

# 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

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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.