to:
  - (a) Building material facility
  - (b) Distribution facility
  - (c) Equipment rental/repair
  - (d) Laboratory
  - (e) Parcel delivery facility
  - (f) Research and development
  - (g) Self-storage facility
  - (h) Transportation services
  - (i) Wholesale establishment
  - (j) Similarly suited uses at the discretion of the City

- (12)** Heavy manufacturing, including but not limited to:
  - (a)** Freight terminal
  - (b)** Incinerator
  - (c)** Junk yard
  - (d)** Salvage yard
  - (e)** Slaughter house
  - (f)** Truck terminal
  - (g)** Similarly suited uses at the discretion of the City
- (13)** Marina
- (14)** Municipal use
- (15)** Parking lot
- (16)** Recycling facility
- (17)** Resource recovery facility
- (18)** Sewage treatment facility
- (19)** Telephone exchange building
- (20)** Utility substation
- (21)** Vehicle repair/service station
- (22)** Vehicle sales/rental facility
- (23)** Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including:
  - (a)** Home-based business (no-impact)
  - (b)** Solar energy equipment
  - (c)** Wind energy equipment (Small wind facilities)

**(B) Special Exception Uses.** Any of the following purposes when authorized as a special exception use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Adult-oriented establishment
- (2) Bath house
- (3) Communications antenna
- (4) Communications equipment building
- (5) Communications tower
- (6) Methadone treatment facility
- (7) Mineral extraction
- (8) Public utility facility/structure
- (9) Solid waste disposal areas/facility (including landfill)
- (10) Stockyards

**(C) Conditional Uses.** Any of the following purposes when authorized as a conditional use, provided they meet the parameters set forth in Article V of this Ordinance:

- (1) Correctional facility
- (2) Extractive Industry (Oil and Gas Wells)
- (3) Wind turbines

**§ 311.4 Development Standards.**

**(A) Minimum Lot Size:** 40,000 square feet.

**(B) Minimum Lot Width:** 100 feet.

**(C) Front Yard Setback:** 50 feet

**(D) Side Yard Setback:**

- (1) Adjoining an “R” residential District: 75 feet
- (2) All others: 40 feet

**(E) Rear Yard Setback:**

- (1) Adjoining an “R” residential District: 75 feet
- (2) All others: 40 feet

**(F) Maximum Building Coverage:** 70 percent, provided all off-street parking requirements per §410 are met.

**(G) Maximum Building Height:**

- (1) Principal structures: 40 feet or three (3) stories.
- (2) Accessory structures: 25 feet.

**§ 311.5 General Requirements.**

**(A) Performance Standards.** All uses in the I-2 Heavy Industrial District shall comply with the Performance Standards set forth in addition to all applicable requirements regarding lighting, buffer yards and landscaping, and off-street parking, as set forth in Article IV, herein.

**(B) Refuse Areas.** The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least six (6) feet high and not more than eight (8) feet in conjunction with landscape materials.

**(C) Screening.** All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes should be screened from public view by parapets, walls, fences, landscaping, or other approved means.

- (1) All rooftop mechanical equipment and other appurtenances should be concealed by or integrated with the roofline, or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment.

**§ 312. Historic Main Street Design Standards.**

**§ 312.1 Intent.** The following are additional requirements that are strongly encouraged in order to preserve the historic character of Main Street in the City.

**§ 312.2 Boundaries.** The Historic Main Street Design Standards shall apply to all properties that front Main Street between First (1<sup>st</sup>) Street/Park Avenue and Twelfth (12th) Street within the City of Monongahela, as shown in Figure 3-2.

**§ 312.3 Building Design Standards.** Nonresidential buildings and multifamily buildings (garden apartments, mid-rises, and high-rises) should strive to meet the following requirements:

- (A) The front façade of buildings should be oriented towards Main Street, with a public entrance located on Main Street.
- (B) When buildings are located on corners, the entrance should be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. The governing body may allow front façades to face existing side streets, when these façades will extend an existing commercial district along this existing side street.
- (C) All primary building entrances should be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

**§ 312.4 Walls and Windows.**

- (A) Blank walls should not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided should have architectural treatments that are similar to the front façade, including materials, colors, and details.
- (B) Blank walls should only be permitted along any exterior wall facing an adjacent parcel that is undeveloped or vacant if the material is consistent and contextual with the existing surrounding structures (such as brick or decorative masonry).
- (C) The ground floor front façades of buildings fronting a street should consist of a minimum of thirty-five (35) percent window area and a maximum of seventy-five (75) percent, with views provided through these windows into the business.
- (D) Upper story windows of front façades should not be boarded or covered and should comprise a minimum of thirty-five (35) percent

window area in the façade above the ground floor and a maximum of seventy-five (75) percent.

(E) Mirrored glass in windows is prohibited.

**§ 312.5** **Roofs.**

(A) Roofs should be in keeping with the character of adjacent buildings.

(B) Roofs should be front to back orientation and roof should pitch to side property lines or adjacent building for drainage.

**§ 312.6** **Building Character.**

(A) New infill development should generally employ building types that are compatible to the architecture of the area in their massing and external treatment.

**§ 312.7** **Architectural Rhythm.**

(A) New infill development should also retain the architectural rhythm of building openings (including windows and entries) of the same block.

(B) New infill development should also attempt to maintain the horizontal rhythm of Main Street façades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm should be achieved by aligning the top, middle, and base floors.

**§ 312.8** **Massing.**

(A) Buildings should be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.

(B) Shop fronts may be broken down even further. Massing variations, such as a change in materials, a set of columns, different window sizes and/or placement, roofline changes, footprint variations, etc. every thirty (30) feet or less is preferred.

**§ 312.9 Building Re-Use.**

- (A) Existing habitable building stock should be re-used and should achieve the greater of the following two benchmarks (based on surface area):
- (1) Fifty percent (50%) of one existing building structure (including structural floor and roof decking) and envelope (including exterior skin and framing but excluding window assemblies and nonstructural roofing material).
  - (2) Twenty percent (20%) of the total existing building stock (including structure and envelope, as defined above). Hazardous materials that are remediated as a part of the project scope should be excluded from the calculations.

**Figure 3-2: Historic Main Street Design Standards Boundary**



**Figure 3-3: Examples of Historic Main Street Design Standards**



*Newtown, Pennsylvania*  
*(Image credit: Montgomery County Planning Commission)*



*Conshohocken, Pennsylvania*  
*(Image credit: Montgomery County Planning Commission)*



*Pottstown, Pennsylvania*  
*(Image credit: Montgomery County Planning Commission)*



*Exton, Pennsylvania*  
*(Image credit: Montgomery County Planning Commission)*

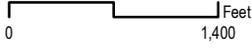
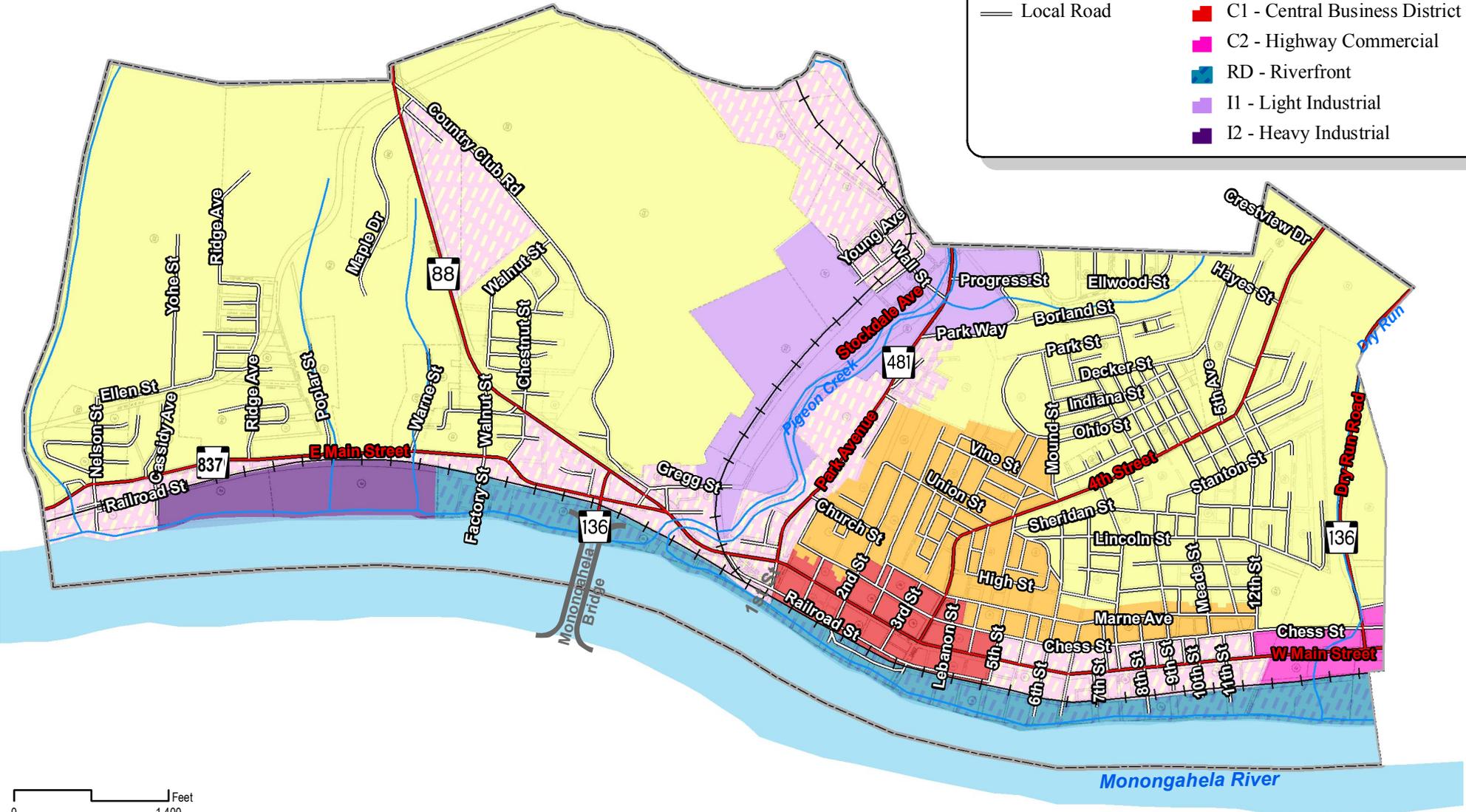
# MAP 3.1: OFFICIAL ZONING MAP OF THE CITY OF MONONGAHELA

City of Monongahela Zoning Ordinance



**Legend**

City Boundary	<b>Zoning Districts</b>
Monongahela River	R1 - Single-Family Residential
Railroad	R2 - Multi-Family Residential
State Road	MU - Mixed Use
Local Road	C1 - Central Business District
	C2 - Highway Commercial
	RD - Riverfront
	I1 - Light Industrial
	I2 - Heavy Industrial



\*GIS data provided by the Southwestern Planning Commission (SPC)

As enacted November 10, 2010



TABLE 3.1: PRINCIPLE USE TABLE

Uses	Supplemental Regulations §	R-1: Single-Family Residential	R-2: Multi-Family Residential	C-1: Central Business District	C-2: Highway Commercial	MU: Mixed Use	RD: Riverfront	I-1: Light Industrial	I-2: Heavy Industrial
Adult Oriented Establishment	§501								SE
Agricultural Operation	§502	SE							
Airport (includes Landing Strip)	§503	CU							
Amphitheater	-						P		
Amusement and Recreation Center, Indoor and Outdoor	§504				SE		SE		
Amusement Park	§504						SE		
Animal Hospital	§505					P	P	P	
Arena	§506						SE		
Assisted Living Facility	§507		P			P	P		
Bakery	-			P	P	P	P	P	
Bank / Financial Institution	-			P	P	P	P	P	
Barber shop / Beauty Salon	-			P	P	P	P	P	
Bath House	§508								SE
Bed and Breakfast Inn	§509	CU	P	P	P	P	P		
Boarding House	-		P	P		P	P		
Boat and Marine Sales/Service	-						P	P	
Boat Storage	-						P	P	
Bottle Club	-						P		
Brewery Pub	-			P	P	P	P		
Broadcasting Studio (radio/television)	-			P	P			P	
Building Material Facility	-							P	P
Bus & Transit Facilities	-							P	P
Bus / Other Transit Shelter	-	P	P	P	P	P	P	P	P
Business Services/School	-			P	P			P	
Campgrounds	-						P		
Car Wash	§510				P	P	P	P	P
Catering Business	-			P	P	P	P	P	
Cemetery/Mausoleum	§511	SE							
Child Day Care Facility	§512	SE	SE	P	P	P		P	
Clinic	-			P	P	P	P	P	
Coffee House / Internet Café	-			P	P	P	P		
Communications Antenna	§513	SE						SE	SE

TABLE 3.1: PRINCIPLE USE TABLE

Uses	Supplemental Regulations §	R-1: Single-Family Residential	R-2: Multi-Family Residential	C-1: Central Business District	C-2: Highway Commercial	MU: Mixed Use	RD: Riverfront	I-1: Light Industrial	I-2: Heavy Industrial
Communications Equipment Building	-	SE						SE	SE
Communications Tower	§513	SE						SE	SE
Community Facility	-			P	P	P	P	P	
Concentrated Animal Operation/Concentrated Animal Feeding Operation	§502	CU							
Continuing Care Facility	§515		SE		SE	SE			
Convenience Store	-			P	P	P	P	P	
Cultural Service	-			P	P	P	P		
Correctional Facility	-								CU
Distribution Facility	-							P	P
Docks, Public and Private	-					P	P	P	P
Dressmaker / seamstress / tailor	-			P	P	P	P	P	
Dry Cleaner	-			P	P	P	P	P	
Dwelling, Multifamily- Duplex	-		P			P	P		
Dwelling, Multifamily- Conversion Apartments	§518		P			P	P		
Dwelling, Multifamily- Garden Apartment	-		P			P	P		
Dwelling, Multifamily- Mid-Rise Apartment	§519		P	P		P	P		
Dwelling, Multifamily- High-Rise Apartment	-					SE			
Dwelling, Multi-Family-Residence over Business	-			P	P	P	P		
Dwelling, Single-Family Detached	-	P	P			P	P		
Dwelling, Single-Family Attached	-		P			P	P		
Educational Institution	-	P	P	P	P	P	P	P	
Emergency Services	-			P	P	P		P	P
Equestrian Facility	§520	SE							
Equipment Rental / Repair	-				P	P		P	P
Extractive Industry (Oil and Gas Wells)	§521	CU				CU		CU	CU
Fairground	§522	SE				SE	SE		

TABLE 3.1: PRINCIPLE USE TABLE

Uses	Supplemental Regulations §	R-1: Single-Family Residential	R-2: Multi-Family Residential	C-1: Central Business District	C-2: Highway Commercial	MU: Mixed Use	RD: Riverfront	I-1: Light Industrial	I-2: Heavy Industrial
Family Care Facility	§523		SE			SE			
Farm Equipment and Supply Sales	-							P	P
Farmer's Market / Fruit and Vegetable Stand	-			P	P	P	P	P	
Fishing Piers	-					P	P	P	
Flea Market	§524				P	SE	P	P	
Forestry	-	P	P	P	P	P	P	P	P
Freight Terminal	-							P	P
Funeral Home / Mortuary	-			P	P	P		P	
Garden Center	-				P			P	
Gasoline Service Station	§525				P	SE	P	P	P
Greenhouse (Commercial)	§526				P	SE	P	P	
Group Care Facility	§528	SE	SE			SE			
Group Home	§529	SE	SE			SE			
Group Quarters	§230	SE	SE			SE			
Helipad	§531					P	P		
Health Club	-				P	P	P	P	
Hospital	-							SE	
Hotel/Motel	§533			SE	P	P	P		
Incinerator	-								P
Independent Living Facility	-		SE			SE			
Industrial Park	§535						P	P	P
Institutional Home	§536		SE			SE			
Junk Yard	§537								P
Kennel	§538	SE				SE		P	
Laboratory	§539							P	P
Laundromat	-			P	P	P			
Library	-	P	P	P	P	P	P		
Lumberyard	-								P
Manufacturing (Light)	-							P	P
Manufacturing (Heavy)	-								P
Marina	-					P	P	P	P
Massage Therapy Business	-			P	P	P	P	P	

TABLE 3.1: PRINCIPLE USE TABLE

Uses	Supplemental Regulations §	R-1: Single-Family Residential	R-2: Multi-Family Residential	C-1: Central Business District	C-2: Highway Commercial	MU: Mixed Use	RD: Riverfront	I-1: Light Industrial	I-2: Heavy Industrial
Medical Center	-				P			P	
Methadone Treatment Facility	§540								SE
Mineral Extraction	§541							SE	SE
Mobile Home Park	§542	CU							
Municipal Use	-	P	P	P	P	P	P	P	P
Night Club	§543			SE	SE		P		
Nursery	-							P	
Nursing Home	§544		SE			SE			
Office	-			P	P	P	P	P	
Parcel Delivery Facility	-							P	P
Park	-	P	P	P	P	P	P		
Parking Lot	-			P	P	P	P	P	P
Parking Structure	-				P	SE	P		
Personal Care Facility	§545		SE			SE			
Pet Shop	-			P	P	P			
Pharmacy	-			P	P	P	P		
Photographic Studio	-			P		P	P		
Places of Public Assembly	-			P	P	P	P		
Places of Worship / Religious Institution	-	P	P	P	P	P	P	P	
Private Club	§546		SE	P	P	P	P		
Public Utility Facility/Structure	-	SE	SE					SE	SE
Race Track	§548						SE	SE	
Recreation, Private	§549	SE	SE	P		P	P		
Recreation, Public	§549	SE	SE	P		P	P	P	
Recycling Facility	§550								P
Research and Development Facility	§551							P	P
Resource Recovery Facility	§552								P
Restaurant (Carry Out/Sit Down)	-			P	P	P	P	P	

TABLE 3.1: PRINCIPLE USE TABLE

Uses	Supplemental Regulations §	R-1: Single-Family Residential	R-2: Multi-Family Residential	C-1: Central Business District	C-2: Highway Commercial	MU: Mixed Use	RD: Riverfront	I-1: Light Industrial	I-2: Heavy Industrial
Retail Stores <7,000 square feet for retail sales or product services	-			P	P	P	P	P	
Retail Stores 7,000 to 25,000 square feet for retail sales or product services	-			CU	P	CU	P	P	
Retail Stores >25,000 square feet for retail sales or product services	§554				CU		CU	CU	
Salvage Yard	§537								P
Self-Storage Facility	-							P	P
Sewage Treatment Facility	§553						SE	P	P
Shoe Repair	-			P	P	P	P	P	
Shopping Center	§554					CU	CU	P	
Slaughter House	-								P
Solid Waste Disposal Areas/Facility (including landfill)	§556								SE
Stockyards	§557							SE	SE
Studio, Dancing or Music	-			P	P	P	P		
Tattoo Parlor	-			P	P	P	P		
Tavern / Drinking Establishment	-			P	P	P	P		
Tea Room	§559	SE	SE	P	P	P	P		
Telephone Exchange Building	-				P			P	P
Temporary Shelter	-					P			
Theater	-			P	P		P		
Theater, Drive In	-						P	P	
Transportation Services	-				P			P	P
Truck Terminal	-								P
Utility Substation	§560						P	P	P
Vehicle Repair / Service Station	§561					SE		P	P
Vehicle Sales / Rental Facility	§562			P	P	P		P	P
Veterinary Office	§563			P	P	P	P	P	
Wholesale Establishment	-							P	P
Winery	§564	SE				P	P	P	
Wind Turbines	§566	CU						CU	CU

TABLE 3.2: ACCESSORY USE TABLE

Uses	Supplemental Regulations §	<i>R-1: Single-Family Residential</i>	<i>R-2: Multi-Family Residential</i>	<i>C-1: Central Business District</i>	<i>C-2: Highway Commercial</i>	<i>MU: Mixed Use</i>	<i>RD: Riverfront</i>	<i>I-1: Light Industrial</i>	<i>I-2: Heavy Industrial</i>
Garage, Community	§514	SE	P			P			
Crematorium	§516			P	P	P		P	
Drive Thru Facility	§517				P	SE	SE	P	
Greenhouse (Private)	§527	P	P			P	P		
Home-Based Business (No-Impact)	-	P	P	P	P	P	P	P	P
Home Occupation	§532	SE	SE	P		SE	P		
In-Law Apartment	§534	SE							
Pet Crematorium				P	P	P		P	
Private Garage	§547	P	P			P	P		
Solar Energy Equipment	§555	P	P	P	P	P	P	P	P
Swimming Pools (In Ground and Above Ground)	§558	P	P			P	P		
Wind Energy Equipment (Small Wind Facilities)	§565	P	P			P	P	P	P

## ARTICLE IV – GENERAL REGULATIONS

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### **§ 400. Purpose.**

**§ 400.1** The purpose of this Article is to establish standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within the City of Monongahela. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

### **§ 401. General Performance Standards.**

**§ 401.1** No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every use of land or structure in any district must observe the following performance requirements:

- (A) No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
- (B) The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA DEP), as provided for through Pennsylvania Act 537, and / or the Sewage Authority of the City of Monongahela, and comply with all applicable federal regulations.
- (C) Fire protection and fire fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to National Fire Protection Association (NFPA) and Building Officials and Code Administrators (BOCA) Fire Prevention Code requirements and the Uniform Construction Code (UCC) and International Building Code (IBC), shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- (D) No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
- (E) Vibrations detectable without instruments on a neighboring property in any district shall be prohibited.
- (F) Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
- (G) Noise level limits specified in this section shall not apply to residential air conditioning equipment and swimming pool filtering

equipment when functioning in accord with manufacturer's specifications and maintained in proper operating condition.

- (H) No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.
- (I) The emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property or vegetation beyond the lot lines occupied by the use is prohibited.

**§ 402. Accessory Buildings, Uses, or Structures.**

**§ 402.1** All accessory uses shall require a Zoning Permit. Accessory buildings, uses, and structures shall be permitted as shown in *Table 3.2: Accessory Use Table*, which can be found at the end of Article III. If an accessory building, use, or structure is not expressly listed in Table 3.2, it shall be assumed to be permitted in all districts provided it is incidental to the principal use, building or structure. There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory building, use or structure.

**§ 402.2** No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.

**§ 402.3** All accessory uses shall comply with the side and rear yard setback requirements for that district.

**§ 402.4** No accessory use shall be closer than five (5) feet to a principal structure.

**§ 402.5** Supplemental regulations which apply to specific accessory uses are in Article V: Supplemental Regulations of this Ordinance.

**§ 403. Fences.**

**§ 403.1** Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face and the front face shall be oriented toward the exterior of a lot.

**§ 403.2** For all residential uses, fences in front yard setbacks shall be no higher than four (4) feet, shall not be a privacy fence and shall not encroach into the street right-of-way. Fences in side and rear yard setbacks shall not exceed a height of six (6) feet and may be a privacy, decorative or security fence. Fence height measurements shall not include projections above fence posts, decorative features, or other protrusions. A permit to erect a fence shall be required in accordance with the regulations of the City. Athletic fields and similar recreation facilities are exempt from the six (6) feet height restriction.

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**§ 404. Floodplains.**

**§ 404.1 Applicability.** This Chapter shall be subject to all the terms, conditions and provisions of the Monongahela Floodplain Ordinance [Chapter 8]. (Ord. 1-1988, 8/10/1988, §512); herein after referred to as “the City’s Floodplain Ordinance.”

**§ 404.2 Floodplain Districts.** The floodplain districts (including floodway and flood fringe areas), as established by the City’s Floodplain Ordinance shall be an overlay to the underlying zoning districts shown on the Official Zoning Map. The provisions for a floodplain district shall supplement the underlying district provisions contained in this Ordinance. No building permit shall be issued for any activity within the floodplain until the applicant obtains a state encroachment permit from PA DEP and meets all of the requirements of the City’s Floodplain Ordinance.

**§ 404.3 Permitted Uses.** Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District, are not prohibited by any other Ordinance, and the applicant can provide proof that PA DEP was contacted and that the activity does not require a state permit, and do not require structures, fill or storage of materials and equipment:

- (A) Agricultural uses;
- (B) Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;
- (C) Accessory residential uses such as yard setback areas, gardens and play areas.

**§ 404.4 Prohibited Structures.** The following uses are strictly prohibited from being placed in a floodplain:

- (A) Mobile homes, unless the mobile home park was in existence prior to the enactment of the City’s Floodplain Ordinance.

**§ 405. Garage, Patio, or Yard Sales.**

**§ 405.1** A garage, patio, or yard sale as defined in this Ordinance may be conducted as follows:

- (A) No more than four (4) sales may be conducted on any one (1) property in any one (1) calendar year

- (B) Each sale shall last no more than three (3) consecutive days beginning each day no earlier than 7:00 A.M. and ending no later than dusk
- (C) Only a temporary advertising sign conforming to the standards of this Ordinance shall be permitted according to the procedures set forth in Article VI: Signs, and posting the sign earlier than fourteen (14) days prior to the sale or for more than seven (7) days after the sale shall be prohibited.

**§ 406. Height Exceptions.**

**§ 406.1** The height limitations of this Ordinance shall not apply to the following:

- (A) Church spires
- (B) Chimneys
- (C) Elevator bulkheads
- (D) Other mechanical equipment which is part of the principal structure
- (E) Conveyors
- (F) Flagpoles
- (G) Silos
- (H) Standpipes
- (I) Elevated water tanks
- (J) Derricks
- (K) Public utility structures
- (L) Other structures not intended for human habitation which do not exceed fifteen (15) feet

**§ 406.2** All such structures which exceed the height limitations of the zoning district by more than fifteen (15) feet shall be authorized only by the Zoning Hearing Board in accordance with the requirements of Article VIII of this Ordinance for a variance.

**§ 407. Landscaping, Screening, and Buffering.**

**§ 407.1** Any part of a tract that is not used for buildings or other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted and continually maintained with an all-season ground cover (such as grass), landscaped in accordance with an overall landscape plan prepared in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance. A full

list of approved plants can be found in the City of Monongahela Subdivision and Land Development Ordinance.

- § 407.2** Street trees acceptable to the City shall be planted by the developer along new public and/or private roads. Where such roads are within wooded areas, the existing trees shall be retained in lieu of new street trees.



Figure 4-1: Example of Street Tree Landscaping

*(Image Credit: Moorestown, New Jersey)*

- § 407.3** No landscaping other than grass cover shall be permitted within a utility right-of-way or above any underground infrastructure elements such as sewer and water mains; gas mains; electric, telephone, and cable television lines; and other similar features.

**§ 407.4** **Bufferyards.**

**(A) Bufferyard A.** A landscaped area comprised of two (2) rows of planting shall be provided which is at least twenty (20) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required bufferyard.

**(B) Bufferyard B.** A landscaped area comprised of one (1) row of planting shall be provided which is at least fifteen (15) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen

plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required bufferyard.

**(C) Bufferyard C.** A landscaped area comprised of one (1) row of planting shall be provided which is at least ten (10) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required bufferyard.

**(D) Bufferyard D.** A landscaped area comprised of one (1) row of planting shall be provided which is at least five (5) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required bufferyard.

**§ 407.5** Where the express standards and criteria for a conditional use or use by special exception contained in §500, et. seq., of this Ordinance require Bufferyard A, B, C, or D, the following bufferyard shall be provided as defined in §407.4.

**(A)** For all uses in the C-1, C-2, MU, RD, I-1, and I-2 districts, a bufferyard shall be provided along all property lines adjoining residential use or zoning district classification, except where the zoning district boundary is along a street or alley, as follows:

**(1)** In the C-1, C-2, MU, and RD districts. Bufferyard D, as defined in §605.6, herein, shall be required, unless the bufferyard required for a specific conditional use or special exception use in those districts is more stringent.

**(2)** In the I-1 and I-2 Districts. Bufferyard C, as defined in §406.6, herein, shall be required, unless the bufferyard required for a specific conditional use or special exception in those districts is more stringent.

**§ 407.6 Parking Lot Landscaping.**

- (A) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and to define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
- (1) Landscaped areas shall be required within the interior parts of all parking lots designed to accommodate fifteen (15) or more cars.
- (2) No less than ten (10) percent of the parking lot shall be landscaped and continually maintained, excluding any screen planting which may be required.
- (B) Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes, to act as a barrier against wind-borne debris and dust, to provide shade, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking area.
- (C) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.
- (D) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing, or other approved barriers.
- (E) All parking lots shall be screened from public roads and from adjacent properties using Bufferyard C, as defined in §407.4, herein.

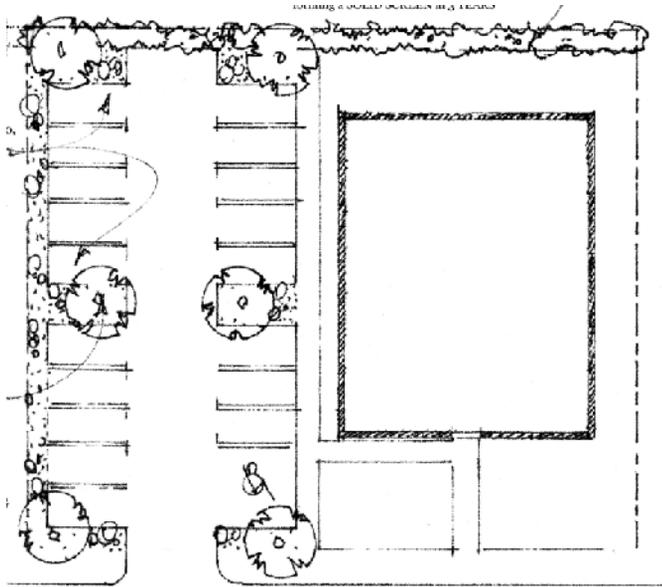


Figure 4-2: Parking lots shall be screened from public roads and from adjacent properties using Bufferyard C, as defined in §407.4 (C), herein.

- (F) Landscaping in parking areas shall provide moderately dense shade in summer. Trees with large leaves which could clog storm drains should be avoided. Trees that are brittle, disease-prone, have low, spreading branches or shallow root systems, which drop large fruit or much sap, or which are otherwise messy shall also be avoided. New trees shall be healthy nursery stock.
- (G) Planting islands and planting strips shall meet the following requirements:
  - (1) Planting islands shall be a minimum of ten (10) feet by (20) feet in area, underlain by soil (not base course material); mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope; and protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area. Flat curbed islands or islands with curb cuts designed to be used as bio-retention areas (for treating stormwater runoff) should be used, where possible.
  - (2) Planting strips shall be a minimum of five (5) feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope, and shall be protected by curbs, wheel stops or bollards. Planting strips shall contain plantings of street-type shade trees

at intervals of thirty (30) feet to forty (40) feet, plus a significant mix of shrubs and groundcovers to cover the entire area at maturity.

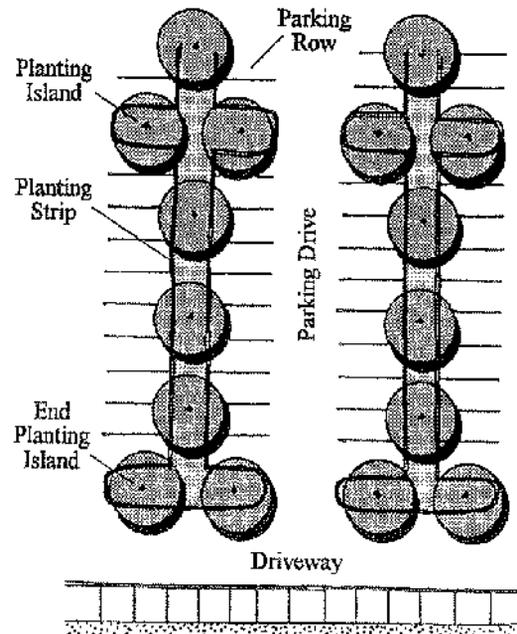


Figure 4-3: Parking lots should feature landscaped planting islands and planting strips as shown above.

(H) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

#### **§ 407.7 Residential Parking Lots.**

- (A) Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a raised and/or curbed planting strip, a minimum of five (5) feet wide
- (B) A single row of parking spaces located parallel to and between two (2) driveways shall be separated from one of the driveways by a raised and/or curbed planting strip, a minimum of five (5) feet wide, landscaped in accordance with §407.6 (G), et. seq., herein.
- (C) Parking lots shall be divided into sections of not more than twenty (20) cars each, with the sections separated by raised and/or curbed planting strips, a minimum of ten (10) feet wide, landscaped in accordance with §407.6 (G), et. seq., herein.

(D) The entire parking lot perimeter shall be landscaped in compliance with Bufferyard D as defined in §407.4, herein.

**§ 407.8 Nonresidential Parking Lots.**

(A) Parking lots with a capacity of ten (10) to forty (40) cars shall require a raised and/or curbed planting strip, a minimum of five (5) feet wide, landscaped in accordance with the Screen Planting standards set forth in §406.1, et. seq., herein, around the entire perimeter except where buildings, driveways, and walkways are located.

(B) Parking lots with a capacity of from forty-one (41) to one hundred (100) cars shall require a planting strip as in Subsection (A) above, and an additional ten percent (10%) raised and / or curbed planting area(s) within the perimeter of the lot, landscaped in accordance with §407.6 (G), et. seq., herein.

(C) Nonresidential parking lots for more than one hundred (100) cars shall be divided into sections by curbed planting strips and planting islands in accordance with the following regulations:

(1) Planting strips, landscaped in accordance with §407.6 (G), et. seq., herein, shall be placed parallel to the rows of parking in the following locations:

(a) Between main access (entrance - exit) driveways and rows of parking spaces.

(b) Between other major driveways and rows of parking spaces (service drives, general internal circulation).

(c) Within large parking areas at intervals of not more than four (4) rows of parking stalls.

(d) Planting islands shall be placed in the following locations:

(i) At the ends of parking rows in order to separate parking stalls from driveways.

(ii) Within parking rows so that there are no more than twenty (20) parking stalls in a row without a planting island.

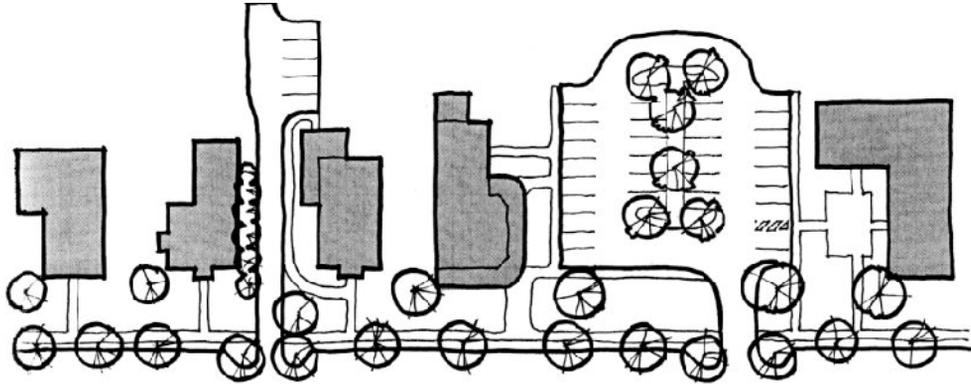


Figure 4-4: Example of shared parking and access along a commercial corridor, with landscaped buffer.

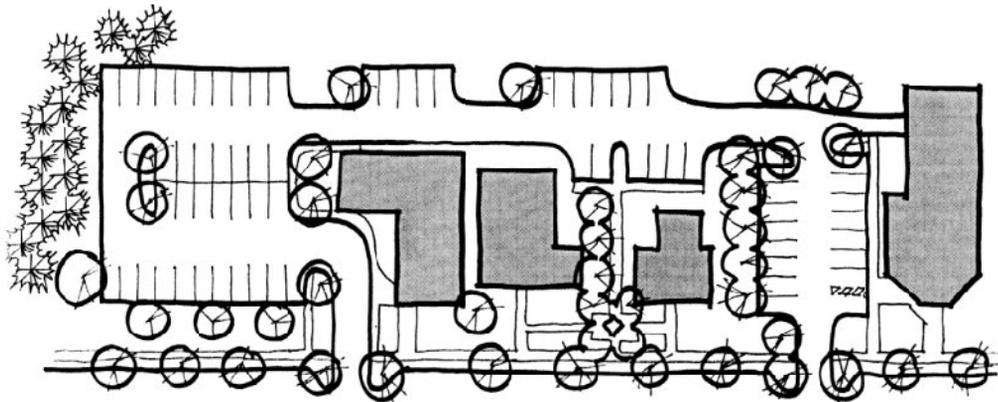


Figure 4-5: A variation of the suggested techniques for shared parking and access along a commercial corridor, with landscaped buffer.



*(Image Credits: Montgomery County, Pennsylvania)*



**Figure 4-6: Examples of Parking Lot Landscaping**  
*(Image Credits: Montgomery County, Pennsylvania).*

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**§ 408. Lighting.**

**§ 408.1** Lighting, where required by this Ordinance, or otherwise required or allowed by the City, shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City.

**§ 408.2** Lighting shall conform to the exterior Lighting Performance Density (LPD) as set forth by the current edition of ASHRAE (American Society of Heating, Refrigerating, and Air-Conditioning Engineers) /IESNA 90.1 Standard.

**§ 408.3** Structures shall utilize high-efficiency lighting for site accent and safety lighting fixtures wherever possible. These may include T5 or T8 fluorescent lamps, LED lamps, fluorescent ballasts and high-intensity discharge ballasts or lamps.

**§ 408.4 Control of Glare.**

- (A) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (B) Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights, when building, pole or otherwise installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be reaimed and/or fitted with a shielding device to block the view of the glare source from that property.
- (C) “Dusk-to-dawn lights” (also called “barn lights” or “yard lights”) shall not be permitted unless effectively shielded to restrict glare on neighboring properties.
- (D) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of fixtures or

illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the City that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.

- (E)** In the R-1, R-2, and MU Districts, illumination for signs, billboards, building facades, and/or surrounding landscapes for decorative, advertising, or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may be operated while the establishment is actually open for business, and until one-half hour after closing.
- (F)** Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- (G)** The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
- (H)** The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
- (I)** Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, fixtures shall not be mounted in excess of thirty (30) feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the City may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a fixture mounting height not to exceed 25' AFG.
- (J)** Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 initial footcandles and the maximum shall not exceed 30 initial footcandles.

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**§ 408.5 Lighting Fixture Design (Nonresidential and Residential Development).**

- (A) All lighting fixtures shall be of a type and design appropriate to the lighting application and shall not detract from the architectural character of the City.
- (B) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Monongahela may approve the use of luminaries that are fully shielded or comply with IESNA cutoff criteria.
- (C) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

**§ 408.6 Residential Development Fixture Placement**

- (A) For residential developments where lot sizes are or average less than 20,000 square feet, street lighting shall be provided at:
- (1) The intersection of public roads with entrance roads to the proposed development
  - (2) Intersections involving proposed public or non-public major-thoroughfare roads within the proposed development
  - (3) The apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a radius of 300 feet or less

- (4) Cul-de-sacs
- (5) Terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 mph or greater
- (6) Defined pedestrian crossings located within the development
- (7) At other locations along the street as deemed necessary for the protection of the health, safety, and welfare of residents by the City of Monongahela.
- (B) Where lot sizes permit the parking of less than three (3) vehicles on the residential lot, thereby necessitating on-street parking, street lighting may be required along the length of the street.
- (C) In all multi-family developments, common parking areas of eight (8) spaces or greater shall be illuminated.
- (D) In residential developments whose individual lots measure less than twenty thousand (20,000) square feet, common parking areas of eight (8) spaces or greater shall be illuminated.

**§ 408.7** The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the City of Monongahela is satisfied that the health, safety and welfare rights of nearby property owners and the municipality as a whole have been properly protected.

**§ 408.8** **Installation**

- (A) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the NEC Handbook.
- (B) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other City-approved means.
- (C) Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.
- (D) Poles and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the weights and wind loads involved.

(E) Pole foundations shall be designed consistent with the wind loads and local soil conditions involved.

**§ 408.9** Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.

**§ 409. Lots of Record**

**§ 409.1** A lot which is of public record in single and separate ownership at the time of enactment of this Ordinance may be used for a permitted use in the district in which it is located; provided, however, that the minimum and maximum regulations of this district are met as closely as possible.

**§ 409.2** **Reduction of Lot Area.** No lot shall be so reduced that the area of the lot, or the dimensions of the required open spaces, shall be less than prescribed by this Ordinance.

**§ 409.3** **Option For Modification of Front Yard Setback Requirements.** Where an unimproved lot of record is situated on the same street frontage with two (2) improved lots or one (1) unimproved and one (1) improved lot, the front yard setback requirement for that district may be modified so that the front yard setback may be within four (4') feet of the average of the existing and required front yard setbacks.

**§ 409.4** **Projection into Required Yard Setbacks.** No building and no part of a building shall be erected within or shall project into any required yard setback in any district, except that:

(A) Typical architectural features including, but not limited to, bay windows, windowsills, cornices, and eaves shall be permitted to project into required yard setbacks no more than eighteen (18") inches.

(B) Decks and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front or side yard setbacks no more than three (3') feet and into the required rear yard setback no more than ten (10') feet.

(C) Steps and open fire escapes shall be permitted to project into the required yard setbacks no more than thirty-six (36') inches.

(D) A carport may be erected over a driveway in a required side yard setback, provided that such structure is:

(1) Not more than fourteen (14') feet in height and twenty (20') feet in length.

(2) Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and customary architectural features.

- (3) At least three (3') feet from the side lot line.
- (E) An unattached garage which fronts on an alley and which is accessory to a residential building may be erected within the required rear or side yard setbacks provided that it meets the following requirements:
  - (1) The maximum height of such garage be limited to twenty-five (25') feet.
  - (2) For those lots twenty-two (22') feet wide or less, a side yard setback shall not be required.
  - (3) Lots greater than twenty-two (22') feet, but less than thirty feet (30'), one (1) side yard setback shall be required of no less than three (3') feet.
  - (4) Lots greater than thirty (30') feet, two (2) side yard setbacks shall be required of no less than three (3') feet each.
  - (5) In those instances where a side yard setback is not provided, a two (2) hour rated firewall shall be constructed on the side lot line side of the structure abutting the neighboring property.
  - (6) The distance from the rear lot line shall not be less than three (3') feet.
  - (7) The distance from a principal structure shall not be less than ten (10') feet.

**§ 410. Off-Street Parking Requirements**

**§ 410.1** Off-street parking spaces, with proper and safe access from a street, shall be provided on each lot, either within a structure or in the open, to serve the uses upon that lot.

**§ 410.2** Off-street parking spaces for each vehicle shall be at least nine (9) by eighteen (18) feet. At the discretion of the City, a portion of the required parking spaces may be reduced to a minimum of seven and a half (7.5) feet wide by sixteen and a half (16.5) feet in length, if clearly identified as “Compact Car” spaces.

**§ 410.3** For parallel parking, stalls shall be between seven (7) feet and eight and a half (8.5) feet in width and between twenty-two (22) feet and twenty-four (24) feet in length.

**§ 410.4** The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as follows in *Table 4.1: Parking Standards*:

<i>Angle of Parking</i>	<i>Minimum Aisle Width (Double-Sided Parking)</i>	<i>Minimum Aisle Width (Single-Sided Parking)</i>
Parallel	12'	12'
45	12'-8"	12'-8"
60	16'	16'
75	20'	18'
90	24'	18'

**§ 410.5** The required parking area shall be measured exclusive of interior drives or maneuvering areas.

**§ 410.6** Parking spaces for use by persons with disabilities shall meet Americans with Disabilities Act of 1990 (ADA) standards. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows in *Table 4.2: ADA Parking Standards*:

<i>Total Parking Spaces</i>	<i>Required Handicap Accessible Spaces</i>	<i>Required Van Accessible Spaces</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total	
over 1000	20 plus 1 per 100 over 1000	

**§ 410.7** One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.

**§ 410.8** Additionally, one (1) in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an access aisle eight (8) feet wide minimum and shall be designated “Van Accessible” as required by ADA.

**§ 410.9** Except as otherwise limited by the provisions of this Ordinance, parking areas, circulation aisles, and driveways may be located in a required front yard setback, side yard setback, or rear yard setback; provided that a minimum of three (3) foot setback is maintained between the parking area and the property lines.

**(A) Exception.** Where no building setback is required by this Ordinance, or where a parking area is be located adjacent to a similarly zoned property and cross-access is provided between the two properties, the three (3) foot setback requirement shall not apply.

**§ 410.10** All parking areas shall be designed to be accessible year-round.

**§ 410.11** Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the City upon the recommendation of the City Engineer.

**§ 410.12** Reserved parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the City Engineer.

**§ 410.13 Exemption from Off-Street Parking Requirements**

**(A)** These requirements shall apply in all zoning districts whenever any new use is established which exceeds five thousand (5,000) square feet of gross floor area. Whenever an existing use is structurally altered or enlarged to increase the total gross floor area by more than fifty (50) percent or whenever an existing use is changed which results in an increase of the number of parking spaces required for the new use of more than ten (10) spaces, the additional parking required for shall be provided; however, the existing parking shall not be required to be increased.

**(B)** For uses in the C-1, MU and RD Districts, the Planning Commission may exempt the applicant from providing some or all of the parking required by this Section in accordance with the standards shown in *Table 4.3: Off-Street Parking Exemption*,

provided it can be demonstrated that adequate parking exists on-street or in off-street public or private lots available to the potential customers or residents of the proposed use within three hundred fifty (350) feet of the proposed use:

<b>Table 4.3: Off-Street Parking Exemption</b>	
<i>Gross Floor Area of Building</i>	<i>Exemption</i>
7,000 square feet or less	100%
7,001 to 17,000 square feet	75%
12,001 to 20,000 square feet	50%
20,001 to 30,000 square feet	25%
30,001 square feet or greater	None

(C) In addition, the establishment of any new use in an existing building which has lot coverage of eighty-five (85) percent or greater may be granted a one hundred (100) percent exemption by the City Council, upon recommendation of the Planning Commission, provided a traffic study is provided, prepared by a registered traffic engineer, which documents the availability of public parking spaces conveniently located with respect to the existing building adequate to meet the increased parking demand, or at the discretion of the City Engineer and City Council.

**§ 410.14** All land development plans with off-street parking areas of more than five (5) spaces shall be accompanied by a stormwater management plan and meet the applicable provisions of the City of Monongahela Subdivision and Land Development Ordinance.

**§ 410.15** Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.

**§ 410.16** Where required, parking areas shall be provided with outdoor lighting in accordance with any and all applicable provisions of the City of Monongahela Subdivision and Land Development Ordinance.

**§ 410.17** The following minimum number of off-street parking spaces per use shall be provided for the uses indicated below.

**(A) Residential Uses.** For residential uses, the following minimum parking requirements shall apply as listed in *Table 4.4: Residential Parking Requirements*. Individual enclosed garages designed to house two or more cars may be substituted for one off-street parking space.

<b>Table 4.4: Residential Parking Requirements</b>	
<i>Type of Residential Use</i>	<i>Number of Off-Street Spaces Required</i>
Multi-family dwellings	Two (2) per dwelling unit
Single-family detached and attached dwellings	Two (2) per dwelling unit
For any Group Home, Nursing Home, Hospital, or Convalescent Home	One (1) space for each eight (8) beds or fraction thereof, plus one (1) space for each employee on the largest shift

**(B) Non-Residential Uses.** For all non-residential uses except business, professional, or government offices, there shall be sufficient parking spaces provided for each use so that there is a minimum of one space for each employee on the shift of greatest employment, plus additional parking spaces to be provided by the application of the appropriate formula for each use as listed in *Table 4.5: Non-Residential Parking Requirements*. For business, professional, or government offices, the formula below assumes the inclusion of employee parking.

**Table 4.5: Non-Residential Parking Requirements**

<i>Type of Non-Residential Use</i>	<i>Number of Off-Street Spaces Required</i>
Mixed Use Development	For any mixed use development, the number of required parking spaces shall be calculated by adding together the parking required for each use to be included within the development, including any residential component, based on a mix of uses reasonable to project long-term parking needs and acceptable to the City
Hotel, Motel, Bed & Breakfast Inn	One (1) space for each rental unit (If a restaurant, auditorium, or other related use in connection with such principal use is open to the public, the off-street parking facility for such related uses shall not be less than those required individually for such uses)
Church or other place or worship	One (1) space for each five (5) seats (Places of worship are encouraged to seek shared use of parking with other uses with differing times of peak usage)
Club, Lodge	One (1) space for each two (2) members the facility is designed to accommodate
Golf course	Three (3) parking spaces for each tee
Theater / Auditorium	One (1) space for each five (5) seats
Cultural services	Three (3) parking spaces for each one thousand (1,000) square feet of gross floor area
Mortuary, Funeral Home	One (1) space for each three (3) visitors the facility is designed to accommodate
Bowling Alley	Five (5) spaces for each bowling alley
Eating or drinking establishment, except fast-food restaurants	One (1) space for each four (4) seats
Fast-food restaurants and convenience stores	Ten (10) parking spaces for each one thousand (1,000) square feet of floor space
Retail Stores, General Business, Commercial And Personal Service Establishments	Two (2) parking spaces for each one thousand (1,000) square feet of area used for sales and the display of merchandise
Sale of Gasoline	One (1) parking space per pump plus two (2) stacking spaces for each pump
Financial institution	Two (2) parking spaces for each one thousand (1,000) square feet of floor area, excluding area used exclusively for filing or storage

**Table 4.5: Non-Residential Parking Requirements (cont)**

Business, professional, or government office	Two (2) parking spaces for each one thousand (1,000) square feet of office space
Medical or dental office or clinic	One (1) parking space for each exam room plus one (1) parking space for each employee
Veterinary office or clinic, animal hospital	One (1) parking space for each exam room plus one (1) parking space for each employee
High Schools	One (1) parking space for each employee plus one (1) parking space for every six (6) students plus any additional spaces that may be required based on the design capacity of any auditoriums, public assembly halls, or stadiums
All other schools, except kindergartens or nursery schools	One (1) parking space for every ten (10) students based on the design capacity of the school
Kindergarten, adult or child day care or child nursery	Two (2) parking spaces for each one thousand (1,000) square feet of floor area, plus adequate space for client drop-off and pick-up, subject to approval by the City
Manufacturing, wholesale sales, storage or distribution, including personal storage facility	One (1) parking space for each three thousand (3,000) square feet of floor area
Vehicular sales, service, and repair; or car wash	Two (2) spaces for each two hundred (200) square feet of floor or ground area devoted to repairs, sales, or service facilities. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be less than five (5)
Laboratory or research facilities, printing and publishing facilities, kennels, junkyards and any other use not specifically provided herein	Sufficient parking to accommodate visitors or clients, subject to approval of the City Council

**§ 411. Off-Street Loading**

In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this section:

**§ 411.1** Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:

(A) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or

(B) Backing out into a street.

**§ 411.2** All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two (2)-ton capacity shall be located less than one hundred (100) feet from any residential district. No permitted or required loading berth shall be located within fifty (50) feet of any property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard setback.

**§ 411.3** All off-street loading areas shall be adequately buffered from adjacent streets and properties and landscaped in accordance with an overall landscaping plan.

**§ 411.4 Exemptions to Off-Street Loading Requirements in the Central Business District (C-1).**

(A) The Zoning Officer may authorize an exemption to the off-street loading standards of this Section, provided that:

(1) The Zoning Officer determines that projected vehicular service volumes do not warrant the provision of the number of off-street loading spaces otherwise required;

(2) That such volume will not cause undue interference with the public use of streets or ways, nor imperil public safety, or that

(3) The configuration of lot(s) and streets prevent the economical provision of adequate loading and unloading areas.

**§ 412. Outdoor Storage**

**§ 412.1** Outdoor storage of products made on the premises shall be screened from view of public rights-of-way and adjacent residential uses. Bufferyard C, as defined in § 407.4, herein, shall be used.

**§ 412.2** Outdoor storage facilities for fuel (with the exception of firewood) and raw materials shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.

**§ 412.3** All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple-family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.



**Figure 4-7: Example of Outdoor Screening**

*(Image Credits: Montgomery County, Pennsylvania).*

**§ 412.4** No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following:

- (A)** Tanks or drums of fuel connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
- (B)** Tanks or drums for storage of not more than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline or diesel fuel, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any right-of-way line.

**§ 412.5** No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse, or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

**§ 413. Temporary Structures**

**§ 413.1** Construction trailers or temporary sales offices may be authorized by the issuance of a temporary permit by the Zoning Officer during the time that construction undertaken in accordance with a valid building permit is underway, subject to the provisions of Article VII of this Ordinance.

**§ 413.2** Such temporary structure shall be located at least ten (10) feet from any lot line and at least fifty (50) feet from any construction entrance and from any construction underway on the site. Temporary off-street parking shall be provided in accordance with the requirements for offices in Table 4.5 of this Section.

**§ 413.3** All temporary structures, other than construction trailers or sales offices, shall be authorized only by the Zoning Hearing Board as a use by special exception subject to the requirements of this Ordinance.

**§ 414. Vehicular Access and Traffic Control.**

**§ 414.1** To minimize traffic congestion and hazards, control street access and encourage orderly development of highway frontage, the following regulations shall apply:

(A) Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.

**(B) Vehicular Ingress and Egress to Arterial and Collector Streets.**

(1) Where lots are created having frontage on an arterial or collector street, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.

(2) Where any use other than a single-family detached dwelling has vehicular access to or from an arterial or collector street, the City may require that all vehicular entrances and exits be provided with deceleration and acceleration lanes, as may be recommended or required by the City Engineer and/or the

Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

**(C) Location of Ingress and Egress.** Ingress and egress for off-street parking shall be designed and arranged so that:

- (1)** The edge of any access driveway onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de- sac turnaround.
- (2)** Any nonresidential use with less than one hundred (100) feet of street frontage shall not have more than one (1) access driveway to such street. Furthermore, no use that has greater than one hundred (100) feet of street frontage shall have more than two (2) access driveways for each four hundred (400) feet of frontage. The City may require common access point(s) for two (2) or more uses, where practical, to minimize vehicular access points along streets other than local streets. All access driveways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements of the City for local roads, as applicable.
- (3)** Provisions shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the City.
- (4)** On any lot, no wall, fence, hedge, tree, shrub, or other obstruction shall be allowed which dangerously obscures the view of approaching traffic along the street, or at any intersection, including driveways.
- (5)** On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred (100) feet as measured along the centerline from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than thirty (30) inches within such area. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. A public right-of-way shall also be reserved for the purpose of removing any visual obstruction within the clear sight triangle.

- (6) Driveway and street entrances onto public streets shall be maintained in accordance with the requirements of the City of Monongahela Subdivision and Land Development Ordinance.
- (7) All dead end and cul-de-sac streets are governed by the requirements set forth in the City of Monongahela Subdivision and Land Development Ordinance.

**(D) Parking and Driveways.**

- (1) Nonresidential properties with frontages of six hundred (600) feet or less on any individual street are only permitted one (1) driveway intersection per street.
- (2) Nonresidential properties with frontages greater than six hundred (600) feet may be permitted a maximum of two (2) driveways per street frontage, provided that such driveways are at least three hundred (300) feet apart and that one (1) driveway is clearly marked for egress only and one (1) driveway is clearly marked for ingress only.
- (3) Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
- (4) Each nonresidential use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting nonresidential lots, unless all possible interconnections between two abutting lots must cross wetlands, floodplain or slopes of fifteen (15) percent or more, in which the applicant shall be exempted from this requirement.
- (5) Parking areas on abutting lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
- (6) Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along streets and bike trails or sidewalks on abutting property.

## ARTICLE V – SUPPLEMENTAL REGULATIONS

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### **§ 500. Purpose.**

**§ 500.1** The purpose of this Article is to establish standards and policies for specific uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right, a special exception, or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

### **§ 501. Adult-Oriented Establishment.**

**§ 501.1** Adult entertainment uses shall not be located within five-hundred (500) feet of any residential structure; within five hundred (500) feet of any church, school, park or playground; or within five hundred (500) feet of any other adult entertainment use.

**§ 501.2** Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

**§ 501.3** All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.

**§ 501.4** In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.

**§ 501.5** Persons or owners who intend to operate an adult- oriented establish shall obtain a license to operate from the City of Monongahela and shall pay an instigation fee of five hundred (500) dollars to the City of Monongahela. In addition, such persons or owners shall supply to the City detailed information regarding the ownership and financing of the proposed business as required on the licensing application. Applications for licensing shall be filed with the City Zoning Officer.

**§ 501.6** An adult-oriented establishment shall be initially licensed when it has met the requirements of this Section. The license shall be valid through December 31<sup>st</sup> of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the City Zoning Officer by November 1<sup>st</sup> of the year preceding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion

shall be grounds for the City to deny or revoke an occupancy permit for an adult-oriented establishment.

**§ 502. Agricultural Operations (with or without a Concentrated Animal and/or Animal Feeding Operation (CAO/CAFO))**

**§ 502.1** Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.

**§ 502.2** Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.

**§ 502.3 Animal /Livestock Farming**

**(A)** Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

**(B)** Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

**(C)** Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.

**(D)** The keeping of horses is subject to the requirements under equestrian facility, §520 herein.

**(E)** Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than twenty (20) feet to an adjacent property line unless it is a part of a larger property line divider.

**§ 502.4 Setbacks**

**(A)** Agricultural operations shall not be located within one thousand five hundred (1,500) feet of another zoning district or existing residence located within the zoning district.

**(B)** A minimum lot size of ten (10) acres is required for agricultural operations unless the farm in question meets the income definition standard outlined in Chapter 2 of this Ordinance. In addition:

- (C) The operation shall be located on the lot as to provide front, side, and rear yards of one hundred (100) feet, and
- (D) The maximum height of a building used for agricultural operations is thirty-five (35) feet or two and one-half (2.5) stories, excluding appurtenances.

**§ 503. Airport (includes Landing Strip)**

- § 503.1** Any proposed runway or landing area shall comply with the standards of the Federal Aviation Administration (FAA) for the class of airport proposed, in accordance with their published Rules & Regulations. Proof of compliance shall be submitted with the application.
- § 503.2** The applicant shall submit a drawn-to-scale site plan for the subject property (at a scale of 1 inch to 200 feet or larger) which shall contain:
- (A) The location of all existing and proposed structures.
  - (B) The location of all vehicular roads and aircraft runways or helicopter lift-off pads.
  - (C) The location of the property boundary lines.
  - (D) The location of above- and below-ground utility lines.
  - (E) The topography.
- § 503.3** In addition to the site plan, the applicant shall submit a vicinity map at a scale of one inch to one-thousand (1,000) feet or larger which shows the land within two (2) miles of the proposed runway, including the following:
- (A) The airport approach, transition, and turning zones.
  - (B) The location of above-ground utility lines.
  - (C) The location of dwellings and all structures over twenty-five (25) feet in height.
  - (D) The topography.
  - (E) The property boundary of the airport.
- § 503.4** Adequate public road capacity, utilities, parking, and runway design shall be available for the level of use of the facility.
- § 503.5** Except for helicopter pads and ultra light vehicle flight facilities, which are required to have sufficient space for safe takeoff and landing, all facilities shall have the airport approach zone and airport transition zone contained within the property boundary.
- § 503.6** The facilities shall not reduce the value or use of land available to other property owners in the area due to noise or safety.

- § 503.7 There is adequate evidence of a safe design of the facilities, including a written acceptance or statement of exemption by the FAA.
- § 503.8 Before and during operation of any airport, landing strip or flying field facilities, the following height limits shall be met:
- (A) In any airport approach zone, no building or structure shall be erected which is more than one (1) foot in height for each fifty (50) feet said building or structure is distant from the end of the landing or takeoff strip.
  - (B) In any airport transition zone, no building or structure shall be erected which is more than one (1) foot in height for each seven (7) feet said building or structure is distant from the inside airport approach zone boundary.
  - (C) In any airport turning zone, no building or structure shall be erected to a height greater than one hundred fifty (150) feet.
- § 503.9 No helicopter pad, landing strip, flying field, or airport may be approved or operated in a location where there will be: electrical interference with radio communication between airports and aircraft; on- or off-site lights which make it difficult for flyers to distinguish the landing area or which glare in the eyes of flyers; or buildings, trees, or other objects which impair visibility or otherwise endanger the landing or taking off of aircraft.

**§ 504. Amusement and Recreation Center and/ or Amusement Park.**

- § 504.1 No person shall conduct, engage in, or operate in any manner a recreation center or amusement center/arcade without having first obtained the appropriate licenses required by the Commonwealth of Pennsylvania. A separate recreation center or amusement center/arcade license shall be required for each location.
- § 504.2 The operation of an amusement or recreation center as an accessory use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;
- § 504.3 The center shall not be located within five hundred (500) feet of a church, public school, or any other amusement/recreation center.
- § 504.4 No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes.
- § 504.5 This type of establishment shall not be open from 12:00 midnight to 8:00 A.M. on any given day.
- § 504.6 Bufferyard A, as set forth in §407.4, is required.

§ 504.7 Lighting shall conform with the requirements set forth in §408.

§ 505. Animal Hospital

§ 505.1 Such uses must comply with the setback, side yard, and front yard requirements for the District in which they are located.

§ 505.2 Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.

§ 505.3 Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gates and shall be screened by Bufferyard D as defined in §407.4 herein. Such runs shall be located behind the principal structure.

§ 506. Arena

§ 506.1 All arena facilities shall be located along an arterial road as defined in the Comprehensive Plan and be screened by Bufferyard A as defined in §407.4 herein.

§ 506.2 All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11:00 P.M.

§ 506.3 All off-street parking shall be located on the lot.

§ 506.4 All lots used for arena facilities shall have a minimum of two (2) points of ingress and egress.

§ 506.5 All dumpsters shall be located in the rear yard setback and shall be screened. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).

§ 506.6 All arena facilities shall have a maximum gross floor area of forty thousand (40,000) square feet.

§ 506.7 The landowner and/or developer shall comply with any additional standards, as defined by the City of Monongahela Zoning Hearing Board, that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site.

§ 507. Assisted Living Facility and/or Independent Living Facility

§ 507.1 The minimum site required shall be five (5) acres.

§ 507.2 The maximum dwelling unit density shall be twelve (12) units per acre.

§ 507.3 The facility shall include the following supporting uses:

(A) Common leisure and/or recreational areas

(B) Common dining area

§ 507.4 In addition, the facility may include one (1) or more of the following supporting uses, subject to approval by the City of Monongahela:

(A) Postal station for use of the residents and staff only;

(B) Banking facility for use of the residents and staff only;

(C) Pharmacy and/or medical offices for use of the residents only;

(D) Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;

(E) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;

(F) Elderly day care center licensed by the Commonwealth;

(G) Taxi, van, or similar transportation services for the residents.

§ 507.5 Bufferyard B, as set forth in §407.4, is required.

§ 507.6 Off-street parking shall be as required by the provisions set forth in §410.

**§ 508. Bath House**

§ 508.1 The bath house shall not be located closer than five hundred (500) feet to any of the following: churches, schools, playgrounds, parks or other community facilities which may be adversely affected by its proximity

§ 508.2 The following requirements shall apply to the construction and maintenance of bath houses/steam rooms:

(A) All steam room/bath house rooms, restrooms and bathrooms used in connection with the licensed premises shall be constructed of materials which are impervious to moisture, bacteria, mold, or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch.

(B) Floors, walls and equipment in steam rooms/bath house rooms, restrooms and in bathrooms used in connection with the establishment must be kept in a state of good repair and sanitary at all times. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.

- (C) Doors on steam rooms or bath house rooms shall not be locked during use. All steam rooms and bath house rooms shall be clearly marked by signs.
- (D) All massage tables, bath tubs, shower stalls, bath areas and floors shall have surfaces which can be readily disinfected.
- (E) Separate steam rooms and bathing rooms, dressing, locker and toilet facilities shall be provided for female and male patrons, so that female and male patrons may be served simultaneously.

**§ 508.3** It shall be unlawful for:

- (A) Anyone to engage in, conduct or carry on a steam room/bath house or adult steam room/bath house without a valid license issued pursuant to this chapter.
- (B) Any person in a licensed establishment to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, or to massage, the genital area of any other person.
- (C) Any person in a licensed establishment to expose the genital area or any portion thereof of any other person.
- (D) Any person owning, operating or managing a licensed establishment knowingly to cause, allow or permit in or about such licensed establishment any agent, employee, or any other person under his or her control or supervision to perform such acts prohibited in subparagraphs (1) through (3) of this section or any obscene act.
- (E) Any person to employ any person under the age of eighteen (18) to work in any adult steam room/bath house.

**§ 509. Bed and Breakfast Inn**

- § 509.1** The minimum lot size shall be that of the underlying zoning district in which this use is located.
- § 509.2** Breakfast and/or afternoon tea shall be the only meals provided, and shall be provided only to guests of the Bed and Breakfast. There shall be no separate cooking facilities in any guest room.
- § 509.3** Amenities provided by the Bed and Breakfast such as swimming pool, porches, or decks shall be limited for the use of the residents and guests of the facility.
- § 509.4** In addition to applicable parking requirements in §410, there shall be one (1) off-street parking space per guest room. The off-street spaces

shall be screened from adjacent residential properties by fencing or natural vegetation in accordance with Bufferyard D, as defined in §407.4 herein.

**§ 509.5** Only one (1) non-illuminated sign no larger than twelve (12) square feet may be displayed to identify the Bed and Breakfast facility, in accordance with Article VI, Signs.

**§ 510. Car Wash**

**§ 510.1 General Requirements**

- (A) Any trash or service area of a car wash shall be fully screened from other properties and public streets
- (B) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned property
- (C) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility
- (D) Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives
- (E) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash
- (F) Car washes shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

**§ 510.2 Location**

- (A) The lot proposed for a car wash shall contain at least ten thousand (10,000) square feet and shall provide an off-street paved parking lot.
- (B) The parking area shall contain at least two hundred (200) square feet per every vehicle that the facility is proposing to be able to service.
- (C) Each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
  - (1) Three (3) stacking spaces for each bay in a self-service car wash

- (2) Six (6) stacking spaces for each in-bay automatic or conveyor car wash

**§ 510.3 Access, Circulation and On-site Parking**

- (A) The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street.
- (B) The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection.
- (C) Access points and driveways shall be planned and shared between properties to the greatest extent possible
- (D) Sidewalks to accommodate pedestrian activity shall be provided and pedestrian access shall be provided from the perimeter of the property to the car wash
- (E) The circulation system shall provide continuous traffic flow and conflicts between major pedestrian movement and vehicular circulation shall be minimized

**§ 511. Cemetery/Mausoleum**

- § 511.1** A minimum site of ten (10) acres shall be required.
- § 511.2** A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics.
- § 511.3** A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.
- § 511.4** Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.
- § 511.5** All property lines adjoining residential use or zoning classification shall be screened by Bufferyard D as defined by §407.4.
- § 511.6** Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of §410.
- § 511.7** All equipment shall be properly stored in an enclosed building when not in use.
- § 511.8** No burial sites or structures shall be located within one hundred (100) feet from any adjacent property line.

**§ 512. Child Day Care Facility (includes Child Day Care Center and Family Day Care Home)**

- § 512.1** A child day care facility must meet Commonwealth of Pennsylvania child day care licensing requirements;
- § 512.2** Comply with all building, fire safety, health code, and business licensing requirements;
- § 512.3** Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
- § 512.4** A safe passenger loading area must be provided;
- § 512.5** Signage, if any, will conform to the standards set forth in this Ordinance;
- § 512.6** No structural or decorative alteration that will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
- § 512.7** Ingress and egress to the site shall be designed to assure safety and safe areas for discharging and picking up children shall be provided which do not interfere with the free flow of traffic on adjacent streets.
- § 512.8** Outdoor play areas which adjoin residential lots shall be screened by Bufferyard D, as defined by §407.4.
- § 512.9** Off-street parking shall be provided in accordance with §410.
- § 512.10** A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.

**§ 512.11 Limitations in Use of a Family Residence (Family Day Care Home Only)**

- (A)** No family day care home shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.
- (B)** No family day care home shall include more than three (3) employees working on the premises at any given time.

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**§ 513. Communications Antennae and/or Tower**

- § 513.1** Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
- § 513.2** The height regulations of this Ordinance may be increased provided that every minimum yard setback is increased by one (1) foot for each one (1) foot of height above the maximum height. The setback requirement may be waived if the tower is equipped with a “fold point,” which, if there is a failure, would cause the failure to occur at a predetermined point. The communications towers shall not at any time exceed two hundred (200) feet.
- § 513.3** Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) miles radius of the proposed tower site be contacted and that the applicant state the reasons why the sites would not be suitable.
- § 513.4** Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightning, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
- § 513.5** The owner of the land and tower operator will not prohibit co-location by other personal wireless service companies.
- § 513.6** All communication towers shall have a finish that reduces the visibility of the structure. Communication towers shall not have strobe lights or any illumination unless required by local, state, or federal regulation.
- § 513.7** The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barbwire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from

abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) house security system.

- § **513.8** The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
- § **513.9** The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- § **513.10** Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- § **513.11** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- § **513.12** The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- § **513.13** The communication equipment building shall comply with the required yards and height requirements of the zoning district in which it is proposed to be located.
- § **513.14** The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
- § **513.15** The applicant shall demonstrate that the location of the proposed communications tower complies with all building and safety codes and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- § **513.16** All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- § **513.17** No signs or lights shall be mounted on a communications tower, except as may be required by local, state, or federal regulation.

§ **513.18** Communications towers shall be protected and maintained in accordance with the requirements of the City of Monongahela Building Code.

§ **513.19** One (1) off-street parking space shall be provided within the fenced area required by §513.7 above.

§ **513.20** In January of each year, the owner or operator of a communications tower shall submit written verification to the City of Monongahela that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:

- (A) Copy of the current Federal Communications license, if applicable;
- (B) Name, address and emergency telephone number for the operator of the communications tower;
- (C) Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
- (D) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the Municipality.

§ **513.21** **Bond for Removal Costs.**

- (A) At the time of issuance of the permit for construction of the wireless communications facility, a bond or escrow account shall be posted with the City in an amount certified by the applicant's engineer and confirmed by the City engineer to be sufficient to cover the costs of removing such wireless communications facility and disposing of all of its components, together with a financial security agreement authorizing the City to use the funds to remove the facility if the facility is abandoned, and further authorizing the City to place a lien on the premises in the event the escrow or bond is insufficient to cover the costs of removal and disposal.
- (B) The financial security agreement shall be executed by both the applicant and the landowner.
- (C) At the time of filing of the Annual Report required in §513.20, any new owner of the land or of the facility, as well as an organization utilizing the facility, shall reaffirm the validity of the financial security agreement and/or execute a new financial security agreement as may be required by the City Solicitor.

- (D) If the City Zoning Officer shall find that an abandoned wireless communications facility has not been removed within ninety (90) days of the cessation of use, said officer shall give written notice to the owner of the building or premises on which such facility is located.
- (E) Removal of the facility shall be effected within fifteen (15) days after receipt of the notice. If such facility is not removed after the conclusion of such fifteen (15) day period, the Zoning Officer is hereby authorized to cause the antenna to be removed forthwith at the expense of the owner of the building or premises on which such antenna is located.
- (F) If the escrow or bond is insufficient to cover the entire cost of removal and disposal, the City may place a lien upon the premises that may be collected in accordance with the rules for collection of municipal liens.

**§ 514. Community Garage**

- § **514.1** Access for community garages shall be off of alleys or shared driveways only.
- § **514.2** Parking shall be available for up to six (6) cars.
- § **514.3** No machinery or industrial equipment, chemicals or pollutants or otherwise hazardous substances may be stored in the garage structure.
- § **514.4** Outside storage is strictly prohibited.
- § **514.5** Community garages shall not exceed fifteen (15) feet, or one story, in height.
- § **514.6** Community garages shall be an accessory use to residential uses only. Community garages as a principal structure or primary use on a lot are strictly prohibited.

**§ 515. Continuing Care Facility**

- § **515.1** No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.

**§ 515.2 Location**

- (A) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to

prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.

- (B) The location of such a use shall be restricted to parcels where public water and sewer is available.
- (C) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the City of Monongahela Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- (D) No such use shall be established in any area until local emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
- (E) The location for such use should be convenient to shopping, social, educational and cultural uses.
- (F) No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any residential district.

**§ 515.3** All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

**§ 515.4** All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in §407.

**§ 515.5** The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Washington County. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

**§ 515.6** The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forested land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.

**§ 516. Crematorium**

- § 516.1** Crematoriums (including pet crematoriums) shall only be permitted as accessory use to funeral homes/mortuaries only. Crematoriums of any kind shall not be permitted as a “stand-alone” principal use in any zoning district.
- § 516.2** Crematoriums shall meet any and all state and federal regulations, including Pennsylvania Department of Environmental Protection standards. They shall not emit any noticeable odor or particulates.
- § 516.3** Crematoriums shall have emission stacks that shall be covered or shrouded with materials safe for such uses and that are compatible with the existing or proposed funeral home or mortuary structure and/or the building housing the crematorium. The crematorium and emission stack shall be compatible with the surrounding neighborhood.
- § 516.4** Bufferyard D, as defined by §407.4, herein, shall be required.
- § 516.5** Decorative fencing at least six (6) feet in height should be required between the crematory and any adjacent residential properties.

**§ 517. Drive Thru Facility**

**§ 517.1 General Regulations.**

- (A) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred and fifty (150) feet from the street centerline of any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the City Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.

**§ 517.2 Parking and Circulation.**

- (A) Drive-thru aisles shall be a minimum one hundred (100) feet from the property line of any residential lot.
- (B) Pedestrian walkways shall not intersect the drive-thru aisles, but where they do, they shall have clear visibility.
- (C) Drive-thru aisles shall have a minimum twelve-foot (12’) width on curves and a minimum eleven-foot (11’) width on straight sections.
- (D) Drive-thru aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum ten (10) cars (approximately two hundred (200’) feet). From the menu board to the pick-up window there shall be a minimum of two (2) additional stacking spaces (approximately forty (40’) feet).
- (E) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall

merge with the driveway. There shall be provided one (1) parking space for every two (2) employees. A minimum of six (6) parking spaces required.

**§ 517.3 Screening and Landscaping.**

- (A) Drive-thru aisles shall be separated from landscaping areas by a six-inch (6”) high, poured in place, concrete curb or other suitable protective device meeting City approval.
- (B) Speakers at drive-thrus shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
- (C) All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view.
- (D) Landscaping shall screen drive-thru aisles or stacking lanes from the public right-of-way and shall be used to minimize the visual impacts of reader-board signs and directional signs.
- (E) Menu board shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall face away from the street.

**§ 518. Dwelling, Multifamily – Conversion Apartments**

- § 518.1** Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board. Where any dwelling unit is to be situated above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
- § 518.2** Such plans shall provide adequate and suitable parking space for a minimum of two (2) automobiles for each dwelling unit. These spaces shall have direct, unimpeded access to a street or alley. The lot shall continue to comply with the applicable maximum building and impervious surface coverage and minimum vegetative coverage standards of the underlying zoning district.
- § 518.3** Such structure shall be subject to all of the applicable area and bulk regulations governing two-family dwellings within the district in which it is located.
- § 518.4** There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
- § 518.5** Conversion apartments shall only be permitted within buildings that contain three thousand (3,000) or more square feet of floor area on the effective date of this Ordinance.
- § 518.6** Any new dwelling unit resulting from conversion shall have a minimum habitable floor area of five hundred (500) square feet.

**§ 519. Dwelling, Multifamily – Mid Rise Apartment**

- § 519.1** The area and bulk regulations under the applicable zoning district shall apply.
- § 519.2** Mid-rise apartment dwellings consisting of multiple buildings shall adhere to the following regulations:
- (A) The maximum length of a mid-rise building shall be one hundred and seventy-five (175) feet.
  - (B) Mid-rise buildings are encouraged to be located in clusters which create common open areas, rather than situated parallel to one (1) another. Where clustering is not feasible due to site conditions, there shall be no more than three (3) abutting buildings parallel to each other within the development.
  - (C) Staggered setback of dwelling units and a variation in façade design shall be encouraged to offer visual variety, individualism, and some private yard area. It is recommended that no more than two (2) contiguous units shall have the same façade setback within a building. Changes in setbacks shall be a minimum of four (4) feet.
  - (D) Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open areas.
  - (E) Buildings shall be set back a minimum of fifteen (15) feet from common parking areas and shall be set back a minimum of twenty-five (25) feet from common refuse areas.
  - (F) Buildings must be setback a minimum of twenty-five (25) feet from the tract boundary.
  - (G) Sidewalks shall be provided to connect dwellings with parking areas, recreational/open areas, and refuse facilities.
- § 519.3** Lighting shall be in accordance with §408.
- § 519.4** Bufferyard C is required, as defined by §407.4.
- § 519.5** Required parking shall adhere to those standards set forth in §410. Parking areas shall be adequately landscaped to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development. Parking lots shall be setback a minimum of twenty-five (25) feet from any right-of-way and shall be screened with landscaping. Landscaping shall be provided around the perimeter of all parking areas, except for access points and walkways.
- § 519.6** Circulation and access shall be as provided in this Ordinance and in the City of Monongahela Subdivision and Land Development Ordinance.

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**§ 520. Equestrian Facility**

**§ 520.1** For public equestrian facilities, or boarding facility, the lot shall contain at least two (2) acres for the first equine (horse) and at least one (1) additional acre for each additional equine.

**§ 520.2 Location**

(A) All barns, stables, and other structures used for the housing of animals on any lot or parcel used as a commercial or public stable shall be located not less than thirty (30) feet from all property and street right-of-way lines, except as otherwise herein provided.

(B) All barns, stables, and other structures used for the housing of animals, on any lot used as a private stable or for incidental agricultural uses, shall be located not less than ten (10) feet from any property line and not less than twenty-five (25) feet from the front property line, except as otherwise herein provided.

(C) Any barn, stable, or other structure used for the housing of animals may be located not less than five (5) feet from the rear or side property line, provided such property line is contiguous with a freeway, railroad, or levee right-of-way, or a property line of a public park or parcel which, at the time the building or structure is erected, is used for or occupied by a public or private stable.

(D) Any barn, stable, or other structure used for the housing of animals may be located not less than three (3) feet from the rear or side property line, provided:

(1) The building or structure is constructed with solid walls with no openings of any kind within ten (10) feet of the property line, and

(2) The floor area of any building or structure used as a private stable, barn, or for the housing of animals shall not exceed 1,000 square feet.

**§ 520.3** Any corral, riding ring, or exercise yard used for keeping horses shall be enclosed by fence or other enclosure; and no part of any such corral, riding ring, or exercise yard shall be located closer than twenty (20) feet to any door, window, or other opening of any building or structure on the same or any other parcel used or designed to be used for human habitation.

**§ 520.4** All fences which enclose horses shall be constructed of an adequate height and shall be designed so as to control and contain the horses at all times, and so as to prevent them from reaching across any property lines, so as to damage adjacent property.

**§ 521. Extractive Industry (Oil and Gas Wells)**

- § 521.1** The property owner or his agent shall submit notification of intent to the City prior to issuance of a Temporary Zoning Permit and commencement of the drilling operation.
- § 521.2** Upon receipt of an application for a Temporary Zoning Permit, a processing fee, and the aforementioned letter; the municipal permit officer, the Zoning Officer, or his designee, shall issue a temporary use permit placard for the drilling operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.
- § 521.3** The applicant must submit official record of approval from appropriate jurisdictional agencies, including permits from PA DEP.
- § 521.4** Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the Temporary Zoning Permit.
- § 521.5** As part of the special exception use application and Temporary Zoning Permit, the applicant shall provide an emergency preparedness and public safety plan. The plan shall demonstrate the following:
- (A) Name, address, and phone number, including 24-hour emergency number of at least two (2) persons responsible for drilling operations;
  - (B) As-built facilities plan;
  - (C) First responders plan for potential emergencies, including but not limited to explosions, fires, geological activity, flooding or pipe rupture; and
  - (D) Specific emergency preparedness plan for all potential hazardous scenarios
- § 521.6** Before drilling, the City shall ascertain whether the City's first responders have secured adequate training to deal with any potential dangerous conditions that may result due to development activities. First responders shall have a minimum of 5 hours of training per year to meet this standard. Upon request from the City, the operator will, prior to the drilling of an oil or gas well, make available with at least 30 days notice, at its sole cost and expense, the necessary training of the first responders. Such training shall be made available at least annually during the period when the operator anticipates development activities in the City unless the City Zoning Officer and or first responders agree that such additional training is not needed.

**§ 521.7** At least 30 days prior to initial development activities in the City, the operator shall attend a public meeting to present general information about the operator's development plans within the City and allow for questions and answers related thereto. The operator shall notify owners of real estate within 1000' of contemplated drilling within the City, the date, time and location of the meeting, and the approximate location of the proposed well site at least once, not more than 30 days and not less than 7 days in advance of the meeting. If requested by the City, the operator shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional well sites not previously discussed at a public hearing are proposed.

**§ 521.8** Prior to drilling an oil or gas well or multiple wells at a location, the operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):

- (A) A copy of the well survey plat showing the location(s) of the planned well(s)
- (B) A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s)
- (C) The contact information for the operator
- (D) The availability of the operator to hold a meeting with these residents to present its plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- (E) Prior to drilling an oil or gas well or multiple wells at a location, the operator shall notify each resident where horizontal drilling will take place under their property for informational purposes, no later than 2 weeks beforehand.

**§ 521.9** For informational purposes only, the operator shall provide to the City Zoning Officer, at least 10 days prior to well site construction:

- (A) A map showing the planned access route to the well sites on public roads
- (B) Information on the status of road bonding
- (C) The operator's erosion and sedimentation (E&S) plan
- (D) The well survey plat showing the planned surface location(s) of the well(s)
- (E) The contact information for the operator
- (F) The emergency site contact information for the operator

- § **521.10** The minimum lot size required for an extractive industry use shall be two (2) acres.
- § **521.11** Multiple well pad sites on any one (1) property shall be prohibited unless the underlying geology makes using a single well pad impossible.
- § **521.12** Any extractive industry activity shall maintain a required minimum setback of one thousand (1,000) feet from a public or municipal use. No extractive industry use shall locate within two thousand (2,000) feet of a landfill use or a property that contains hazardous substances.
- § **521.13** Areas of special consideration, as determined through the PA DEP, will be avoided or buffered to minimize impacts to the species, habitat or resource, using the following parameters:
- (A) Gas well sites or drilling activity shall not be located closer than six hundred (600) feet to designated Wild and Natural Areas
  - (B) Gas well sites or drilling activity shall not be located closer than three hundred (300) feet to exceptional value or high-quality streams or bodies of water
  - (C) Gas well sites or drilling activity shall not be located closer than two hundred (200) feet to wetlands
  - (D) Setbacks for threatened and endangered species shall be determined in conjunction with review by the appropriate jurisdictional agencies
- § **521.14** All extractive activities, to include oil and natural gas activities, must meet applicable local, state, and federal floodplain provisions. Operators of extractive industry activities must submit a wetland report to the City approved by the U.S. Corps of Engineers.
- § **521.15** Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the development of oil and gas, the operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the drill site, wellhead or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead or other area being developed.
- § **521.16** The City recognizes that oil and gas development is accomplished by inherent noise. However, the operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the development:
- (A) Prior to the drilling of an oil and gas well, the operator shall use a default ambient noise level of fifty-five (55) or if desired, establish an ambient noise level by continuously monitoring the noise level

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for seventy-two (72) hours at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure.

- (1) Protected Structure is defined as “any residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from development. A protected structure shall not include any well owned by an oil and gas lessor who has signed a lease with an operator granting surface rights to drill the subject well.”
- (B) The operator shall inform the City of which level (the default 55 dBA or the 72-hour evaluation) they are going to use.
- (C) The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the City’s Zoning Officer within three (3) business days of such a request.
- (D) The noise generated during drilling and hydraulic fracturing activities when measured at the nearest protected structure shall not exceed the ambient noise level (either the 72-hour evaluation level or the default level, whichever is higher):
  - (1) during drilling activities by more than 7 decibels during the hours of 6am to 10pm
  - (2) drilling activities by more than 5 decibels during the hours of 10pm to 6am
  - (3) by more than 10 decibels during hydraulic fracturing operations
- (E) If a complaint is received by the City from any person, whether a resident or otherwise using the protected structure for any unlawful purpose, regarding noise generated during drilling or hydraulic fracturing activities, the operator shall, within 24 hours of receipt of the complaint from the City, continuously monitor for a 48-hour period at the protected structure (either from the property line nearest the well site or 100 ft from the structure, whichever is closer).
- (F) Once the testing is concluded, the operator shall provide preliminary data to the City within 10 business days. The operator shall then meet with the City’s representatives to discuss if the permitted levels set forth herein were exceeded and if so, whether possible noise abatement measures are warranted.

- § 521.17** For any oil or gas well where the planned surface location of the well will be within 1,000 feet of a protected structure, the operator shall:
- (A) Install temporary fencing, at least 6 feet in height, around the drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than 2 feet
  - (B) Install warning signs providing notice of the potential dangers at the development
  - (C) Operator shall provide at least 1 security guard beginning with mobilization of drilling equipment until the completion of all drilling and hydraulic fracturing activities.
- § 521.18** The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access to the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of operator and the telephone number for a person responsible who may be contacted in case of emergency.
- § 521.19** Operator shall comply with any general applicable road bonding and permitting requirements for City roads that are to be used by overweight vehicles and equipment for development activities.
- § 521.20** Operator shall take the necessary safeguards to ensure that the City roads utilized remain free of dirt, mud and debris resulting from the development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
- § 521.21** All permanent surface facilities shall be painted an earth tone color to blend in with the surrounding area. The City may require fencing and/or landscaping to buffer the facilities from the adjacent properties.
- § 521.22** The City reserves the right to review and approve all temporary housing arrangements for employees of the operator and any subcontractors working on the oil and gas well site during the duration of drilling operations.
- § 521.23** At the time of issuance of a building permit or Temporary Zoning Permit (whichever is later), a letter of credit or other financial security, in a form and amount approved by the City in conjunction with the Zoning Hearing Board, not to exceed fifty thousand (\$50,000) dollars, shall be deposited with the City to ensure compliance with the terms of this Zoning Ordinance and the removal of all equipment when drilling operations cease.

**§ 521.24** The operator of any well site shall notify the servicing fire department, emergency management coordinator, City Zoning Officer, and City Engineer no less than ninety (90) days prior to the abandonment or shutdown of any well site, to allow the City to inspect the site and ensure that the well site has been properly secured.

**§ 522. Fairground**

**§ 522.1** Fairgrounds must comply with all rules and regulations of federal, state, County and local agencies.

**§ 522.2** Each use must comply with applicable building and fire codes as they apply to building or grounds in which the use is located. The Building Official must approve all occupancies.

**§ 522.3** Food and beverage service uses must be associated with an event sponsored by an approved principal use.

**§ 522.4** Disaster or emergency response staging uses may include such temporary activities such as a public address system, heliport, communication equipment, command center and temporary housing.

**§ 522.5** Applications must specify the location, duration and scale of the proposed use.

**§ 522.6** Any building used for Fair purposes may be used for the seasonal storage of boats, autos, and other recreational vehicles if the following conditions are met:

(A) All boats, autos, and recreational vehicles shall be brought to the Fairgrounds in the month of October and removed during the month of April.

(B) No signage is allowed as part of the seasonal storage activities.

(C) Buildings used for seasonal storage must be primarily for Fair purposes and cannot be erected for the main purpose of storage.

(D) Outside commercial storage is prohibited.

**§ 523. Family Care Facility**

**§ 523.1** In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.

**§ 523.2 Location**

(A) Family care facilities shall have a minimum side yard setback of at least fifteen (15) feet.

(B) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.

**§ 523.3 Off-Street Parking and Loading.**

(A) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.

(B) The facility shall provide for safe loading and unloading of residents.

(C) In considering whether to permit the establishment of a facility and/or the number of children that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

(D) Adequate provisions shall be made for access for emergency medical and fire vehicles.

**§ 523.4** Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

**§ 523.5** Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.

**§ 523.6** Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

**§ 524. Flea Market**

**§ 524.1** Any applicant who shall have obtained a valid permit to conduct a flea market shall secure a business license to conduct such activity.

**§ 524.2** The flea market shall be located on an arterial or collector street, as defined by the Comprehensive Plan.

**§ 524.3** The flea market shall have maintained restroom facilities and shall comply with Pennsylvania Department of Environmental Protection facilities regulations.

**§ 524.4** The flea market shall have adequate on-site parking, including areas for customer parking and vendor loading/unloading. Required parking

shall be one (1) space for every two hundred (200) square feet of indoor/outdoor sales area.

§ 524.5 The flea market shall maintain an opaque fence of at least six (6) feet in height around the perimeter of the market area (parking areas may or may not be excluded)

§ 524.6 Adequate off-street parking and driveways shall be provided and the amount of traffic generated by the flea market use shall not disturb surrounding property owners. The plot plan submitted with the zoning application shall show all existing improvements on the property, off-street parking areas and driveways (including traffic control patterns), and the specific area (dimensioned) of the property to be occupied by the flea market.

### **§ 525. Gasoline Service Station**

§ 525.1 No street entrance or exit of such service station for vehicles shall be within two hundred (200) feet of a street entrance or exit of any school, park, or playground conducted for and attended by children.

§ 525.2 No building or dispensing equipment or such service station shall be within one hundred (100) feet of any hospital, church, or public library.

§ 525.3 Equipment above surface or ground for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.

§ 525.4 Automobile supplies may be displayed for sale at gasoline pumps at a distance not to exceed five (5) feet from said pumps.

§ 525.5 The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with curb line or edge of pavement.

§ 525.6 No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersection with the curb or street line.

§ 525.7 Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

### **§ 526. Greenhouse (Commercial)**

§ 526.1 All public greenhouses and nurseries shall have vehicular access to an arterial or collector road as identified in the Comprehensive Plan.

§ 526.2 The display and sale of items not grown on the premises shall be incidental to the nursery or greenhouse operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property.

- § 526.3 The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- § 526.4 All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
- § 526.5 All structural improvements, including parking and loading facilities, but not including a freestanding sign, shall be screened from adjoining residentially zoned properties.
- § 526.6 If the greenhouse or tree nursery is open to the public, off-street parking shall be provided based on one (1) space for each five hundred (500) square feet of display or growing area.
- § 526.7 Inventory of landscaping materials shall be stored within a completely enclosed building or shall be screened from public view by a six (6) foot hedge or opaque fence. Small quantities of landscaping materials offered for sale may be displayed outside an enclosed building.

**§ 527. Greenhouse (Private)**

- § 527.1 All private greenhouses and nurseries shall be an accessory use to an agricultural or residential use only.
- § 527.2 Private greenhouses shall not be closer than five (5) feet to any property line nor to the principal structure.
- § 527.3 There shall be no display or sale of items grown on the premises. No equipment or materials may be stored outside the structure unless it is in a secure container.
- § 527.4 Outdoor display areas, signage, or lighting of any kind other than for security purposes is strictly prohibited.

**§ 528. Group Care Facility**

- § 528.1 In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.

**§ 528.2 Location**

- (A) Any group care facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another State licensed care facility regardless of community boundaries.
- (B) Group care facilities shall have a minimum side yard setback of at least twenty-five (25) feet.

- (C) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.

**§ 528.3 Off-Street Parking and Loading.**

- (A) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
- (B) The facility shall provide for safe loading and unloading of residents.
- (C) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
- (D) Adequate provisions shall be made for access for emergency medical and fire vehicles.

**§ 528.4** Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

**§ 528.5** Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.

**§ 528.6** Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

**§ 529. Group Home**

**§ 529.1** In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.

**§ 529.2 Location**

- (A) Group homes shall have a minimum side yard setback of at least fifteen (15) feet.

(B) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.

**§ 529.3 Off-Street Parking and Loading.**

(A) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.

(B) The facility shall provide for safe loading and unloading of residents.

(C) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

(D) Adequate provisions shall be made for access for emergency medical and fire vehicles.

**§ 529.4** Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

**§ 529.5** Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.

**§ 529.6** Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

**§ 530. Group Quarters**

**§ 530.1** The building shall meet the legal requirements of the community as to building codes and fire protection. Where local fire regulations do not exist, fire safety approval shall be obtained from Washington County.

**§ 530.2** Persons living in group quarters shall not be bedfast or suffering from any communicable disease.

**§ 530.3** Adequate off-street parking shall be provided.

**§ 530.4** In considering whether to permit the establishment of a facility and/or the number of persons that should be permitted in such a facility, the City of Monongahela Zoning Hearing Board shall take into account the

number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

### **§ 531. Helipad**

**§ 531.1** The proposed helipad will not be detrimental to the health, welfare and safety of City residents and their property. In particular, where the proposed helipad is to be located on a property that abuts property used or zoned for residential purposes, the City of Monongahela Council, in granting approval, may impose additional conditions upon the placement and operation of the proposed helipad, including but not limited to:

- (A) Setback from the residential boundary
- (B) Hours of operation
- (C) Flight patterns
- (D) Specific noise mitigation
- (E) Any other aspect that would be intended to minimize off-site impacts of the proposed helipad.

**§ 531.2** The landing pad must be at least sixty (60) feet square or a circle with a sixty (60) foot diameter. This pad must be paved and level.

**§ 531.3** There must be a four (4) foot fence around the helipad, except for those helipads on a rooftop. The fence shall be so located as not to obstruct the glide angle of a helicopter using the helipad.

**§ 531.4** At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide-angle slope of eight to one, measured from the outer edge of the pad. Approach lanes shall be located entirely within the property on which the helipad is to be situated, unless the City Council is satisfied with arrangements reached between the applicant and adjacent property owners that assure that any portion of an approach lane beyond the applicant's property will be permanently maintained free of obstructions. Such agreement shall be secured by easement or deed restriction and shall be so noted on any recorded plan.

**§ 531.5** Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. These emergency landing areas shall be located within the normal glide range of the helicopter with one

engine off when operating in the approved takeoff or landing lane from the helipad.

**§ 531.6** An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

**§ 531.7** The helipad shall be used only for business purposes and shall be considered a use accessory to a principal commercial, office, or industrial use.

**§ 531.8** It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the City other than at a helipad, except:

(A) In conjunction with a special event, such as an athletic contest, a holiday celebration or similar activity, after thirty (30) days' advance notice has been given to the Zoning Officer and permission obtained from the City of Monongahela Council to make such landing and takeoff.

(B) When necessary for law enforcement or other governmental purposes and for emergencies.

(C) Upon forty-eight (48) hours' prior notice to the Zoning Officer, in connection with a construction project where a helicopter is to be used to lift equipment related to such project.

**§ 531.9** The operation of ultra-light vehicles shall be permitted subject to the following provisions:

(A) Ultra-light vehicles shall be operated only in accordance with Federal Aviation Regulations, Part 103.

(B) Landing and takeoff facilities for ultra-light vehicles shall be confined to the property of the owner/operator of such vehicle to facilitate private, personal use and shall be utilized by not more than two such vehicles.

(C) Any facility for landing and takeoff should be in compliance with the Pennsylvania laws relating to aviation (Title 74, Appendix, Part III, of the Pennsylvania Consolidated Statutes).

**§ 532. Home Occupation**

**§ 532.1** No more than two (2) persons other than the residents of the dwelling shall be employed in the conduct of the home occupation.

**§ 532.2** Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.

**§ 532.3** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential

neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

**§ 532.4** There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from site.

**§ 532.5** There shall be allowed one (1) on-site non-illuminated identification sign not to exceed six (6) square feet and vehicular signs.

**§ 532.6** The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

**§ 532.7** Permitted home occupations.

(A) The storage of automobiles, boats, travel trailers, motor homes, and nonhazardous materials within fully enclosed structure(s).

(B) Retail sales and services or personal services, as defined in Article 2.

(C) Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.

(D) Instructional services, provided that any non-music instruction shall be limited to no more four (4) students at any one time and music instruction shall be limited to a maximum of two (2) students at any one time.

(E) Family Day Care Homes, as provided for in §512 herein.

(F) No more than fifteen (15) percent of the total floor area of the principal dwelling shall be devoted to the conduct of the home occupation.

**§ 532.8** The following uses shall not be considered home occupations and shall be restricted to the districts in which they are specifically authorized as permitted uses or uses by special exception, including but not limited to:

(A) Beauty shops or barber shops containing more than two (2) chairs

(B) Clinics, hospitals, or nursing homes

(C) Kennels, veterinary offices, and clinics

(D) Mortuaries

(E) Private clubs

(F) Private instruction to more than three (3) students at any given time

(G) Restaurants or tea rooms

- (H) Equestrian facilities/stables
- (I) Vehicle or equipment sales or rental
- (J) Automotive repair

**§ 533. Hotel/Motel**

- § **533.1** The maximum number of guests per unit shall not exceed five (5) persons.
- § **533.2** Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.
- § **533.3** No rooms may be rented by the hour.
- § **533.4** The minimum lot size shall be five (5) acres with a minimum width of three hundred (300) feet.
- § **533.5** All buildings shall set back no less than one hundred fifty (150) feet from any street line, and no less than sixty (60) feet from any side or rear property line.
- § **533.6** The maximum building height shall be four (4) stories, but not to exceed forty-five (45) feet.
- § **533.7** The site may be closed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens.
- § **533.8** No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening, which shall not be closer than thirty (30) feet.
- § **533.9** All lighting shall conform to the requirements of §408.

**§ 534. In-Law Apartments**

- § **534.1** In-Law Apartments shall be considered an accessory use to a detached single family dwelling.
- § **534.2** The In-Law Apartment may be a complete, separate housekeeping unit that functions as a separate unit from the single-family residence of which it is a part.
- § **534.3** Only one In-Law Apartment may be created within a single-family residence.
- § **534.4** An In-Law Apartment may only be created in a dwelling that would otherwise be classified as a single-family detached residence.

- § **534.5** The lot on which the single-family residence is located must have a minimum of 10,000 square feet and must comply with all applicable zoning requirements for its district after the accessory apartment has been created.
- § **534.6** Adequate provision must be made for the disposal of sewage, waste and drainage generated by the occupancy of the entire residence, including the In-Law Apartment, in accordance with the requirements of the City of Monongahela.
- § **534.7** The In-Law Apartment shall be designed so that the appearance of the building remains that of a single-family residence as much as is feasibly possible. Any new entrances shall be located on the side and rear of the building.
- § **534.8** The In-Law Apartment shall be clearly a subordinate part of the single-family residence. It shall be no greater than one thousand (1,000) square feet nor have more than two (2) bedrooms.
- § **534.9** At least three (3) off-street parking spaces must be provided for any single-family residence that has an In-Law Apartment.
- § **534.10** The construction of an In-Law Apartment must be in conformity with state and local Building Code Requirements.
- § **534.11** An In-Law Apartment permit shall be issued solely in the name of the record owner(s) of the single-family residence premises and shall automatically terminate upon either:
- (A) The transfer of the ownership of the premises, except in the instance where there is a transfer between co-owners; or
  - (B) Cessation of the record owner(s)' occupancy of either the single-family residence or the in-law apartment as his, her or their principal place of residence
  - (C) For purposes of this subsection, a bona fide temporary absence will not be considered a cessation of occupancy
- § **534.12 Existing Accessory Dwelling Units**
- (A) Any accessory dwelling unit existing in a single-family residence on the effective date of this Ordinance may continue in use, although not originally authorized under the Zoning Ordinance, provided that the record owner of the residence provides a notarized letter.
  - (B) A pre-existing accessory dwelling unit shall be considered grandfathered provided that the In-Law unit was constructed with a building permit or is recognized by the Assessor's Office as being an approved In-Law unit.

(C) Any existing dwelling unit that applies to the City of Monongahela under new ownership shall be exempt from the conditions as set forth herein.

**§ 535. Industrial Park**

- § 535.1** The minimum lot area shall be ten (10) acres.
- § 535.2** The industrial park must have access to an arterial or collector road.
- § 535.3** Bufferyard A is required, as defined in §407.4.
- § 535.4** Parking shall be adequate for each intended use within the industrial park and shall be in conformance with §410.

**§ 536. Institutional Home**

- § 536.1** Institutional homes shall be licensed by the Commonwealth of Pennsylvania and meet all applicable state and federal requirements and codes.
- § 536.2** Community resources, such as schools, churches, recreational and health services, police protection and fire protection from an organized fire department, shall be available to the facility.
- § 536.3** The building shall meet the legal requirements of the community as to building codes and fire protection. Where local fire regulations do not exist, fire safety approval shall be obtained from Washington County.
- § 536.4** Persons in institutional homes shall not be bedfast or suffering from any communicable disease.
- § 536.5** In considering whether to permit the establishment of a facility and/or the number of persons that should be permitted in such a facility, the City of Monongahela Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

**§ 537. Junk Yards and Salvage Yards**

- § 537.1** The minimum lot area shall be ten (10) acres.
- § 537.2** The junkyard/salvage yard must be enclosed with a chain link fence with a minimum height of ten (10) feet with a self-latching gate.
- § 537.3** Bufferyard A pursuant to §405 shall be planted along the perimeter of the property.
- § 537.4** The applicant shall demonstrate that berms or fences are used to ensure that no part of the facility is visible from residential dwellings or roads located within five-hundred (500) feet of the use. If the use covers

more than ten (10) acres in area, the distance shall be increased to two-thousand (2,000) feet.

**§ 537.5** It shall be unlawful for any person to place, store, or permit to be placed or stored on any property a junk vehicle, unless such vehicle is kept in a fully enclosed structure or otherwise screened from public view. This provision shall not preclude:

- (A) The diligent repair of a junk vehicle within a period not to exceed sixty (60) days; provided, however, that such vehicle is owned by the resident of the dwelling unit at which it is parked;
- (B) The placement or storage of junk vehicles on any lot containing a heavy equipment and specialized vehicle sale, rental and service establishment, a junkyard, a motor vehicle storage and impoundment yard, a service station, a vehicle service establishment or a vehicle sale, rental and ancillary service establishment, provided such placement or storage is in accordance with the applicable provisions of this Ordinance for such uses; or,
- (C) The placement or storage of junk farm vehicles and conveyances which are part of the inventory of a bona fide agricultural operation.

**§ 537.6** No person or owner shall allow the accumulation of junk to occur on their premises except in accordance with the applicable provisions of this Ordinance for junkyards. This provision shall not preclude the accumulation of material that may be regarded as junk being stored in an orderly fashion under a proper cover or within an appropriate structure, or otherwise screened from open public view, provided that:

- (A) The accumulation of junk cannot be observed by the public from any point accessible to the public;
- (B) No offensive or noxious sounds, odors, or sights which are hazardous to the health, safety, and welfare of the people of the County or detrimental to their property rights or that generally interfere with the peacefulness or orderliness of the community are caused thereby; and,
- (C) The accumulation of junk does not result in the breeding or harboring of rats, mosquitoes, or other vectors.

**§ 537.7** Any person or owner proposing to store waste tires or tire derived materials shall obtain DEP approval of a plan prior to such storage that addresses the DEP “Interim Policy for the Storage of Waste Tires and Tire-Derived Materials” or any subsequent regulations that address this issue. The approved plan shall be submitted to the City of Monongahela Zoning Officer as part of the Zoning Permit application.

- (A) The provisions of this subsection do not apply to persons who store less than five-hundred (500) waste tires/equivalent amount of tire-derived materials in open storage or store less than one-thousand five-hundred (1,500) tires/equivalent amount of tire-derived materials in enclosed storage; unless such storage threatens or causes harm to the public health, safety, welfare, or the environment.
- (B) No person or owner may store waste tires or tire-derived materials for more than one (1) year unless seventy-five (75%) percent of the total number of waste tires (including tire-derived materials) that were present at the site during the preceding calendar year were processed or disposed of. Any facility in which waste tires or tire-derived products are stored contrary to the provisions of this subsection shall be classified as a solid waste disposal facility and shall be subject to the provisions of §555 of this Ordinance and may be subject to the applicable requirements of the Solid Waste Management Act (Act 97) and regulations set forth therein. Each person or owner that stores waste tires or tire-derived materials shall submit a copy of an annual operation report to the City of Monongahela Zoning Officer, prepared in accordance with the DEP Interim Regulations, on or before January 30 of each year.

**§ 537.8** The site shall have appropriate measures taken that prevent site contamination from oils, gas, grease, or other contaminants including metals. At a minimum, there shall be five (5) feet of soil between the water table or bedrock. Should there be wells located within one-thousand (1,000) feet of the site, the Zoning Hearing Board may require a liner and guarantee that the applicant shall remove any contaminated topsoil.

**§ 537.9** No garbage or other organic waste shall be stored on such premises.

**§ 537.10** All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junk shall be spaced in rows with at least twenty (20) feet between each double row so as to permit movement of fire fighting equipment. Junk shall not be piled to a height of more than six (6) feet from the ground.

**§ 537.11** All gasoline and fluids shall be drained from any junked vehicle into containers and properly disposed of within twelve (12) hours from arrival on said premises of the junked vehicle. Fluids shall be stored in accordance with DEP Regulations and the National Fire Protection Association Standards.

**§ 537.12** Such premises shall be maintained in a manner so as not to cause a public or private nuisance, a menace to the health or safety of persons on or off the premises, offensive or noxious sounds or odors, the

breeding, harboring, or infestation of rats, rodents, or vermin, or a violation of any health or sanitation law, ordinance, or regulation of any governmental body.

**§ 537.13** No burning of junk, rubbish, or other material connected with a junkyard shall be ignited or otherwise commenced except between the hours of 9:00 A.M. and 3:00 P.M., Monday through Friday, and at no other times. No oil, grease, tires, gasoline or any other material that might be hazardous or tend to produce noxious odors or smoke shall be burned within a junkyard at any time. Burning must be attended and controlled at all times. All burning shall be prohibited where not allowed by other municipal ordinance or state regulations.

**§ 538. Kennel**

**§ 538.1** The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.

**§ 538.2** Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots.

**§ 538.3** The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.

**§ 538.4** Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.

**§ 538.5** No kennel may be established within one-half (1/2) of a mile of an existing kennel.

**§ 538.6** In the R-1 district, kennels and veterinary clinics shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of five (5) acres. Veterinary clinics in the B-2 district shall comply with the minimum lot area requirements for that district and shall not be permitted to have outdoor kennels.

**§ 538.7** Outdoor kennels shall be located at least two hundred (200) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.

**§ 538.8** Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by Bufferyard D as defined by §407.4.

**§ 539. Laboratory**

- § 539.1** Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as outlined in §412 of this Ordinance.
- § 539.2** Laboratories shall have one (1) point of ingress and egress to an arterial road.
- § 539.3** Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- § 539.4** The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- § 539.5** An inventory of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases or solids shall be updated annually and filed with the local Fire Marshal.
- § 539.6** Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the City of Monongahela shall be complied with by the landowner and/or developer.

**§ 540. Methadone Treatment Facility**

- § 540.1** A methadone treatment facility shall not be permitted within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
- § 540.2** A methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the City of Monongahela Zoning Hearing Board votes in favor of the issuance of an occupancy permit or certificate.
- § 540.3** At least fourteen (14) days prior to the City of Monongahela Zoning Hearing Board voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed

methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within the City of Monongahela following public notice.

**§ 540.4** All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.

**§ 540.5** Bufferyard A is required, as defined by §407.4.

### **§ 541. Mineral Extraction**

**§ 541.1** The applicant must provide the Zoning Hearing Board with:

- (A) A plan for access to the site, including copies of any road bonds, or submission of application of any road bonds,
- (B) The areas to be mined,
- (C) Location of adjacent properties, roads, and natural features,
- (D) Any required federal and state permits, or proof of the submission of application
- (E) Or other required local permits, or proof of the submission of application,
- (F) A copy of approved Erosion and Sedimentation Control Plans,
- (G) A copy of all National Pollutant Discharge Elimination System (NPDES) permits,
- (H) A copy of lease agreement,
- (I) A copy of blasting planning,
- (J) A copy of hours of operation,
- (K) A copy of the remediation plan,
- (L) A copy of the memorandum of the lease agreement,
- (M) An emergency contact list for daylight hours and hours after main office would be closed, and
- (N) An emergency services response plan to local fire companies (such plan can include a meeting with emergency response providers to outline emergency response procedures).

**§ 541.2** The Zoning Hearing Board may designate certain conditions that may pertain to roads as follows:

- (A) The operator shall provide to the zoning hearing board information as to how they shall clear mud and debris from roads

(B) The operator shall clear mud and debris from roads as soon as the operator notices mud and debris on the road or as soon as the operator is notified of a problem with mud and debris on the road.

§ 541.3 The Zoning Hearing Board may designate certain conditions that may pertain to buffering and screening standards as follows:

(A) A fence around the perimeter of an open excavation pit or quarry shall be provided. The fence shall be a minimum six (6) foot high chain link fence. Warning signs shall be placed on the fencing.

§ 541.4 Landscaped buffers shall be required as follows:

(A) Abutting residential areas: plantings will be in front of all fencing that is visible to a resident, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.

(B) Abutting Public Lands: plantings will be in front of all fencing that is visible to a visitor, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit. Native plants shall be used as to allow cohesiveness between mining site and public land.

(C) Abutting major transportation routes: plantings shall be high enough to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.

§ 542. Mobile Home Park

§ 542.1 The minimum site area of any mobile home park shall consist of ten (10) contiguous acres.

§ 542.2 All mobile home parks shall comply with the following minimum requirements:

§ 542.3 They shall be free from adverse influence by wetlands, garbage, or rubbish disposal areas or other potential breeding places for insects or rodents.

§ 542.4 They shall not be located in an identified floodplain area.

§ 542.5 All lots shall be serviced by public and/or private sewer and water.

§ 542.6 Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.

§ 542.7 Minimum lot width shall be forty (40) feet for single unit mobile homes and seventy feet (70) for double mobile home units.

§ 542.8 All solid waste containers shall be screened from all lots and public right-of-ways with fencing a minimum of six (6) feet in height.

**§ 542.9 Mobile Home Park Lot Requirements**

- (A) Mobile home lots within the park shall have a minimum lot area of six thousand (6,000) square feet.
- (B) Mobile homes lots shall contain at least four hundred (400) square feet of open space which is not to be located in any required yard setback or buffer area.
- (C) The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen (15) feet between the mobile home and the street right-of-way.
- (D) The maximum number of mobile home lots within each mobile home park shall not be more than seven (7) lots per acre of the total area of the mobile home park.

**§ 542.10 Screening and Buffer Requirements within the Mobile Home Park.**

- (A) Repair, maintenance, storage areas or facilities, and sewage treatment buildings shall be effectively and attractively screened from the mobile home lots, internal streets, and public roads or streets by conforming to the requirements of Bufferyard C as defined in §407.4 or through the use of fencing.
- (B) All mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.

**§ 543. Night Club**

- § 543.1** Nightclubs shall cease operations between the hours of 2:00 AM and 5:00 PM.
- § 543.2** There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- § 543.3** All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- § 543.4** The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania if the maximum permitted occupancy allowed by the City Building or Fire Codes for the nightclub exceeds one hundred (100) persons.
- § 543.5** Any nightclub that proposes a maximum permitted occupancy allowed by the Building or Fire Codes of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line that adjoins a residential zoning classification.

§ 543.6 Any nightclub that offers adult entertainment, as defined herein, shall be further subject to §501, herein.

**§ 544. Nursing Home**

§ 544.1 Nursing homes shall meet all Commonwealth licensing requirements and standards.

§ 544.2 The minimum site required shall be half an acre (0.5 acre).

§ 544.3 The maximum dwelling unit density shall be twelve (12) units per acre.

§ 544.4 The facility shall include the following supporting uses:

(A) Common leisure and/or recreational areas

(B) Common dining area

§ 544.5 Bufferyard B, as set forth in §407.4, is required.

§ 544.6 Off-street parking shall be as required by the provisions set forth in §410.

**§ 545. Personal Care Facility**

§ 545.1 Personal care facilities shall meet all Commonwealth licensing requirements and standards.

§ 545.2 The minimum site required shall be half an acre (0.5 acre).

§ 545.3 The maximum dwelling unit density shall be twelve (12) units per acre.

§ 545.4 The facility shall include the following supporting uses:

(A) Common leisure and/or recreational areas

(B) Common dining area

§ 545.5 Bufferyard B, as set forth in §407.4, is required.

§ 545.6 Off-street parking shall be as required by the provisions set forth in §410.

**§ 546. Private Club**

§ 546.1 Any establishment that includes a restaurant shall further be subject to the off-street parking requirements of §410 for the portion of the building devoted to restaurant use.

§ 546.2 Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.

§ 546.3 Activities on the site and within the building shall comply with the noise standards specified in §401 or any applicable City nuisance or noise ordinances.

§ 546.4 All off-street parking that adjoins residential zoning classification shall be screened by Bufferyard D, as defined by §407.4 of this Ordinance.

#### **§ 547. Private Garage**

§ 547.1 Private garages shall be considered an accessory use to residential dwellings.

§ 547.2 Access for private garages shall be off of alleys or shared driveways only.

§ 547.3 Parking shall be available for up to three (3) cars. These spaces shall not be rented to outside individuals but shall be for the private use of immediately adjacent residential property owners or renters only.

§ 547.4 No machinery or industrial equipment, chemicals or pollutants or otherwise hazardous substances may be stored in the garage structure.

§ 547.5 Outside storage is strictly prohibited.

§ 547.6 Private garages shall not exceed fifteen (15) feet, or one story, in height.

#### **§ 548. Race Track**

§ 548.1 The minimum lot size shall be two (2) acres for a go-kart track and shall be fifty (50) acres for drag strips and motor speedways.

§ 548.2 The racetrack facility shall be located on a lot which has direct access to a major thoroughfare, major collector, minor thoroughfare, minor collector, principal arterial, interstate, or service road.

§ 548.3 Lighting shall conform with the standards set forth in §408 of this Ordinance

§ 548.4 Go-kart tracks and stands shall be set back three hundred (300) feet from the property line. All other operations including parking shall be set back one hundred (100) feet from the property line. Drag strip and motor speedway operations, including parking, shall be set back three hundred (300) feet from side and rear property lines and one hundred (100) feet from all front and side street property lines.

§ 548.5 A secure fence of at least six (6) feet in height shall be provided to restrict entry when the facility is not open.

§ 548.6 Bufferyard A shall be required, as defined in §407.4.

§ 548.7 Hours of operation shall not be permitted between 7:00 a.m. and 11:00 p.m.

§ 548.8 The operation of the track shall comply with the noise standards specified in §401 or any applicable City nuisance or noise ordinances..

§ 549. Recreation (Public & Private)

§ 549.1 A minimum site of one (1) acre shall be required.

§ 549.2 All principal structures shall be located at least forty (40) feet from any property line.

§ 549.3 Parking shall be provided in accordance with §410.

§ 549.4 Screening by Bufferyard B, as defined by §407.4 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning district classification.

§ 549.5 All lighting shall be shielded from adjacent residential streets and properties as provided for in §408.

§ 549.6 The use shall comply with the performance standards of §401.

§ 549.7 Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification shall not be permitted to operate between 12:00 a.m. and 7:00 a.m.

§ 550. Recycling Facility

§ 550.1 In keeping with the goals of the Commonwealth's Solid Waste Management Act of 1980, as amended,; to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, recycling facilities shall meet the following siting and location criteria:

(A) No such use shall be located closer than three thousand (3,000) feet to any property in an R-1 or R-2 district, or within fifteen-hundred (1,500) feet of an existing residential use in any other district.

(B) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.

(C) All materials and activities shall be screened in such fashion as not to be visible from offsite. Screening may be accomplished by any combination of fences, walls, berms or landscaping in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation. Bufferyard A, as defined in §407.4, shall be required.

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**§ 551. Research and Development Facility**

- § 551.1** Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as outlined in §412 of this Ordinance.
- § 551.2** Such uses shall have one (1) point of ingress and egress to an arterial road.
- § 551.3** Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- § 551.4** The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- § 551.5** An inventory of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases or solids shall be updated annually and filed with the appropriate local, County, and Commonwealth authorities.
- § 551.6** Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the City of Monongahela shall be complied with by the landowner and/or developer.

**§ 552. Resource Recovery Facility**

- § 552.1** In keeping with the goals of the Commonwealth's Solid Waste Management Act of 1980, as amended,; to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, resource recovery facilities shall meet the following siting and location criteria:
- (A) No such use shall be located closer than three thousand (3,000) feet to any property in an R-1 or R-2 district, or within fifteen-hundred (1,500) feet of an existing residential use in any other district.
- (B) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
- (C) All materials and activities shall be screened in such fashion as not to be visible from offsite. Screening may be accomplished by any combination of fences, walls, berms or landscaping in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening

at the time of installation. Bufferyard A, as defined in §407.4, shall be required.

**§ 553. Sewage Treatment Facility**

**§ 553.1** The applicant shall provide copies of all applicable state and federal permits, including copies of the Material Safety Data Sheets (MSDS), any National Pollutant Discharge Elimination System (NPDES) permits or violations, and certifications or evidence that there is full compliance with all applicable state, federal, county, or municipal requirements. Nothing in this Chapter is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or City laws.

**§ 553.2** In addition, as part of the application for a conditional use, the applicant shall submit a Community and Environmental Impact Analysis that shall contain the following information:

- (A) Hydrologic analysis
- (B) Geologic conditions
- (C) Soils classification
- (D) Mineral bearing areas
- (E) Land use impacts
- (F) Transportation impacts
- (G) Emergency and safety services
- (H) Economic impact analysis, including impact upon the agricultural industry
- (I) Air quality impact analysis, including a risk analysis of impacts to human health, animals, and vegetation
- (J) Community character impact analysis, including conformance with county and comprehensive plans

**§ 553.3** No sewage treatment facility shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.

**§ 553.4** All sewage treatment facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.

**§ 553.5** Bufferyard B shall be required, as defined by §407.4.

**§ 553.6** A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high chain link fence.

**§ 554. Shopping Center and/or Retail Stores (>25,000 sq. ft)**

- § 554.1** The area and bulk regulations for shopping centers or retail stores over twenty-five thousand (25,000) square feet under the applicable zoning districts shall apply.
- § 554.2** Primary access shall be from a collector or arterial street as defined in the Comprehensive Plan.
- § 554.3** Parking shall be in accordance with §410
- § 554.4** Shopping center or retail uses including parking and service areas shall be fully screened from all adjacent residential uses and districts using Bufferyard B as defined in §407.4 herein.
- § 554.5** Outdoor Storage shall comply with standards set forth in §412 of this Ordinance.
- § 554.6** Lighting shall comply with standards set forth in §408 of this Ordinance.
- § 554.7** Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
- § 554.8** Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- § 554.9** Sidewalks shall be provided along all street frontage, in front of all stores and commercial uses, and pedestrian access to sidewalks on or adjacent to the property.

**§ 555. Solar Energy Equipment**

- § 555.1** Any solar energy equipment authorized by this Ordinance shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:
- (A) Solar energy equipment shall be located on the same lot as the principal use.
- (B) Solar energy equipment shall comply with all setback and height requirements for accessory uses within the applicable zoning district.
- (C) Power generated by solar energy equipment shall not exceed fifty (50) kilowatts of maximum output capacity for residential uses or one hundred (100) kilowatts of maximum output capacity for non-residential uses. There shall be no commercial use of solar energy equipment for generation of energy, except for energy purchased by

a public utility in accordance with law or other government regulations.

- (D) Solar panels shall comply with the physical performance requirements contained in §401 of this Ordinance.
- (E) The solar energy equipment shall meet and be installed in accordance with all applicable requirements of the City Building Code.

**§ 556. Solid Waste Disposal Facility**

**§ 556.1** The applicant shall provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; any National Pollutant Discharge Elimination System (NPDES) permits or violations, and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or local laws.

**§ 556.2** In addition, as part of the application, the applicant shall submit a Community and Environmental Impact Analysis that shall contain the following information:

- (A) Hydrologic analysis
- (B) Geologic conditions
- (C) Soils classification
- (D) Mineral bearing areas
- (E) Land use impacts
- (F) Transportation impacts
- (G) Emergency and safety services
- (H) Economic impact analysis, including impact upon the agricultural industry
- (I) Air quality impact analysis, including a risk analysis of impacts to human health, animals, and vegetation
- (J) Community character impact analysis, including conformance with county and comprehensive plans

**§ 556.3** No solid waste disposal facility shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.

§ 556.4 All solid waste disposal facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.

§ 556.5 Bufferyard B shall be required, as defined by §407.4.

§ 556.6 A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high chain link fence.

### **§ 557. Stockyard**

§ 557.1 All grazing areas shall be fenced.

§ 557.2 No manure storage shall be located within 300 feet of any lot line.

§ 557.3 The City shall require the provision of a nutrient management plan, as may be regulated by the USDA NRCS and the Penn State Agricultural Extension Service.

§ 557.4 The applicant shall demonstrate that an adequate site for the disposal of manure is available on a long-term basis.

§ 557.5 Poultry houses and facilities for the housing of swine or hogs shall be no closer than five hundred (500) feet to any residential structure, except any such structure located on the same premises, and shall be no closer than three hundred (300) feet to any property line or street right-of-way.

### **§ 558. Swimming Pools**

§ 558.1 All swimming pools shall be located at least ten (10) feet from any dwelling or property line. Swimming pools shall not be permitted in the front yard. All swimming pools shall be completely enclosed by a fence which is at least four (4) feet in height and which has a self-latching gate. The dwelling may constitute part of the required enclosure.

§ 558.2 Above ground swimming pools, the top at which is at least four (4) feet above the adjacent ground level on the entire perimeter and which have removable or retractable steps, shall not be required to be fenced, provided the steps are removed or retracted when the pool is not in use. All other above ground pools shall be fenced in accordance with the requirements of §402.

**§ 559. Tea Room**

**§ 559.1** Off-street parking requirements will be in accordance with restaurant parking requirements as defined in §410 herein.

**§ 559.2** The tea room shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

**§ 559.3** In addition to any vehicular or directional signs necessary in parking areas, there shall be allowed one (1) on-site non-illuminated identification sign not to exceed six (6) square feet.

**§ 559.4** In R-1, R-2, and MU districts, the following requirements also apply:

(A) No traffic shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such use shall be met off the street.

(B) Minimum lot size in residential districts shall be one-quarter of an acre (0.25). In all other districts, the underlying lot size and setback regulations apply.

(C) Tea rooms in residential districts may not operate for longer than eight (8) hours a day and shall not operate between the hours of 8 PM and 9 AM.

(D) Tea rooms in residential districts are limited to no more than twenty-five (25) guests at any one time.

(E) Only enough food to serve the expected number of guests at any one time may be prepared. Commercial production of food for delivery, catering, or sale is strictly prohibited unless an adequate license and approval for a catering business (see Article 2: Definitions) is obtained.

**§ 560. Utility Sub Station**

**§ 560.1** No such building shall be located within fifty (50) feet of any lot line of an abutting lot in any residential district

**§ 560.2** Location will not endanger the health and safety of workers and/or residents in the community and will not impair or prove detrimental to neighboring properties

**§ 560.3** Public utility buildings and structures in any residential zone shall, wherever practical, have landscaping, screen planting and/or fencing of a minimum of four (4) feet in height around the perimeter of the use. In addition, trespass fencing and other safety measures may be required, at the discretion of the Planning Commission or Zoning Hearing Board.

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**§ 561. Vehicle Repair/Service Station**

**§ 561.1** No portion of the front or ride side lines of an automotive repair or service station or any part of their appurtenances or accessory uses, shall be placed within fifty (50) feet of any residential dwelling.

**§ 561.2** Outside storage of inoperable vehicles is prohibited in residential areas and is allowed in business and industrial areas only under certain conditions.

**§ 561.3** The only vehicles which may be stored outside in connection with an auto repair business are:

(A) Customer vehicles awaiting service may be stored outside for a period not to exceed two (2) months and a work order or some other written proof must be provided to show that the vehicle is actually awaiting service. Adequate screening in the form of Bufferyard C, as defined in §407.4, herein, shall be provided.

(B) Employees' personal vehicles used for travel to and from work.

(C) A vehicle used in connection with the auto repair operation, such as a wrecker.

**§ 561.4** Vehicles which *shall not* be stored outside are:

(A) Inoperable vehicles which are not awaiting service.

(B) Inoperable vehicles which are being “scrapped out” or used for replacement parts for another vehicle being repaired.

(C) Operable vehicles not awaiting service and not used in connection with the business.

**§ 562. Vehicle Sales/Rental Facility**

**§ 562.1** The minimum lot area shall be twenty thousand (20,000) square feet

**§ 562.2** The site shall frontage on and direct access to an arterial or collector street

**§ 562.3** The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in dept or other surfacing of an equivalent or superior character, approved by the City Engineer

**§ 562.4** All lots used for the outdoor display of automobiles shall have a completely enclosed building on the same lot which has not less than

two thousand (2,000) square feet of gross floor area where all repair, servicing, sales, and customer car washing shall be performed

- § 562.5 No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way
- § 562.6 No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania
- § 562.7 All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties
- § 562.8 No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot, or on any merchandise displayed outdoors
- § 562.9 No strings of lights or flags, flashers, or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may otherwise be permitted by Article VI of this Ordinance
- § 562.10 All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise
- § 562.11 Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area screened by a six (6) foot hedge or opaque fence
- § 562.12 Bufferyard A as defined by §407.4 of this Ordinance shall be provide along all property lines adjoining residential use or zoning classification

**§ 563. Veterinary Offices**

- § 563.1 Such uses must comply with the setback, side yard, and front yard requirements for the district in which they are to be located.
- § 563.2 Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
- § 563.3 Outdoor runs and similar facilities are prohibited.
- § 563.4 Such facilities shall not be open or operating twenty-four (24) hours a day.
- § 563.5 Such facilities shall not board animals longer than twenty-four (24) consecutive hours.

**§ 564. Winery**

- § 564.1** The winery shall be licensed to produce not over fifty thousand (50,000) gallons annually, and shall be devoted primarily to production of wine from grapes grown on the premises
- § 564.2** Minimum lot size shall be two (2) acres.
- § 564.3** One (1) retail store not to exceed seven thousand (7,000) square feet shall be permitted with adequate off-street parking.
- § 564.4** One (1) facility for rental shall be permitted and shall not exceed ten thousand (10,000) square feet, with adequate off-street parking for the total number of guests (in accordance with §410)

**§ 565. Wind Energy Equipment (Small Wind Facilities)**

- § 565.1** Any small wind energy equipment authorized by this Ordinance shall be considered accessory structures and the generation of energy as an accessory use to the principal use in any zoning district.
- § 565.2** Wind energy equipment shall be located on the same lot as the principal use
- § 565.3** Power generated by wind energy equipment shall not exceed fifty (50) kilowatts of maximum output capacity for residential uses or one hundred (100) kilowatts of maximum output capacity for non-residential uses. There shall be no commercial use of wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.
- § 565.4** No wind energy equipment shall be located in the front yard.
- § 565.5** Wind energy equipment shall comply with all setback requirements of the applicable zoning district
- § 565.6** Wind energy equipment shall not exceed a height of one hundred and forty-five (145) feet. The height of a wind turbine shall be measured from the average approved finished grade at the perimeter of the base of the turbine to the highest vertical point of the rotor at its maximum vertical position
- § 565.7** Only a single pole structure shall be permitted for the wind turbine. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports
- § 565.8** Wind turbines shall not be artificially lighted
- § 565.9** Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration (FAA)

§ 565.10 Wind turbines shall be set back from any occupied building, property line, street, utility, utility line, and fuel source at a distance of not less than 1.5 times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position

§ 565.11 All wind energy equipment shall comply with the physical performance requirements contained in §401 of this Ordinance.

§ 565.12 The wind energy equipment shall meet and be installed in accordance with all applicable requirements of the City Building Code.

§ 566. Wind Turbines (Large Wind Facilities)

§ 566.1 No wind turbine generators shall be constructed, operated, or maintained within the City of Monongahela without a permit.

§ 566.2 The applicant must provide written notice of application to all property owners and tenants occupying property within two thousand (2,000) feet of the boundaries of the property upon which the Wind Turbine Generators will be located.

§ 566.3 No wind turbine generator(s) shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Washington County, Pennsylvania.

(A) Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same.

(B) Such easement, covenant or consent before recording shall be submitted to the governing body for approval at the same time the nonresidential land development plan is submitted for approval.

(C) Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the municipal governing body.

**§ 566.4** Unless satisfactory evidence is furnished to the municipal governing body that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the turbine generator facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the governing body that such security has in fact been provided, the developer shall meet the following requirement:

- (A) The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the municipal governing body to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.
- (B) If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds (“required decommissioning funds”) sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.
- (C) The escrow agent shall provide those funds to the party removing such turbine(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.
- (D) The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that:
  - (1) The salvage value of the turbine(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and,
  - (2) If the developer or then owner fails to remove the turbine(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the municipality may dispose of the tower(s) and

its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

- (E) The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning.
- (F) The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration.
- (G) Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration.
- (H) Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the turbine(s) to the contractor retained for the removal and restoration.
- (I) Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the municipal governing body.

**§ 566.5** Lighting shall be screened or shielded from any adjacent residentially zoned or residentially used property, in accordance with the provisions set forth in §408 of this Ordinance

**§ 566.6** Bufferyard C shall be required, as defined by §407.4.

## ARTICLE VI – SIGNS

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### **§ 600. Applicability**

- § 600.1** The provisions set forth herein shall apply to all zoning districts.
- § 600.2** Sign regulations shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.
- § 600.3** No sign shall be painted, placed, or replaced without first meeting the standards set forth herein.

### **§ 601. General Regulations**

#### **§ 601.1 Sign Area.**

- (A) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (B) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (C) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.

#### **§ 601.2 Height of a Sign.**

- (A) The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.
- (B) Height requirements for signs shall be regulated per the regulations pertaining to that sign type, as contained in § 604 *et. seq.*, herein.

#### **§ 601.3 Sign Structure.**

- (A) Sign structures shall be in keeping with the architectural style of the building that it is related to.
- (B) A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

**§ 601.4 Location of Signs.**

- (A) No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
- (B) No projecting sign shall extend into the cartway of the right-of-way, or be less than ten (10) feet above a pedestrian way.
- (C) No wall sign shall project more than twelve (12) inches beyond the edge of the building.
- (D) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
- (E) Signs, not including historical markers and banners approved by the City of Monongahela, shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of two (2) square feet.

**§ 601.5 Materials.**

- (A) Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

**§ 601.6 Illumination of Signs.** Signs may be illuminated either externally or internally, unless otherwise specified herein, consistent with the following standards:

- (A) Where permitted, illumination may be:
  - (1) If externally lit, the illumination of a sign shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.
  - (2) If internally lit, sign lettering may be back-lit, halo-lit illumination, or reverse channel letters with halo illumination.
- (B) Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed five hundred (500) feet.
- (C) Neon lighting is not permitted in residential districts.

**§ 601.7 Construction of Signs.**

- (A) Every sign permitted under this Ordinance must be kept in good condition and repair as determined by the City of Monongahela Zoning Officer.
- (B) A sign using electricity shall be installed in conformance with the City of Monongahela's electrical code. All signs not attached to a building shall be connected by underground service only.

**§ 601.8 Removal of Signs.** A sign shall be found to be in violation of this Ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:

- (A) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.
- (B) The sign has been erected without an applicable permit or does not comply with the other requirements of this Ordinance.

**§ 602. Prohibited Signs and Illumination****§ 602.1** It shall be unlawful, upon or after the effective date of this Ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within City of Monongahela:

- (A) Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
- (B) Signs erected without the permission of the property owner or authorized agent.
- (C) Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- (D) Any sign that obstructs free ingress or egress from a door, window, fire escape or other exit way.
- (E) Banners, except when authorized as part of a special event
- (F) Festoons
- (G) Flashing or animated signs are prohibited in the R-1, R-2, C-1, RD, I-1, and I-2 Districts
- (H) Roof signs
- (I) Rotating signs (except barber poles)

- (J) Snipe signs
- (K) Any sign inconsistent with this Ordinance.

**§ 603. Signs Exempt From Permits**

**§ 603.1** The following signs shall not require sign permits when constructed within the City of Monongahela:

- (A) Address signs and nameplates
- (B) Bench signs
- (C) Flags
- (D) Government signs
- (E) Graphics or murals
- (F) Holiday decorations
- (G) Incidental signs
- (H) Point of purchase displays
- (I) Street identification signs
- (J) Temporary signs, as listed in § 605
- (K) Traffic control devices
- (L) Trespassing signs
- (M) Window displays

**§ 604. Permitted Signs.**

**§ 604.1 Residential Identification Signs.**

- (A) Residential identification signs are permitted in R-1, R-2, MU, and RD Districts, per the following requirements:
  - (1) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted as a wall sign on a multi-family residential building or as a freestanding ground sign at the entrance to any residential development, provided the sign shall not exceed twelve (12) square feet in surface area. The maximum height of a freestanding ground identification sign shall be three (3) feet.

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**§ 604.2 Non-residential Identification Signs**

(A) Non-residential identification signs are permitted in R-1 and R-2 Districts, per the following requirements:

- (1) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted on a lot in a residential zoning district which contains a non-residential use other than a home occupation, provided that the sign shall not exceed twenty-four (24) square feet in surface area. The identification sign shall be a wall sign or a freestanding ground sign. The maximum height of such freestanding ground sign shall be three (3) feet.

**§ 604.3 Legal Nonconforming Use Identification Signs**

(A) Legal nonconforming use signs are permitted in the R-1 and R-2 Districts, per the following requirements:

- (1) One (1) non-illuminated or indirectly illuminated business or identification sign shall be permitted on a lot that contains a legal nonconforming non-residential use in a residential zoning district, provided the sign shall not exceed twenty-four (24) square feet in surface area. The identification shall be a wall sign.

**§ 604.4 Wall Signs.**

(A) Wall signs are permitted in the C-1, C-2, MU, RD, I-1, and I-2 Districts, per the following requirements:

- (1) One (1) business wall sign or professional wall sign that is non-illuminated, indirectly illuminated, or internally illuminated shall be permitted for each establishment.
- (2) The maximum surface area of such wall sign shall not exceed one (1) square foot in surface area for every two (2) linear feet of building frontage.
- (3) The surface area of a wall sign for any one (1) establishment shall not exceed sixty (60) square feet.

**§ 604.5 Projecting Signs.**

(A) Projecting signs are permitted in the C-1, C-2, MU, and RD Districts, per the following requirements:

- (1) One (1) projecting sign that is non-illuminated, indirectly illuminated, or internally illuminated shall be permitted for each establishment.
- (2) The maximum surface area of such projecting sign shall not exceed twenty-four (24) square feet.

- (3) The projecting sign shall not interfere with pedestrian or vehicular traffic in any manner.

**§ 604.6 Freestanding Signs.**

(A) Freestanding signs are permitted in the C-1, C-2, MU, RD, I-1, and I-2 Districts, per the following requirements:

- (1) One (1) freestanding business sign shall be permitted for a lot regardless of the number of establishments on the lot.
- (2) Commercial properties with more than one (1) street frontage that are greater than ten thousand (10,000) square feet in lot size may have one (1) freestanding business sign per street.
- (3) The freestanding business sign shall be either a ground sign or pole sign.
- (4) The ground or pole sign shall be either non-illuminated, indirectly illuminated, or internally illuminated.
- (5) The maximum surface area of the ground or pole sign shall not exceed thirty-two (32) square feet, if there is one (1) establishment on the lot, or shall not exceed sixty-four (64) square feet in surface area if there is more than one establishment on the lot
- (6) Freestanding signs shall not be located closer than ten (10) feet to any public street right-of-way or property line.
- (7) A freestanding ground or pole sign shall be permitted only if the building is set back from the curb a minimum of twenty (20) feet
- (8) The maximum height of a pole sign shall be twenty (20) feet. The maximum height of a ground sign shall be four (4) feet.
- (9) The bottom edge of any freestanding pole sign shall be a minimum of seven (7) feet above ground level.
- (10) If it is a freestanding ground sign, the bottom edge must be a minimum of eighteen (18) inches or more from ground level.

**§ 604.7 Changeable Copy Sign.**

(A) Changeable copy signs are permitted for institutional uses in the R-1 and R-2 Districts and all non-residential uses in the C-1, C-2, MU, and RD Districts, per the following requirements:

- (1) One (1) non-illuminated or indirectly illuminated changeable copy sign shall be permitted for each establishment provided that the copy is changed manually and the maximum surface area of the sign shall not exceed thirty-two (32) square feet.

(2) The changeable copy sign may either be a wall sign, attached to an existing or proposed freestanding business sign, or may be independent freestanding.

(3) Internally illuminated changeable copy signs are not permitted.

**§ 604.8 Electronic Changeable Copy Sign.**

(A) Electronic changeable copy signs are permitted in the C-2, MU, and RD Districts per the following requirements:

(1) One (1) electronic changeable copy sign attached to a permitted freestanding sign shall be allowed per lot.

(2) Each message displayed on the electronic changeable copy sign shall be static or, if it is a scrolling or flashing message, shall be depicted for a minimum of ten (10) seconds before moving to the next part of the text.

(3) Signs which depict time and temperature are permitted to allow for a minimum of five (5) seconds of depiction of the time and temperature before moving on to the next part of the message.

(4) Where text is displayed on a background, the text shall be brighter than the background (i.e., dark text shall not be displayed on a bright background).

(5) No freestanding electronic changeable copy sign shall exceed forty (40) percent of the total allowable sign face area for any on-premises freestanding sign. In addition, the maximum height of an electronic changeable copy sign shall conform to the freestanding sign height standards as specified in §604.6.

(6) On-premises freestanding electronic changeable copy signs shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 10:00 p.m., whichever is later, except in the case of twenty-four-hour businesses, where the illumination must be dimmed or turned off between the hours of midnight and 4:00 a.m.

**§ 604.9 Flashing or Animated Signs.**

(A) Flashing or animated signs are permitted in the MU and C-2 Districts only, per the following requirements:

(1) One (1) flashing or animated sign is permitted per lot, and shall be part of or attached to, either a changeable copy sign or an electronic changeable copy sign and subject to the regulations contained in §604.7 and §604.8 , respectively, herein.

**§ 604.10 Directory Sign.**

(A) Directory signs are permitted in C-1, C-2, MU, RD, I-1, and I-2 Districts per the following requirements:

- (1) One (1) non-illuminated, indirectly illuminated, or internally illuminated directory sign shall be permitted for buildings or sites that contain three (3) or more establishments.
- (2) The directory sign shall be permitted as either a separate wall sign or shall be attached to an existing or proposed freestanding pole business sign structure.
- (3) The maximum surface area of any such directory sign shall not exceed thirty-two (32) square feet.

**§ 604.11 Directional Signs.**

(A) On-premise directional signs are permitted in all zoning districts, per the following requirements:

- (1) On any lot that contains two (2) or more multi-family or non-residential buildings and / or any lot that provides more than fifty (50) parking spaces, on-premise directional signs shall be permitted provided that the surface area of any one (1) sign shall not exceed four (4) square feet and the height of any sign shall not exceed three (3) feet.
- (2) On such lots with lot areas of ten thousand (10,000) square feet or less, a maximum of four (4) such signs shall be permitted.
- (3) For lots with lot areas greater than ten thousand (10,000) square feet, but less than one (1) acre, a maximum of six (6) such signs shall be permitted.
- (4) For lots greater than one (1) acre, an additional two (2) such signs shall be permitted for each additional acre in excess of one (1) acre.

**§ 604.12 Home Occupation Signs.**

(A) Home occupation signs are permitted in any district where a home occupation is a permitted, conditional, or special exception use, per the following requirements:

- (1) One (1) non-illuminated home occupation identification sign shall be permitted for a home occupation provided that the sign shall not exceed eight (8) square feet in surface area.
- (2) A home occupation sign shall either be attached to the wall of the dwelling or structure or shall be a freestanding pole sign which shall not exceed four (4) feet in height.

**§ 604.13 Bulletin Board Signs.**

(A) Bulletin board signs are permitted in conjunction with any institutional use (church, school, library, fire hall, park or playground, or similar), per the following requirements:

- (1) One (1) non-illuminated or indirectly illuminated bulletin board sign shall be permitted on a lot that contains an authorized church, school, library, or other public or semi-public use or building provided the sign shall not exceed twenty-four (24) square feet in surface area.
- (2) It shall either be a freestanding ground sign or a wall sign; if a freestanding ground sign, it shall not exceed a height of six (6) feet.

**§ 604.14 Sandwich Board Signs.**

(A) Sandwich boards shall be permitted in the MU, C-1, C-2, RD, I-1, and I-2 Districts according to the following regulations:

- (1) Signs shall not exceed eight (8) square feet.
- (2) Signs are permissible along the sidewalk, provided a minimum walking distance of five (5) feet shall be maintained to allow for a pathway for pedestrians.
- (3) Only one (1) sandwich board will be permitted in front of the business it advertises.
- (4) Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds.
- (5) Sandwich boards shall be taken indoors at the close of business each day.

**§ 605. Temporary Signs.****§ 605.1 Special Event Display.**

(A) Temporary special event signs shall be permitted on all non-residential uses in all zoning districts per the following requirements:

- (1) One (1) non-illuminated temporary special event display shall be permitted on non-residential structures provided that no more than two (2) non-illuminated signs or banners with an aggregate surface area not exceeding forty-eight (48) square feet shall be erected on any establishment.
- (2) They may be displayed for a period not exceeding thirty (30) days during any calendar year and they shall be securely

attached to the building or to the permanent supporting structure for the business identification sign.

- (3) They shall be removed within five (5) days of closing the event.
- (4) Temporary special event displays for public, semi-public, or civic events (associated with any public building, church, school, or building that houses a non-profit organization) shall require a permit and shall be permitted to be placed over a public right-of-way on an arterial or collector street provided the owner of the right-of-way grants permission.

**§ 605.2 Real Estate Sales Sign.**

- (A) Temporary real estate signs shall be permitted in all districts, per the following requirements:
  - (1) One (1) non-illuminated real estate sign shall be permitted on a lot provided that the sign shall not exceed six (6) feet in height.
  - (2) Such sign shall not exceed twelve (12) square feet in surface area when located on a property in the R-1 and R-2 Districts.
  - (3) Such sign shall not exceed thirty-two (32) square feet in surface area when located on a property in the MU, C-1, C-2, RD, I-1, and I-2 Districts.
  - (4) Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

**§ 605.3 Development Sign.**

- (A) Temporary development signs shall be permitted in all districts, per the following requirements:
  - (1) One (1) non-illuminated development sign shall be permitted on a lot provided that the sign shall be a ground sign and shall not exceed thirty-two (32) square feet in surface area
  - (2) Such sign shall not exceed six (6) feet in height when located on a property in the R-1 and R-2 Districts.
  - (3) Such sign shall not exceed ten (10) feet in height when located on a property in the C-1, C-2, MU, I-1, and I-2 Districts.
  - (4) Such sign shall be removed within thirty (30) days of the sale of the last lot or completion of the proposed construction in the development.

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**§ 605.4 Construction Sign.**

(A) Temporary constructions signs shall be permitted in all districts, per the following requirements:

- (1) One (1) non-illuminated construction sign that shall be a ground sign and shall not exceed twelve (12) square feet in surface area shall be permitted.
- (2) Such sign shall not exceed four (4) feet in height in the R-1 and R-2 Districts and shall not exceed six (6) feet in height in the MU, C-1, C-2, I-1, and I-2 Districts.
- (3) Such sign shall be removed within thirty (30) days of the completion of the work.

**§ 605.5 Garage and / or Yard Sales.**

(A) Signs advertising garage or yard sales shall be permitted in all districts, per the following requirements:

- (1) The signs shall not exceed six (6) square feet in sign area.
- (2) Signs shall be permitted only on the premises where the sale is to be conducted and limited to one per street frontage.
- (3) Signs shall be removed at the close of the garage or yard sale.

**§ 605.6 Political Signs.**

(A) Temporary political signs shall be permitted in all districts per the following requirements:

- (1) Such signs shall be four (4) square feet or smaller and shall be used expressly for announcing political candidates seeking office, slates of candidates, political parties, and/or political and public issues appearing on a ballot.
- (2) No person shall post any sign of any kind whatsoever upon private property without permission of the property owner.
- (3) Such signs shall not be posted more than thirty (30) days in advance of the election or referendum to which they pertain and shall be removed within five (5) calendar days following the election or referendum for which they were posted.
- (4) Such signs shall not project higher than thirty (30) inches from the base of the sign or grade of the nearest adjacent roadway, whichever is higher, and shall not be located in the clear sight triangle at driveways or intersections.

- (5) Such signs are expressly prohibited on any City-owned property or City-designated open space. The only exception is on election days, when political signs are permitted for that day and that day only at polling places.

**§ 606. Billboards.**

**§ 606.1** Billboards are permitted as a conditional use in the I-1 and I-2 Districts. They are not permitted in the R-1, R-2, MU, C-1, and C-2 Districts. Billboards shall meet the following standards:

- (A) Billboards shall not be erected within two hundred (200) feet of any “R” District, nor shall they be located within two hundred (200) feet of any church, school, or cemetery.
- (B) Billboards shall not be closer than ten (10) feet to any public right-of-way and shall not be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- (C) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements of the International Construction Code (ICC).
- (D) **Size and Height.**
  - (1) A billboard shall have a maximum permitted gross surface area of three hundred (300) square feet per sign face. It shall not have more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety (90) degrees or less.
  - (2) The dimensions of the gross surface area of the billboard’s sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total permitted gross surface area for the sign face is not exceeded.
- (E) Billboards are not permitted to be mounted upon the roof of a building or any other structure.

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**§ 607. Permit Procedures**

**§ 607.1** It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with the City of Monongahela an application in writing to the Zoning Officer, which shall include the following:

- (A) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
- (B) Two (2) copies of a plan drawn to scale depicting:
  - (1) The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
  - (2) The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
  - (3) Such other information as required by City of Monongahela Zoning Officer.

**§ 607.2 Optional Fast Track Permit Procedure**

- (A) The applicant shall be awarded the option of “fast-tracking” their sign permit, which shall permit the applicant to submit an application for a sign without providing the materials requested in 607.1 (B). However, the application must still provide the information in 607.1 (A).
- (B) The applicant shall only be awarded the option of “fast-tracking” their sign permit if the following conditions are met:
  - (1) The sign is a wall, window, or projecting sign,
  - (2) There are no variance requests involving the size, height, or material of the sign,
  - (3) There are no encroachments into any setbacks, and
  - (4) The applicant has no outstanding violations to sign regulations, any other Article of this Ordinance, or any other City of Monongahela code.
- (C) The applicant can utilize this process to permit no more than two (2) sign permits at a time.
- (D) Misrepresentation of information in the permit application shall result in the loss of this privilege for up to six (6) months.

**§ 608. Nonconforming Signs**

**§ 608.1** Any sign legally existing at the time of the adoption of this Ordinance that does not conform to the requirements of this Article, shall be considered a nonconforming sign and shall be bound by the regulations herein:

- (A) All nonconforming signs may be repainted, resurfaced or repaired, provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.
- (B) In the event that any non-conforming sign is damaged by casualty to the extent of seventy-five percent (75%) of its cost of replacement at the time of destruction, or becomes dangerous, dilapidated or an imminent hazard such sign shall not be restored or replaced except in conformity with the regulations of this Ordinance.
- (C) A nonconforming sign must be removed within thirty (30) days after notification by the Zoning Officer or be made to conform to this Ordinance in every respect whenever:
  - (1) It is not securely attached to the ground, wall or roof and can be easily moved or damaged, or
  - (2) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by City of Monongahela, or
  - (3) It is abandoned by the owner or the use is abandoned. (Note: Abandonment does not apply to properties wherein the owner is actively seeking a new tenant or owner).

## ARTICLE VII – ADMINISTRATION

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### **§ 700. Purpose.**

**§ 700.1** The purpose of this Article to set forth the duties, responsibilities, and regulations regarding the administration and enforcement of this Chapter.

### **§ 701. Zoning Officer.**

**§ 701.1** A Zoning Officer shall be appointed the City Council to administer and enforce this Zoning Ordinance within the City. The Zoning Officer shall not hold any elective office in the City. The Zoning Officer shall meet qualifications established by the City and shall be able to demonstrate to the satisfaction of City Council a working knowledge of municipal zoning.

### **§ 701.2 Official Record.**

(A) An official record shall be kept of all business of the Zoning Officer and shall be open to the public at official business hours.

### **§ 701.3 Compensation.**

(A) The compensation of the Zoning Officer shall be the responsibility of the City.

### **§ 701.4 Duties of the Zoning Officer.**

(A) It shall be the duty of the Zoning Officer to administer this Chapter, in accordance with its literal terms and to enforce the provisions of this Chapter and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- (1) The Zoning Officer shall literally interpret and enforce all the provisions of this Chapter and shall have such duties and powers as are conferred on him or her by the Zoning Ordinance and are reasonably implied for that purpose.
- (2) Receive and act upon applications for zoning permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures or changes of use and other matters addressed in this ordinance; and enforce compliance

with the provisions of this Ordinance. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

- (3) Examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning permit and conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building and shall carry proper identification.
- (4) The Zoning Officer shall annually submit a report of all permits, notices, and orders issued to City Council.
- (5) Receive and refer to the appropriate Zoning Hearing Board all applications for special exception or variance.
- (6) Participate in all proceedings before the appropriate Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
- (7) Receive and refer to the appropriate Council all applications for conditional use.
- (8) Receive and refer to the Planning Commission and Council all petitions requesting rezoning of properties.
- (9) Receive and refer to the Solicitor applications for subdivision waiver approval and assist in review of such applications.
- (10) Approve and issue a permit only when all requirements for its issuance have been met.
- (11) Where all requirements for a permit have not been met, deny such application, in writing, stating the reason(s) for such denial.
- (12) Where a permit has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit or certificate of use. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate of use was issued via U.S. certified mail.

- (13) Issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit.
- (14) Register all nonconforming lots, structures and uses.
- (15) Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.

**§ 702. Zoning Permits.**

**§ 702.1 Requirements for a Zoning Permit.** No use shall be established or changed, no structure shall be erected, constructed, reconstructed, or altered, and no building or property used or occupied, changed in use, or changed in occupancy or tenant, until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:

- (A) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit, including placement of a mobile home on a property.
- (B) Change in use, ownership or occupancy of any building or structure, or portion thereof.
- (C) Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
- (D) Change in use or expansion of a nonconforming structure, or portion thereof.
- (E) Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.

**§ 702.2 Application Requirements.** All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the City and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance along with such plans, documents and fees as may be required.

- (A) Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit.
- (B) When no construction is involved, application for a zoning permit and a Certificate of Occupancy, pursuant to the Pennsylvania

Uniform Construction Code, as amended, may be made simultaneously at anytime prior to the use or occupancy of the land, building or structure.

**§ 702.3** **Action on Zoning Permit Application.** A zoning permit shall be acted on within 90 days of submission except when the application involved a subdivision or land development, in which case the time limit for action on an application for a zoning permit shall be the same as that provided for plan review by the MPC.

**§ 702.4** **Zoning Permit Expiration.** The zoning permit shall expire twelve (12) months from the date of its issuance.

(A) If, after approval of conditional use or a use by special exception, an application for a building permit to undertake work described in that application has not been submitted within twelve (12) months of the date of granting of approval by the City, approval of the conditional use or use by special exception shall expire automatically without written notice to the applicant, unless the City Council or the Zoning Hearing Board, as the case may be, extends the approval upon written request by the applicant prior to its expiration.

(B) No building permit for the erection, demolition, alteration or removal of buildings or structures shall be valid after six (6) months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and proceeded with, with due diligence. If however the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause or not due to his own negligence, the permit may be renewed without additional cost to the applicant.

(C) If, after commencement of construction, the work is discontinued for a period of three (3) months without reasonable cause outside the applicant's or contractor's control, such permits shall be void and work may not be commenced until a new permit shall have been issued.

**§ 702.5** **Zoning Permit for Temporary Structure.** Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

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**§ 703. Building Permits.**

**§ 703.1** No building permit shall be issued until a zoning permit has been issued.

**§ 704. Certificate of Occupancy.**

**§ 704.1 Requirement for a Certificate of Occupancy.** It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the City Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended, has issued a Certificate of Occupancy. A Certificate of Occupancy shall be required under the following circumstances:

- (A) Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
- (B) Change in use, ownership or occupancy of any building or structure, or portion thereof. The commencement of a home occupation also constitutes a change in use.
- (C) Change in occupant or tenant of any building or structure in any commercial or industrial building or structure, or portion thereof.
- (D) Change in use or expansion of a non-conforming use or structure, or portion thereof.
- (E) Use of land or change in use thereof, except that the placing of vacant land under cultivation shall not require a Certificate of Occupancy.
- (F) A Certificate of Occupancy for a new use within an existing structure or for a use not specified on the building permit application requires the signature of the Zoning Officer.

**§ 704.2 Application Requirements.** All applications for Certificates of Occupancy shall be made to the City Code Official in writing on forms furnished by either the City and shall include all information necessary to enable the Code Official to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended. The zoning permit and Certificate of Occupancy may be combined for the administrated convenience of the City as a Certificate of Use and Occupancy.

**§ 705. Fees.**

- § 705.1** The Monongahela City Council shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this Chapter.
- § 705.2** Council shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an amendment to this chapter and may be adopted at a public meeting by resolution.
- § 705.3** All fees shall be paid to the City. Special exceptions, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.

**§ 706. Uses by Right, Uses by Special Exception, and Conditional Uses**

- § 706.1** A use listed by right is permitted subject to the requirements for the district in which it is located, after approval has been granted in accordance with the requirements of the City of Monongahela Subdivision and Land Development Ordinance, if applicable, and after a zoning permit has been issued in accordance with the provisions of this Ordinance.
- § 706.2** A use listed as a use permitted by special exception may be permitted as such provided the Zoning Hearing Board authorizes issuance of a zoning permit by the Zoning Officer, subject to any requirements of Article V, and after approval has been granted subject to the requirements of the City of Monongahela Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Council may impose to ensure protection of adjacent uses or the health, safety, and general welfare.
- § 706.3** A use listed as a use permitted as a conditional use may be permitted as such provided the Council has received a positive recommendation from the City Planning Commission, has granted the conditional use subject to any expressed standards set forth in Article V of this Chapter, and after approval has been granted subject to the requirements of the City of Monongahela Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Council may impose to ensure protection of adjacent uses or the health, safety, and general welfare.

**§ 706.4** A use not listed as being permitted by right, special exception, or conditional use in a particular zoning district is not permitted in that zoning district.

**§ 707. Special Exceptions.**

**§ 707.1** In any instance where the Zoning Hearing Board is required to consider a special exception in accordance with the provisions of this Chapter, the Board shall apply the following standards:

- (A) The Zoning Hearing Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood
- (B) The Zoning Hearing Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of the City of Monongahela, the convenience of the community and the public welfare.
- (C) The Zoning Hearing Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

**§ 707.2** In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Chapter.

**§ 708. Conditional Uses.**

**§ 708.1** In deciding all applications for conditional uses the Monongahela City Council shall be guided by the following standards and criteria:

- (A) The proposed use conforms to the applicable regulations of the district.
- (B) The proposed use should not cause undue noise, glare, or pollution of the surrounding areas, as determined by the Council, upon recommendation by the City Engineer and City Planning Commission.

- (C) Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
- (D) Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Council to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.

**§ 709. Variances.**

**§ 709.1** In accordance with Section 910.2 of the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings are made where relevant in a given case.

- (A) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the zoning ordinance in the neighborhood or district in which the property is located.
- (B) That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (C) That such unnecessary hardship has not been created by the applicant.
- (D) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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

**§ 710. Duties of the Planning Commission.**

**§ 710.1** Duties of the City of Monongahela Planning Commission regarding the Zoning Ordinance shall include:

- (A) The preparation and amendment of the Zoning Ordinance
- (B) The review of any proposed amendments to the Zoning Ordinance, including the Zoning Map.
- (C) The review of all applicable matters relating to lot line changes, subdivisions, land developments, planned residential developments, special exception or conditional use requests, provide testimony to the Zoning Hearing Board, or any other matter of a planning or zoning nature as prescribed within the MPC.
- (D) Any other activities relating to planning or zoning as the governing bodies of the municipalities see fit or as the MPC may require.

**§ 711. Violations and Penalties.**

**§ 711.1** Any persons, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable thereof in a civil enforcement proceeding commenced by the City of Monongahela, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. In addition, the following shall apply to all violations:

- (A) No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City of Monongahela may enforce the judgment pursuant to the applicable rules of civil procedure.
- (B) Each day that a violation continues shall constitute a separate violation, unless the District Justice, when determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that the violation continues shall constitute a separate violation.

- (C) All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid to the City of Monongahela.

**§ 712. Notice of Violation.**

**§ 712.1** When written notice of the violation of any of the provisions of this Chapter shall have been served, by registered mail or otherwise, by the Zoning Officer or the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within fourteen (14) days. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the City of Monongahela the right and duty to prosecute a violator for a violation of each respective provision of this Ordinance.

**§ 712.2** Written notice of a violation shall be given to the owner of record of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:

- (A) The name of the owner of record and any other persons against whom the municipality intends to take action.
- (B) The location of the property in violation.
- (C) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
- (D) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (E) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
- (F) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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**§ 713. Additional Remedies.**

**§ 713.1** In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the City of Monongahela Council or, with the approval of the Council, an officer of the municipality, in addition to other remedies, may institute in the name of the City any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

**§ 714. Amendment by Governing Body.**

**§ 714.1** The governing body of City of Monongahela may, from time to time, amend this Chapter and/or the Zoning Map by proceeding in the manner set forth in this section and as otherwise required by law.

**§ 714.2** An amendment proposed by the City of Monongahela Council shall be prepared by the Solicitor, Zoning Officer or Planning Commission.

**§ 714.3** The proposed amendment shall be referred to the Washington County Planning Commission for review and comment.

**§ 714.4** The proposed amendment shall be advertised as required by the MPC.

**§ 714.5** If the proposed amendment would effect a change in the Zoning Map, if adopted, the property so affected shall also be posted in the manner required (if so required) by the MPC.

**§ 714.6** After advertising (and posting of the property, if any) has occurred, the respective governing body shall hold a public hearing on the proposed amendment of this Chapter and/or Zoning Map before voting on its adoption.

**§ 715. Landowner-Proposed Curative Amendments.**

**§ 715.1** Any landowner in the City of Monongahela may submit a written proposal, on the form provided at City Hall, requesting an amendment of this Chapter or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by their respective governing body for such a submission.

**§ 715.2** Since amendment of this Chapter or Zoning Map is a decision that falls within the legislative discretion of the City, the Board shall have no obligation or duty to grant a hearing or to take any action on any proposal for amendment of this Chapter or the Zoning Map submitted by a landowner.

**§ 715.3** If a landowner submits a proposal for the amendment of this Chapter and/or Zoning Map and the respective governing body decides to take no action on the proposal, the municipal staff shall return the application and fee submitted by the landowner or other person, and the City shall take no further action on the submission.

**§ 715.4** If the governing body decides to grant a hearing on any proposal to amend this Chapter and/or Zoning Map as submitted by a landowner, the municipal staff shall refer the proposal to the City of Monongahela Planning Commission and the Washington County Planning Commission for review and commentary. The municipal staff shall also advertise the proposed amendment as required by the MPC and, if the proposal involves any change to the Zoning Map, any affected property shall be posted. The governing body shall hold such public hearing or hearings as it deems appropriate on the proposal submitted by the landowner to amend this Ordinance and/or Zoning Map, but the Board shall be under no obligation to take any final action on the proposal.

**§ 716. Evaluation of Merit of Curative Amendment.**

**§ 716.1** If the governing body determines that a validity challenge has merit, the governing body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The governing body shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:

- (A) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
- (B) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map.
- (C) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
- (D) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- (E) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

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**§ 717. Procedure for Curative Amendment.**

- § 717.1** The governing body of the municipality shall vote, within thirty (30) days following such declaration by the governing body, by formal action whether or not to declare this Chapter or portions thereof substantially invalid. In the event of the failure of a majority of the governing body to declare this Chapter or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.
- § 717.2** The declaration by a majority of the Council of the substantive invalidity of this Chapter shall be binding upon the municipality from the moment the initiating governing body declares this Chapter invalid.
- § 717.3** Upon the declaration that this Chapter is invalid by the municipality, the municipality shall begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
- § 717.4** Within thirty (30) days following such declaration and proposal the governing body of the municipality shall:
- (A) By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
- (1) References to specific uses which are either not permitted or not permitted in sufficient quantity;
  - (2) Reference to a class of use or uses which require revision; or
  - (3) Reference to the entire ordinance which requires revisions
- § 717.5** Within one hundred eighty (180) days from the date of the declaration, pursuant to §718.1, above, the City shall enact a curative amendment to or reaffirm the validity of this Chapter pursuant to the provisions required by §715, to cure the declared invalidity of this Chapter.
- § 717.6** Upon the initiation of the procedures by the governing body as set forth in §715 and §718.1, herein, the governing body shall not be required to entertain or consider any landowner's curative amendment as provided for within the MPC, nor shall the Zoning Hearing Board be required to give a report subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by §718.4.
- § 717.7** Upon completion of the procedures as set forth in 718.1 and 718.4, herein, no rights to a cure pursuant to the provisions of the MPC, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this section.

**§ 717.8** The City, having utilized the procedures as set forth herein, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the City may utilize the provisions of this section to prepare a curative amendment to this Chapter to fulfill said duty or obligation; provided, however, that the City shall not be deemed to have utilized the procedures set forth herein either if the City takes formal action to not declare this Chapter invalid in accordance with §718.1 or if they fail to act in accordance with §718.4.

**§ 718. Application for Amendment.**

**§ 718.1** Applications for amendment of this Chapter shall be presented or postmarked to the City on the same day and shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Chapter. In the latter cases, the applicant shall be bound by the requirements contained therein.

- (A) The applicant's name and address and his representative and the interest of every person represented in the application;
- (B) A fee as specified by the City fee schedule charged to any person or persons desiring to amend this Chapter;
- (C) A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- (D) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
- (E) The approximate time schedule for the beginning and completion of development in the area;
- (F) A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.

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**§ 719. Notice and Conduct of Hearings.****§ 719.1 Notice.**

- (A) Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, Council, Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Council or the Zoning Hearing Board shall designate.
- (B) Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.
- (C) In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the appellant.

**§ 719.2** The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:

- (A) The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (B) Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the City, be granted additional hearings to complete their opposition to the application

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

- (C) The hearings shall be conducted by the Zoning Hearing Board or the hearing officer. The Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the City, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- (D) The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- (E) The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (F) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (G) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (H) The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §810 of this Chapter.
- (I) The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(J) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

**§ 720. Failure to Render a Decision.**

**§ 720.1** Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence or complete the required hearing as provided in this Chapter, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

**§ 720.2** When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided herein. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

**§ 721. Mediation.**

**§ 721.1** Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

**§ 721.2** Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- (A) Funding mediation;
- (B) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- (C) Completing mediation, including time limits for such completion;
- (D) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or City decision-making body, if either is not a party to the mediation;
- (E) Identifying all parties and affording them the opportunity to participate;
- (F) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- (G) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

**§ 721.3** No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**§ 722. Hearing Fees and Expenditures.**

**§ 722.1** Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

**§ 722.2** The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is

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ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

**§ 722.3** Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Council. Within the limits of funds appropriated by the Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

**§ 723. Time Limitations.**

**§ 723.1** No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate City officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

**§ 723.2** The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the MPC shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

**§ 723.3** All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**§ 724. Stay of Proceedings.**

**§ 724.1** Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

**§ 724.2** All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the MPC.

## ARTICLE VIII – ZONING HEARING BOARD

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### **§ 800. Purpose.**

**§ 800.1** The purpose of this Article is to set forth the regulations regarding the Zoning Hearing Board and all duties and functions that pertain thereto.

### **§ 801. Membership.**

**§ 801.1** The City of Monongahela shall maintain a Zoning Hearing Board. The Zoning Hearing Board shall consist of three members each appointed by resolution by the City of Monongahela Council. In addition to the three (3) member appointments, the Zoning Hearing Board shall consist of one (1) alternate member appointed by resolution by City Council.

**§ 801.2** The members of any present Zoning Hearing Board shall continue to serve until the expiration of their appointed terms. City Council shall appoint successors on the expiration of their respective terms to serve three (3) years and shall fill any vacancy for the unexpired term of any member or alternate whose office becomes vacant. The alternate member shall be appointed for a three (3) year term. Members and the alternate may succeed themselves.

**§ 801.3** The members and alternate of the Zoning Hearing Board shall be removable for cause by the City Council upon written charges and after a public hearing.

**§ 801.4** Members of the Board and the alternate shall hold no other office in their respective municipality, and no member of the Board or alternate may also be a member of the Planning Commission.

**§ 801.5** The word “Board,” when used in this Article shall mean the Zoning Hearing Board of the City of Monongahela.

### **§ 802. Powers and Duties.**

**§ 802.1** The Board shall have the following powers:

- (A) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter. To interpret upon the words, terms, rules, regulations, provisions and restrictions of this Chapter where there is doubt as to the meaning thereof, including determination in specific instances whether questionable uses are permitted by virtue of being similar to or customarily incidental to permitted uses as provided by this Chapter.

- (B) To hear and decide special exceptions to the terms of this Chapter in such cases as are herein expressly provided for, in harmony with the general purposes and intent of this Chapter with power to impose appropriate conditions and safeguards.
- (C) To authorize upon appeal, in special cases, such variance from the terms of this Chapter as the Board shall feel will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship and so that the spirit of this Chapter shall be observed and justice done. The special circumstances requiring a variance shall be fully set forth in the minutes of the Board, which will show the votes of each member upon each question.
- (D) To hear and decide substantive challenges to the validity of any land use ordinance, except those brought before the City Council as curative amendments.
- (E) To hear and decide procedural challenges to the validity of any land use ordinance. Procedural challenges include procedural questions or alleged defects in the process or adoption of a land use ordinance. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

**§ 803. Standards for Board Consideration.**

**§ 803.1** In any instance where the Board is required to consider an exception or variance to this Chapter in accordance with the provisions of the Ordinance, the Board shall, among other things:

- (A) Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose and intent of this Chapter.
- (B) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- (C) Determine that the proposed change will serve the best interests of the City, the convenience of the community (where applicable) and the public welfare.
- (D) Consider the effect of the proposed change upon the logical, efficient, and economical extension of public service and facilities,

such as public water, sewers, police and fire protection and public schools.

- (E) Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
- (F) Be guided in its study, review, and recommendation by sound standards of subdivision practice where applicable.
- (G) Impose such conditions, in addition to those required, as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking and sanitation.
- (H) Determine that there are special circumstances or conditions fully described in the findings applying to the land or buildings for which the variance is sought, which circumstances or conditions are such that the application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or building.
- (I) Determine that the unique circumstances for which the variance is sought were created neither by the owner of the property or due to or the result of general conditions in the district in which the property is located.

**§ 804. Exercise of Powers.**

**§ 804.1** In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such additional order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

**§ 805. Rules of Procedure.**

**§ 805.1** The Board shall adopt rules of procedure in accordance with the several provisions of this Chapter as to the manner of filing appeals or applications for special exceptions or for variance from the terms of this Chapter. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall

exactly set forth the interpretation that is claimed, the use for which the special exception is sought, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

**§ 806. Meetings.**

**§ 806.1** Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**§ 806.2** When, by reason of absence or disqualification, one or more members is unavailable for a hearing, the Chairman or, in his absence, the Acting Chairman, shall designate the alternate member of the Board to sit on the Board. The alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternative was initially appointed until the Board has made a final determination of the matter or case.

**§ 807. Notice of Hearing.**

**§ 807.1** Upon the filing with the Board of an application for a special exception, variance, appeal from any decision or action of the Zoning Officer, appeal from an interpretation of the terms of this Ordinance or substantive or procedural challenges to the validity of this Ordinance, the Board shall fix a reasonable time and place for a public hearing thereon and shall give notice as follows:

- (A) By publishing a notice thereof once a week for two successive weeks before the date fixed for the hearing in a newspaper of general circulation in the City; the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing.
- (B) By mailing or serving due notice to the parties in interest.
- (C) By mailing or serving notice thereof to the City.
- (D) When the Board shall so order, by mailing or serving notice thereof to the owner or owners, if their residence is known, or to the

occupier or occupiers of every lot on the same street within three hundred (300) feet of the lot or building in question and of every lot not on the same street within one hundred and fifty (150) feet of the said lot or building, provided that failure to give notice specified herein shall not invalidate any action taken by the Board.

(E) By mailing a notice thereof to any resident or association of residents of the City or other interested parties who shall have formally registered their names and address for this purpose with the Board subsequent to the enactment of this Ordinance.

(F) By conspicuously posting written notice of the hearing on the affected tract of land at least one week prior to the hearing.

**§ 807.2** The notices herein required shall state the location of the building or lot and the general nature of the question involved.

**§ 808. Expiration of Special Exceptions and Variances.**

**§ 808.1** A special exception or variance shall expire if the applicant fails to obtain a permit within one year of the date of authorization thereof and shall thereafter be subject to expiration in accordance with Article VII of this Chapter.

**§ 809. Appeal to Court.**

**§ 809.1** Any persons aggrieved by the decision of the Board may within thirty (30) days thereafter appeal to the Court of Common Pleas of Washington County by petition duly verified, setting forth the grounds upon which said appeal is taken.

**§ 810. Fees.**

**§ 810.1** Application before the Zoning Hearing Board shall be accompanied by a cash payment to the City Zoning Officer in accordance with a fee schedule adopted by resolution of the City Council following the enactment of this Ordinance or as such schedule may be amended from time to time. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing the decision of the Board if such appeal is made and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

## ARTICLE IX – NONCONFORMING USES

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### **§ 900. Purpose.**

**§ 900.1** The purpose of this Article is to provide for the continuation of uses that do not conform to the City of Monongahela Zoning Ordinance, but which were in operation prior to the enactment of this Ordinance or amendments thereto, except as otherwise provided in Article VI, §608, Nonconforming Signs.

### **§ 901. Disclaimer.**

**§ 901.1** Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

### **§ 902. Nonconforming Uses.**

**§ 902.1** These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Chapter. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.

**§ 902.2** Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Ordinance.

**§ 902.3** Single-family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.

**§ 902.4** No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Chapter, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

- § 902.5** No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Chapter.
- § 902.6** A nonconforming use may be extended into a structure or onto an adjoining lot or portion of a lot provided that the adjacent lot or structure or portion thereof was owned by the owner of the nonconforming use at the time the use became nonconforming. Nonconforming uses where the owner of the nonconforming use does not own the adjacent lot or structure at the time the use became nonconforming shall not be permitted extension or expansion onto adjacent properties or structures.
- § 902.7** A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:
- (A) The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
  - (B) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
  - (C) Any change from one nonconforming use to another shall comply with the parking requirements of §410 of this Ordinance for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
  - (D) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
  - (E) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
- § 902.8** A nonconforming use may be permitted to change to a use that is similar in nature to the existing nonconforming use at the discretion of the Planning Commission. It is within the rights of the Planning Commission to determine if the use is similar in nature based upon the proposed new use's impact on surrounding properties and its appropriateness within the context of the Zoning District in which it is located.

**§ 902.9** When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

(A) When application is made not later than one (1) year from the date the use was discontinued or abandoned, the Zoning Hearing Board may approve an extension of not more than one (1) additional year within which the use may be resumed. No additional extensions may be approved.

(B) When the discontinuance is beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Officer may permit the nonconforming use to continue indefinitely until such a time when intent to abandon is established.

**§ 902.10** All nonconforming uses may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §903 herein are met.

**§ 903. Nonconforming Structures.**

**§ 903.1** A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.

**§ 903.2** Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §903.1 herein are met.

**§ 903.3** Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

**§ 904. Nonconforming Lots.**

**§ 904.1** Any lot of record existing at the effective date of this Chapter may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Chapter; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

**§ 904.2** Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

**§ 905. Registration of Nonconformity.**

**§ 905.1** The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Washington County Assessor's Tax Parcel Number as a legal nonconforming use.

**§ 905.2** In the course of administering this Chapter and reviewing applications for zoning certificates, Certificates of Occupancy or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

PENTHOUSE

ROOF

AVERAGE ELEVATION OF PROPOSED FINISHED GRADE BUILDING FRONT

FINISHED GRADE

STREET

BASEMENT AND-OR GARAGE

HEIGHT

PENTHOUSE

ROOF

AVERAGE ELEVATION OF PROPOSED FINISHED GRADE BUILDING FRONT

FINISHED GRADE

STREET

BASEMENT AND-OR GARAGE

HEIGHT

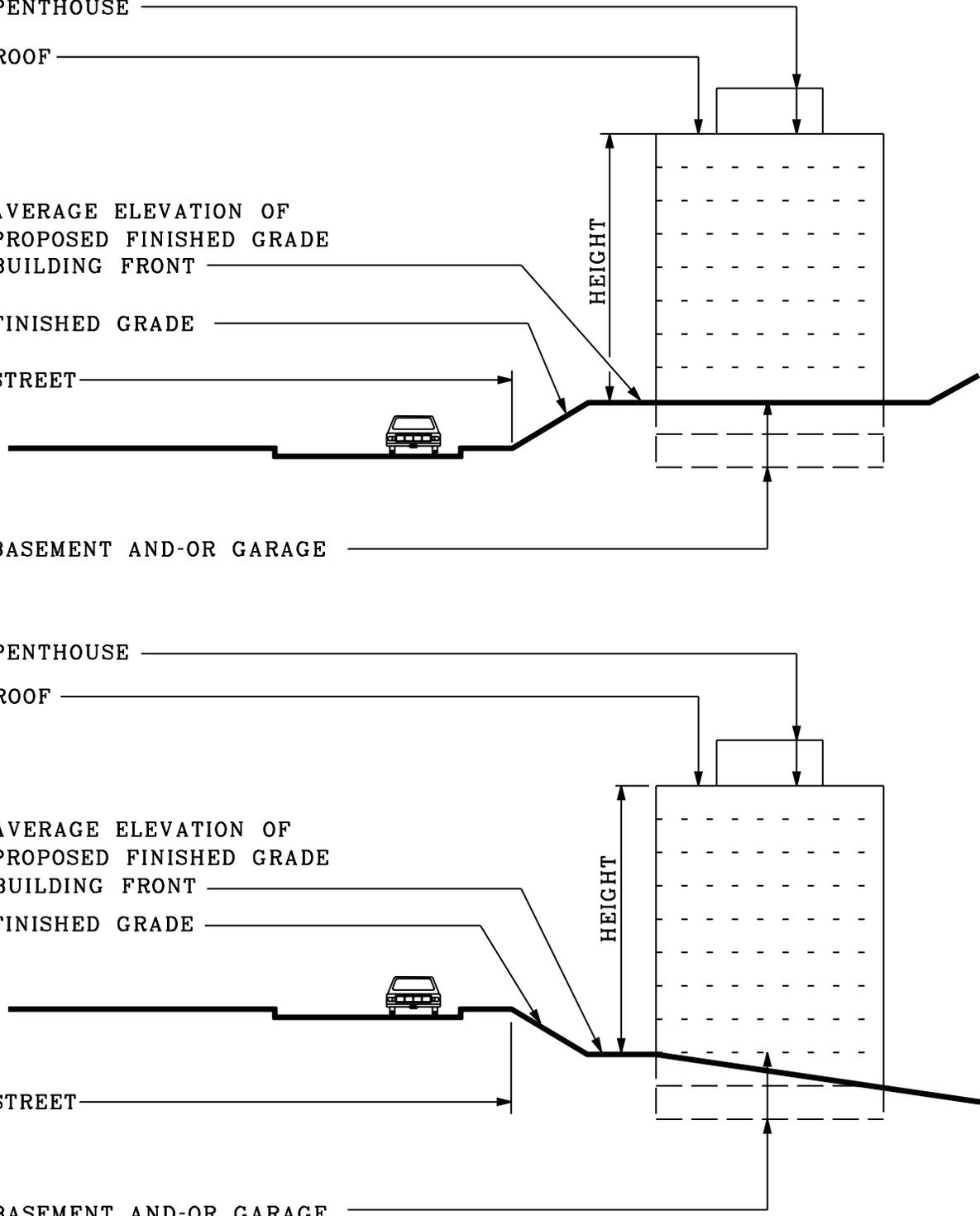
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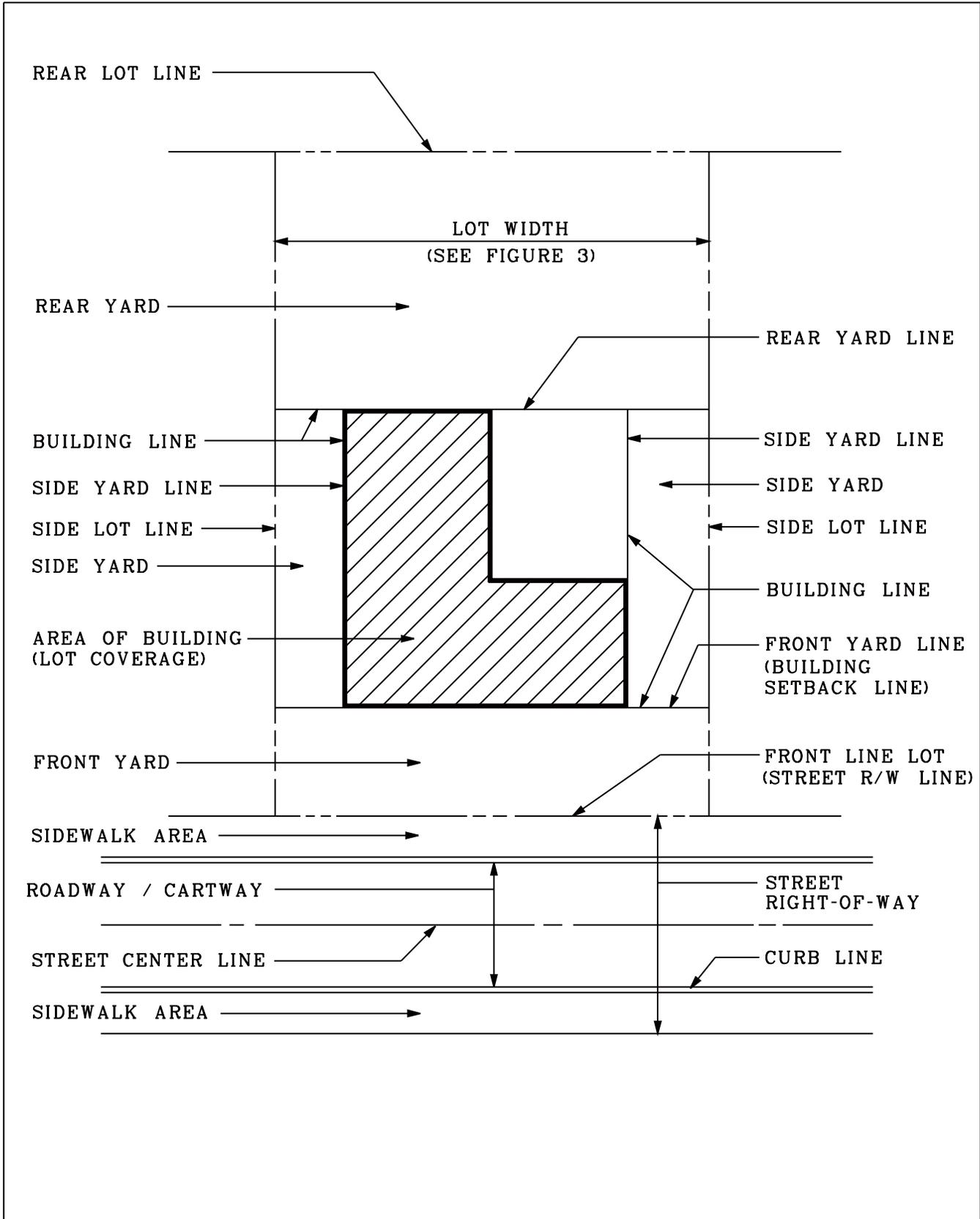
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# BUILDING HEIGHT MEASUREMENT

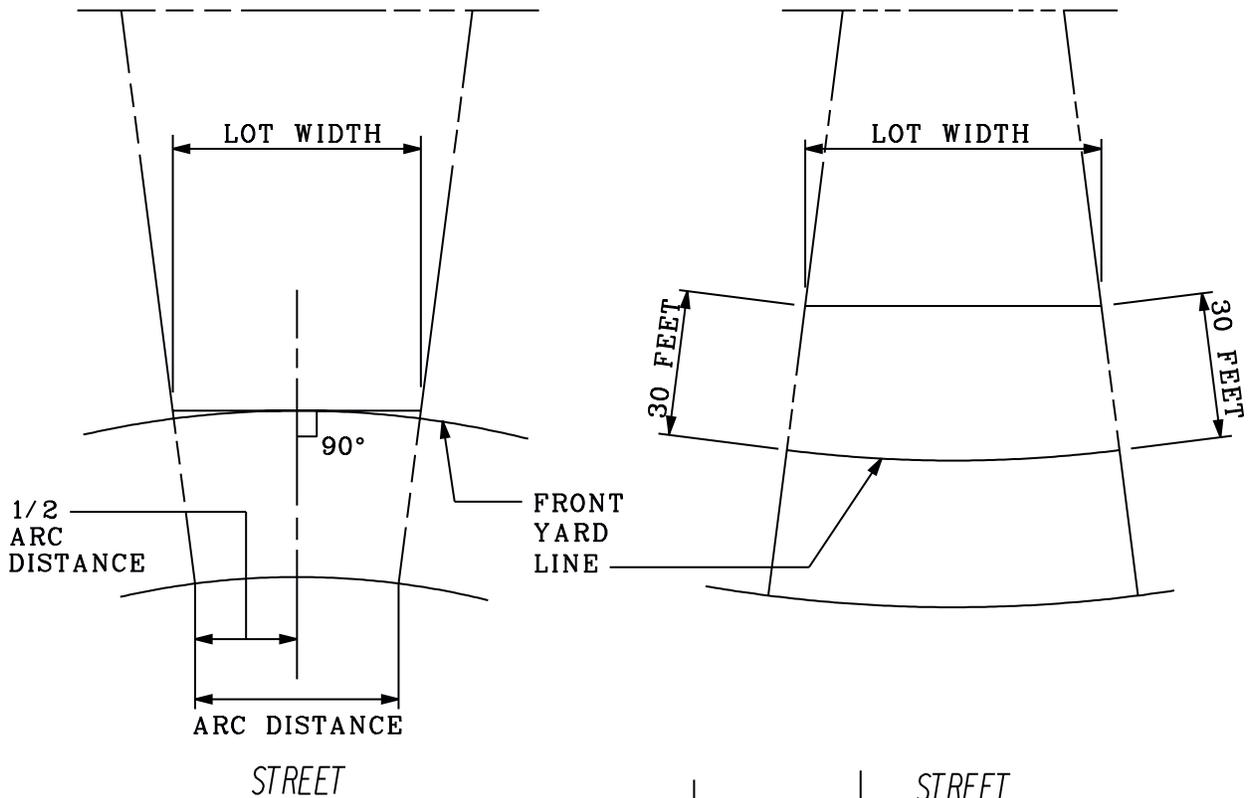
FIGURE

1





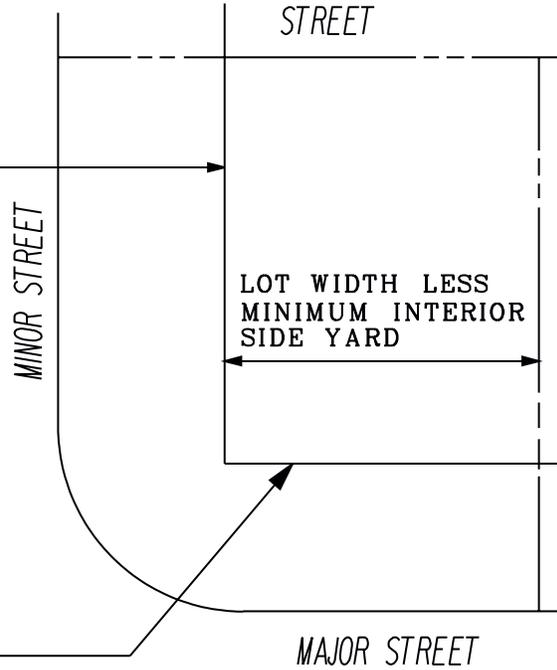
<p>SCALE: NO SCALE</p>	<p>LOT AREA AND BULK REGULATIONS</p>	<p>FIGURE 2</p>
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FRONT OR SIDE YARD LINE IN R-1, R-2 AND R-3 ZONES. SIDE YARD LINE IN ALL OTHER ZONES.

IN R-1 AND R-2, ZONES THE LINE ABUTTING EITHER STREET CAN BE CONSIDERED THE FRONT LOT LINE. IN ALL OTHER ZONES, ONLY THE LINE ABUTTING THE MAJOR STREET CAN BE CONSIDERED A FRONT LOT LINE

FRONT OR SIDE YARD LINE IN R-1 AND R-2 FRONT YARD LINE IN ALL OTHER ZONES.



SCALE:  
NO SCALE

LOT WIDTH  
MEASUREMENT

FIGURE  
3