

ZONING ORDINANCE

**WAYNESBURG BOROUGH
WAYNESBURG, PENNSYLVANIA**

PREPARED BY:

Glance & Associates, Inc.
Architecture + Planning
94 Pilgrim Road
Pittsburgh, PA 15106
(412)276-1245

**ADOPTED
JUNE, 1995**

ZONING ORDINANCE

WAYNESBURG BOROUGH WAYNESBURG, PENNSYLVANIA

PREPARED BY:

Glance & Associates, Inc.
Architecture + Planning
94 Pilgrim Road
Pittsburgh, PA 15106
(412)276-1245

**ADOPTED
JUNE, 1995**

TABLE OF CONTENTS

• Article One: General Provisions		
1-101	• Short Title	1
1-102	• Statement of Purposes	1
1-103	• Community Development Objectives	1
1-104	• Application of the Regulations	2
1-105	• Interpretation	4
1-106	• Repeal of Conflicting Ordinances	4
1-107	• Validity	4
1-108	• Effective Date	4
• Article Two: Definitions		
2-201	• Rules of Interpretation	6
2-202	• Definitions	6
• Article Three: Schedule of District Regulations		
3-301	• Establishment of District Regulations	31
3-302	• Zoning District Map and Boundaries	31
3-303	• District Regulations	32
3-304	• Lot, Yard and Height Regulations and Exceptions	32
3-305	• R-1 Residential	33
3-306	• R-2 Residential	35
3-307	• B-1 General Business	37
3-308	• B-2 Local Business	39
3-309	• M-1 Manufacturing	41
• Article Four: Special Exceptions		
4-401	• Applicability	44
4-402	• Application Procedure	44
4-403	• General Standards and Criteria	45
4-404	• Standards and Criteria for Special Uses	46
• Article Five: Supplemental Regulations		
5-501	• General Intent	64
5-502	• General Provisions and Exceptions	64
5-503	• Accessory Uses	64
5-504	• Fencing, Screening and Retaining Walls	67
5-505	• Swimming Pools	69
5-506	• Radio, Television or Satellite Dish Antennas	70
5-507	• Signs	71
5-508	• Off-Street Parking	80
• Article Six: Environmental Performance Standards		
6-601	• General Standards	88
6-602	• Stormwater Management	91
6-603	• Erosion / Sedimentation Control	93

•	Article Seven: Floodplain Management Standards	
7-701	• Purpose	94
7-702	• General Provisions	94
7-703	• Delineation of Floodplain Areas	95
7-704	• Administration of Floodplain Provisions	97
7-705	• Technical Provisions	100
7-706	• Activities Requiring Special Permits	107
7-707	• Existing Structures in Floodplain Areas	112
7-708	• Variances	113
7-709	• Definitions	114
•	Article Eight: Nonconformities	
8-801	• Definitions	116
8-802	• Continuation	116
8-803	• Unlawful Use Not Authorized	116
8-804	• Alterations, Repair, Enlargement, Reconstruction of Nonconforming Structures	117
8-805	• Alteration, Enlargement or Expansion of a Nonconforming Use	117
8-806	• Change of Nonconforming Use	118
8-807	• Abandonment of Nonconforming Use	119
8-808	• Nonconforming Lot of Record	119
8-809	• Termination of Nonconforming Signs	119
8-810	• Status of Conditional, Special Exception Uses	120
8-811	• Historical Landmarks	120
8-812	• District Changes	120
•	Article Nine: Administration and Enforcement	
9-901	• Zoning Official	121
9-902	• Required Zoning Permits	122
9-903	• Schedule of Fees	125
9-904	• Zoning Hearing Board	125
9-905	• Appeals	133
9-906	• Amendments to the Zoning Ordinance or Map	134
9-907	• Enforcement	136
•	Appendix One: Graphic Standards	
•	Appendix Two: Area & Height Requirements	



BOROUGH OF WAYNESBURG

ORDINANCE NUMBER 1-1995

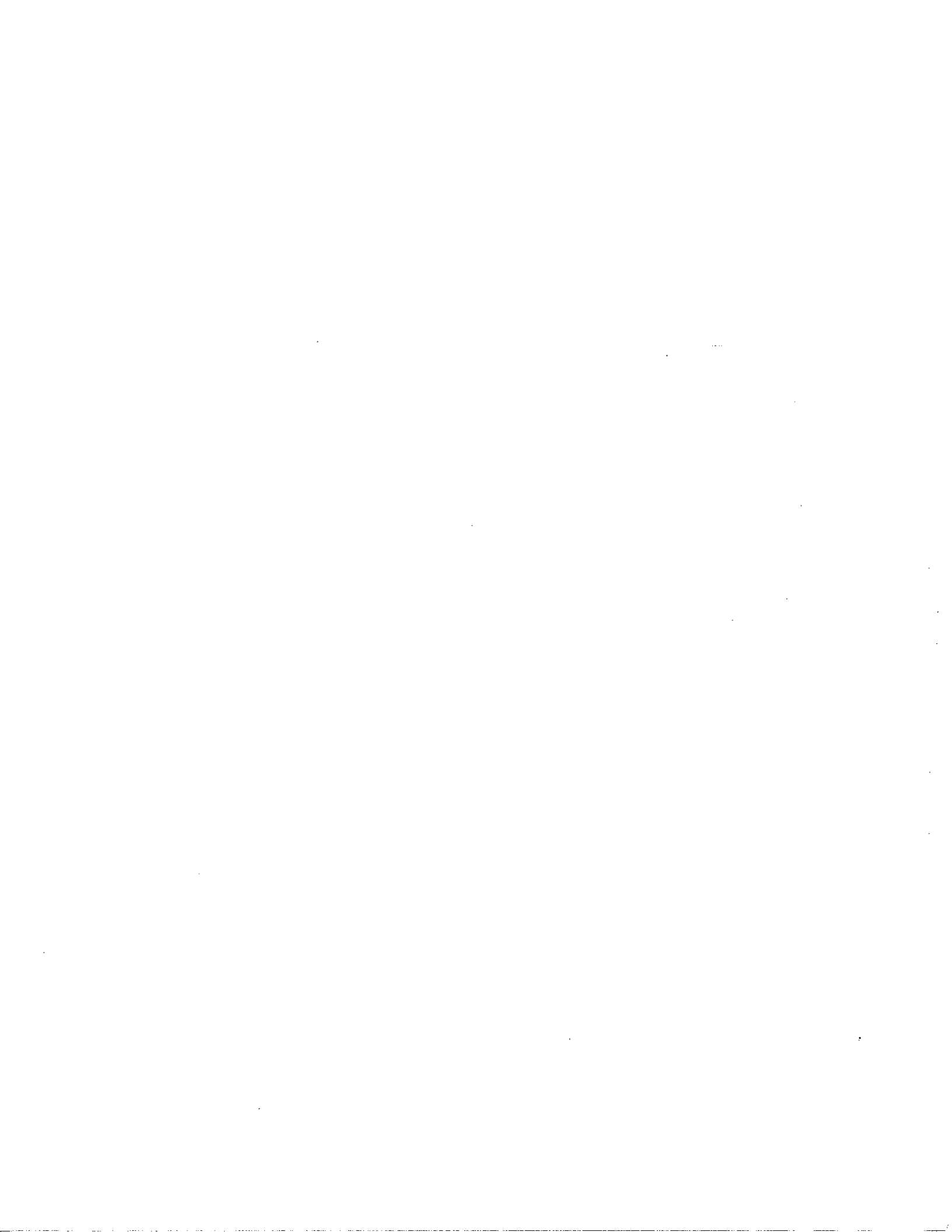
JUNE - 28 - 1995

AN ORDINANCE OF THE BOROUGH OF WAYNESBURG, GREENE COUNTY, PENNSYLVANIA, AMENDING AND REPLACING ORDINANCE NO. 4-1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF WAYNESBURG BOROUGH AND ADOPTING A NEW ZONING ORDINANCE OF THE BOROUGH OF WAYNESBURG.

WHEREAS, the Borough Council of the Borough of Waynesburg has established the Waynesburg Borough Zoning Ordinance through its enactment of Ordinance NO. 4-1969, as amended, and the Borough Council now wish to further substantially revise and update said Zoning Ordinance and adopt a new Zoning Ordinance in its entirety: and

WHEREAS, the Council find, for the reasons hereafter set forth, that the adoption of the new Ordinance in this matter significantly promotes the health, safety, morals, convenience, and general welfare of the present and future inhabitants of the Borough of Waynesburg.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Waynesburg, Greene County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:



ZONING ORDINANCE OF THE
MUNICIPALTY OF WAYNESBURG
GREENE COUNTY, PENNSYLVANIA

ARTICLE ONE

GENERAL PROVISIONS

1-101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Waynesburg Zoning Ordinance," and the zoning district map shall be known and may be cited as the "Official Waynesburg Zoning Map."

1-102 STATEMENT OF PURPOSES

The fundamental purpose of this Ordinance is to promote the safety, health, convenience and general welfare; to encourage the most appropriate use and reuse of land throughout the Municipality; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid under concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of roads, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvements.

1-103 COMMUNITY DEVELOPMENT OBJECTIVES

The following Statement of Community Development Objectives identifies short and long-term land use and development objective for the Municipality and provides a legal basis for the specific provisions of this Ordinance.

103.1 Community Development Objectives

1. Continue efforts to preserve, enhance and upgrade the established residential neighborhoods and to prevent the intrusion of incomplete land uses into these areas
2. Provide for a diversity of housing types to meet the the needs of various age and income groups.

3. Preserve the small town character of the community.
4. Preserve the historic quality of the existing historic structures.
5. Make provisions for personal care homes within certain zoning districts.
6. Support and encourage continued development and improvement of the downtown business district.
7. Ensure adequate off-street parking and loading areas for business district.
8. Improve the quality of landscaping around parking lots, mobile home parks and within existing parks themselves.
9. Ensure that all portions of the community are properly served by police, fire and other emergency services.

1-104

APPLICATION OF THE REGULATIONS

- 104.1 Uniformity of Regulations and Exceptions:
The regulations established by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except that additional classifications may be made within any district for the purposes of: (1) making transitional provisions at or near the boundaries of districts; (2) regulating nonconforming uses and structures; (3) regulating, restricting or prohibiting uses and structures at or near major thoroughfares, their intersections and interchanges, natural or artificial bodies of water; places of relatively steep slope or grade; public buildings and grounds; places having unique historical or patriotic value or interest; floodplain areas and other places having a special character or use affecting or affected by their surroundings. Among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part.
- 104.2 Compliance: No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall

hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all applicable provisions of this Ordinance. No changes shall

be made in the contour of the land; no grading; excavation; removal or destruction of topsoil, trees or other vegetative cover of land shall be commenced until the zoning certificate has been issued in compliance with the terms of this Ordinance.

104.3 Future Annexations: All territory which may hereafter be annexed to the Municipality shall be considered to be in the R-1 Residential District until otherwise classified.

104.4 Reclassification of Public Facility If Use Ceases: In the case that any public building, facility or land area, such as a school, recreation area, community center or municipal building, shall cease to be used according to its intended function, the Planning Commission shall study the existing zoning classification of the property on which the said use is located and shall make recommendations to the Governing Body on any necessary zoning changes to ensure a suitable reuse of the parcel. This study and recommendation shall be made by the Governing Body within 90 days of the notification by the appropriate public entity of the intent to terminate the existing use of the property.

104.5 Preservation of Other Regulations: Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any federal, state or county law or regulation. Currently, the Municipality does not have a Subdivision/Land Development Ordinance and these provisions, must be met by the Greene Co. Subdivision Ordinance.

104.6 Pending Building Permits: Nothing in this Ordinance shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Ordinance, or any amendment thereto, provided that construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Ordinance.

However, any building permit which was issued subsequent to the first public hearing on this Ordinance built prior to the Ordinance's effective date shall be declared void at the time of adoption of this Ordinance, if the structure or use does not conform to the provisions of this Ordinance and if no substantial construction has begun or contract(s) let.

104.7 Public Utility Corporations: The provisions of this Ordinance shall not apply to any existing or proposed building as stated in Section 619 of the Pennsylvania Municipalities Planning Code

1-105 INTERPRETATION

105.1 Wherever the regulations within this Zoning Ordinance are at variance with other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, those which impose the most restrictive requirements shall govern.

105.2 No structure or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that said unlawful structure or use is in conflict with the requirements of this Ordinance, said structure remains unlawful hereunder.

1-106 REPEAL OF CONFLICTING ORDINANCES

All existing ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Zoning Ordinance are hereby repealed, to the extent necessary to give this Zoning Ordinance full force and effect.

1-107 VALIDITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts or sections remaining shall remain in effect as if the part of the section declared unconstitutional had never been a part thereof.

1-108 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Governing Body.

ARTICLE TWO

DEFINITIONS

2-201 RULES OF INTERPRETATION

201.1 For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows.

Words used in the present tense shall include the future.

Words in the singular shall include the plural.

The word "person" includes a corporation, company, partnership and association, as well as an individual.

The word "lot" includes the words "plot" or "parcel."

The term "shall" is always mandatory.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied."

The word "building" includes the word "structure."

201.2 The particular shall control the general.

201.3 Whenever a measurement of distance is called for by this Ordinance, it shall be taken from the principal entrance or access of one use or structure to the principal entrance/access of another along the most direct line or route on, along or across public streets.

2-202 DEFINITIONS

In addition to the following definitions, diagrams illustrating key lot, area and dimensional terms appear at the end of this Article. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

ACCESSORY USE OR STRUCTURE: A use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith.

ALLEY: A narrow service way providing a secondary public means of access to the rear or side of properties otherwise abutting on a street.

ALTERATION: An incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

AMUSEMENT ARCADE: A business or portion thereof, having on its premises for use by the public, four or more video or electromechanical devices operated by inserting a coin or token.

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

APARTMENT: (See dwelling, multifamily).

AUTOMOTIVE WRECKING: An area where dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT OR CELLAR: A story wholly or partly underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet.

BED AND BREAKFAST: A dwelling which is the principal residence of the operator where no more than three (3) sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the over night accommodations is breakfast.

BILLBOARD: A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface. (See also Sign).

BLOCK: An area bounded by three or more streets.

BOARD: The Zoning Hearing Board established by this Ordinance.

BOARDING (or ROOMING) HOUSE. A residential building other than a hotel in which part or parts are kept, used or held out to be a place where sleeping accommodations (with no separate kitchen facilities and with shared or private baths) are provided for compensation for three or more persons. A boarding house shall not include dormitories, fraternity or sorority houses or any residence that provides personal services associated with a group residence or personal care home as defined by this Ordinance.

BUFFER AREA: An area of land which may include natural or artificial land forms or a planted area with shrubs, bushes, trees, grass or other ground cover material, which provides a compact visual screen and protection for adjacent properties.

BUILDING: Any covered structure that is permanently affixed to the land; included shall be all manufactured homes and trailers to be used for human occupancy.

BUILDING LINE: A line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

BUILDING AREA: The area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

BUILDING SPACING: The minimum distance between two buildings. The building spacing shall be measured from the outermost wall or projections, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than 2 feet.

BULK: The term used to describe the size of buildings and their relationship to one another, to open areas, and to lot lines. Requirements relating to the bulk include standards for size, including area, height and floor area of a building; the number of dwelling units in a residential building in relationship to the area of

the lot; and areas in yards or other open spaces.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person; and any office used primarily for accounting, correspondence, research, editing or administration. Not included in this definition are banks and other financial institutions.

CANOPY: A lightweight structure attached to the ground and/or to a wall and extended over a sidewalk or other pedestrian walkway, where such structure is used primarily for purposes of shelter and not advertising.

CARPORIT: A structure used for the shelter of a vehicle and which includes a roof attached to the side or back of the principal building and/or supported by four columns and which is open on two or more sides from the roof to the ground over which it stands (unless specified otherwise herein).

CARWASH: A structure, or portion thereof, either fully or partially enclosed, where one or more vehicles may be washed using mechanized equipment or by self-service.

CELLAR: (See Basement).

CEMETERY: A burial place or graveyard including mausoleum, or crematory.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Officer upon site inspection, attesting that the use or structure meets all requirements of this Ordinance, complies with all approved plans and may be used or occupied for the specified use.

CHURCH: (See Place of Worship).

CLEAR SIGHT TRIANGLE: The unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be 3.75 feet above the road surface. (See illustration).

CLUB: An association organized and operated not for profit for persons who are bona fide members paying

annual dues, and which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

COMMERCIAL: Engaging in a business, enterprise, activity, or other undertaking for profit.

COMMERCIAL RECREATION: Bowling alleys, billiard and pool halls, golf courses (regular and miniature), gymnasiums, exercise or fitness centers, swimming pools, and similar uses which are operated on a commercial, for-profit basis. Such uses do not include theatres, amusement arcades (as defined by this Ordinance), amusement or theme parks, or major sports arenas/stadiums or race tracks.

COMMERCIAL SCHOOL: An establishment providing non-academic and non-credited training, vocational or trade education courses and programs for a fee.

COMMON OPEN SPACE: A parcel or parcels 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 or occupants of the development, but excluding streets, off-street parking areas, and areas set aside for public facilities.

CONDITIONAL USE: An authorized use which may be granted only by the Governing Body pursuant to express standards and criteria prescribed in this Ordinance and defined in Article VI in the M.P.C.

CONSTRUCTION SIGN: A temporary sign erected during the course of construction only announcing the name of the contractors, architects, and owner associated with this project.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the

owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For purposes of this ordinance, condominium refers to a method of owning real estate and not to a type of unit or structure.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

CONSTRUCTION TRAILER: A vehicle with or without its own motive power and used for a temporary field office or storage purposes at a construction site.

CORNER LOT: (See Lot, Corner).

COUNCIL: The Council of the Municipality of Waynesburg.

COUNTY: Greene County, Pennsylvania.

DAY: Days shall be measured by calendar days wherever a time period is stipulated in this Ordinance.

DAY CARE CENTER:

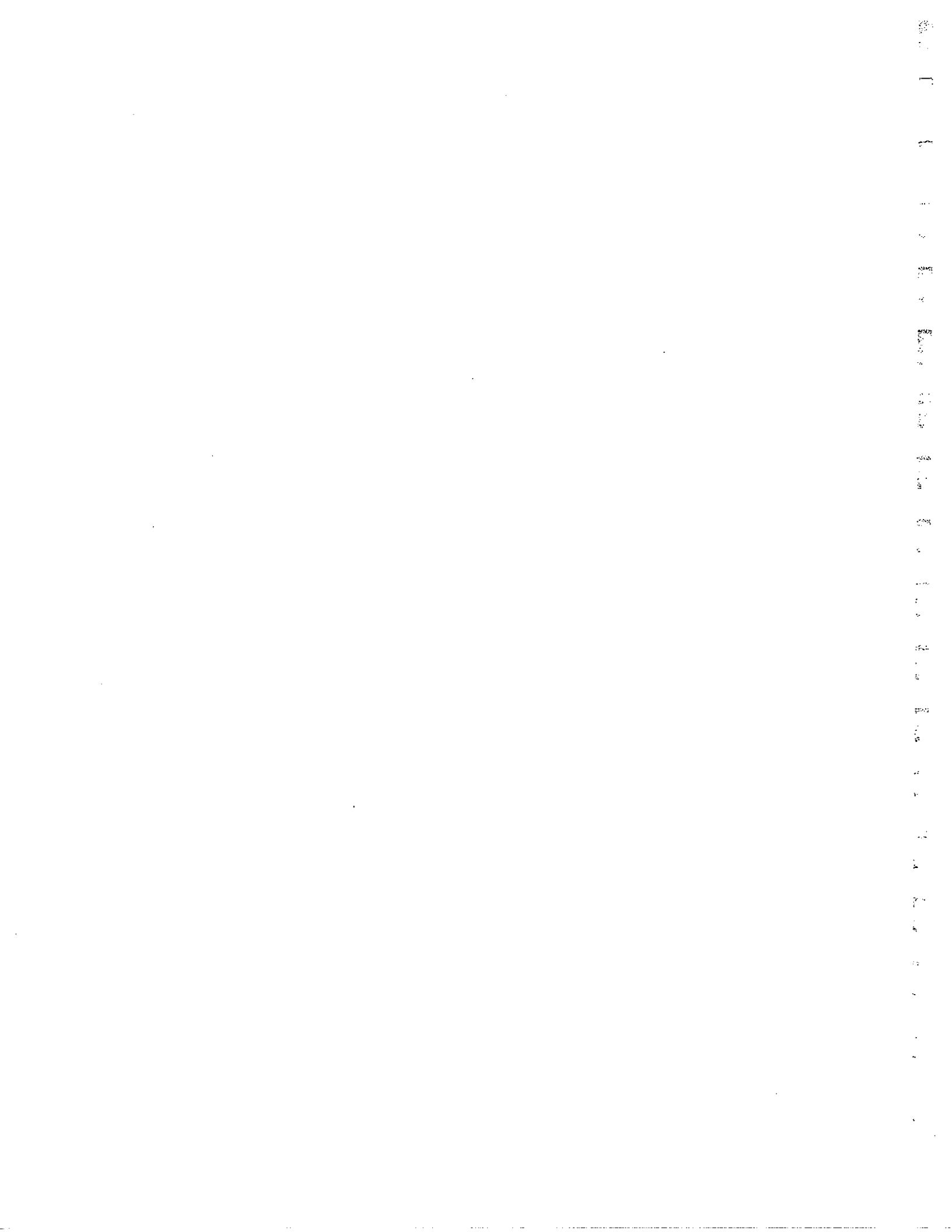
CHILD: A facility providing care, supervision and/or instruction for children under the age of 12 years for a period of less than 24 hours and licensed to operate as such by the Pennsylvania Department of Public Welfare.

ADULT: A facility providing care for less than 24 consecutive hours for three or more adults who are not relatives of the operator and who because of physical or mental infirmity require assistance to meet personal needs, but who do not require nursing care.

DECK: A structure, either built on-grade or above grade, used for outdoor seating or gathering that does not contain walls but may contain a roof or handrail.

DENSITY: A measure of intensity of use expressed as in dwelling units per acre.

DEVELOPMENT: Any change to real estate; including but not limited to the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved filling, grading, excavation, mining, drilling or dredging operations, the placement of manufactured homes, and the subdivision of land.



**Reserved for
Future Use**

