

PLANNING COMMISSION REVIEW FINAL DRAFT

ARTICLE I

General Provisions

§1000-100. Effectiveness.

- A. The provisions of the Fayette County Zoning Ordinance shall serve the same purpose for all municipalities within the County who do not have an independent Zoning Ordinance. The Fayette County Zoning Ordinance shall be consistent with the Pennsylvania Municipalities Code.
- B. The several classes of zoning districts specified herein and the following regulations are hereby established in full force and effect.

§1000-101. Title.

- A. This Chapter shall be known and may be cited as the “Fayette County Zoning Ordinance.”

§1000-102. County development objectives.

- A. This Chapter is adopted for the following purposes:
 - 1. To provide for the proper distribution of development so as to make the most efficient use of existing community facilities, transportation networks and public infrastructure;
 - 2. To encourage residential, commercial, institutional and industrial uses in the most appropriate locations;
 - 3. To strengthen existing villages by encouraging a mixture of residential, commercial and institutional uses within the boundaries of existing public infrastructure;
 - 4. To clearly define the urban and rural sections of the County;
 - 5. To protect the environment of the County by giving special attention to preserving and promoting the County’s natural assets such as woodlands, streams, rivers, and steep slopes;
 - 6. To protect and conserve identified prime agricultural areas for agricultural use;
 - 7. To promote rehabilitation of structures and reuse of land that is compatible with and sensitive to the region’s heritage and fully integrated with the natural environment;
 - 8. To promote high quality design throughout the built environment; and
 - 9. To encourage the conservation of identified historic and cultural resources.

§1000-103. Interpretation of requirements.

- A. The regulations set forth by this Chapter within each zoning district shall apply uniformly to each district and shall be held and enforced as the minimum requirements for the protection of public health, safety and general welfare by the County. Wherever the regulations of this Chapter are with the requirements of any other lawfully adopted rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the higher standards, shall govern and be enforced by the respective agency.
 - 1. No building, structure or land shall be located, erected, constructed, reconstructed, moved, converted or enlarged nor shall any building, structure or land be altered or used except in full compliance with all provisions of this Chapter and after the lawful issuance of all permits and certificates required by the Chapter.

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2. No building or structure shall be erected or altered to create a non-conformance with the requirements specified for the zoning district in which the building or structure is located.
3. No yard or lot existing at the time of this Chapter's adoption shall be reduced in dimension or area below the minimum requirements. Yards or lots created after this Chapter's adoption shall meet at least the minimum requirements established by this Chapter.

§1000-104. Zoning appeals.

A. Requests for rezoning shall be in accordance with the provisions of this Chapter in addition to those outlined in the Zoning Map Appeals Ordinance as adopted and amended by Fayette County.

§1000-105. Abrogation.

A. It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing ordinances or enactment or with any rule, regulation or permit adopted or issued if this Chapter imposes greater restrictions upon the use of buildings or land than the provisions of this Chapter shall control.

§1000-106. Repealer.

A. The Fayette County Zoning Ordinance of 2000, as amended, is hereby repealed.

§1000-107. Severability.

A. Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Chapter as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

§1000-108. Definitions and word usage.

A. Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word "shall" is mandatory and not permissive.

B. For the purposes of this Chapter, the following words or terms shall have the specific meanings indicated:

ACCESSORY STRUCTURE -- A detached subordinate structure to a lot's principal use, whose use is clearly incidental to a lot's principal structure or the principal use of the land. No accessory structure or use permit shall be issued, prior to the establishment of the principal use.

ACCESSORY USE -- A use customarily incidental and subordinate to a lot's principal use. No accessory use shall be permitted prior to the establishment of the principal use. No accessory structure or use permit will be issued, prior to the establishment of the principal use.

ADULT-ORIENTED ESTABLISHMENT -- An establishment which sells, rents, leases, trades, barter, operates on commission or fee, purveys, displays, or offers only to or for adults products, goods of any nature, images, reproductions, activities, moving or still pictures, entertainment, and/or amusement distinguished by purpose and emphasis on matters depicting, describing, or relating by and means of communication from one (1) person to another to "specified sexual activities" or "specified anatomical areas" as herein defined. Specified anatomical areas are those areas of the human body, less than completely and

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opaquely covered, which consist of: (1) female genitals or pubic region, (2) male or female buttocks, anus, anal cleft, or cleavage, (3), female breast below a point immediately above the top of the areola, or (4) human male genitals in a discernibly turgid state. Specified sexual activities are those activities which, when described, displayed, exhibited, simulated, or depicted by whatsoever medium in an adult entertainment service establishment: (1) show the human genitals in a state of sexual stimulation, or being aroused to a state of sexual stimulation, or being touched erotically.

AGRICULTURE -- The commercial production and preparation for market of crops, livestock and livestock products, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term shall not include the raising and care of exotic animals, including, but not limited to lions, tigers and/or bear.

AGRICULTURE PURPOSES -- Land used, or available for use, without substantial change for farming activities such as raising crops or livestock. Agricultural purposes do not include extracting of any rock or mineral; or timbering or raising of forestry products or processing, sorting or grading agricultural product not raised on the lot(s) in question.

AIRPORT-RELATED FACILITIES --

- a. **ASSEMBLY AND REHABILITATION** -- Any building or part thereof designed and used for the assembly and rehabilitation of aircraft.
 - b. **AIRPORT TRAFFIC CONTROL FACILITIES** -- Any buildings, towers, observation decks, nav aids reserved for the communication and relay of aviation commands between ground operators and airborne vehicle operators.
 - c. **MAINTENANCE AND STORAGE HANGAR** -- A building or structure designed and used for the shelter and maintenance of aircraft.
 - d. **OFFICE** -- Any building or part thereof in which one or more persons are employed in the management or direction of airport operations and maintenance.
 - e. **PARKING** -- An open area of land or structure, other than a street, owned and/or maintained by an airport used for the long-term or short-term parking of vehicles with or without a fee being charged and available to the public, or as an accommodation to employees, clients or customers, or for the storage of delivery vehicles and rental cars and the like.
 - f. **RUNWAY/TAXIWAY** -- Surface or strip of ground for the arrival and/or departure of aircraft. See also Runway Protection Zone
 - g. **SERVICE FACILITY** -- Retail stores, professional and business offices, hotels, business services and personal services which are accessory uses to the operation of the airport, provide direct services to the traveling public and are located on the premises of or are directly related to an airport facility.
 - h. **TERMINAL** -- Any building or part thereof in which one or more persons are employed for airline ticketing, luggage checking facilities, restaurants, bars, retail shops, confections, post office, lot shipping facilities and janitorial services.
- AMUSEMENT FACILITY, INDOOR/OUTDOOR** -- Any establishment which generally charges a fee or activity that normally charges a fee/admission/donation, whether or not for profit, for the provision of amusement, recreation or entertainment for the general public

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including but not limited to theaters, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range, indoor archery range, go-kart tracks and automobile race tracks/speedways.

APARTMENT -- A building containing several and separate dwelling units, having common corridors and stairways and having shared exit and entrance facilities.

a. GARDEN -- A building containing at least six (6) dwelling units, but not more than forty (40) dwelling units, and not exceeding three (3) stories in height, sometimes designed around courts or common open spaces, often having private balconies or patios.

b. HIGH-RISE -- A building of four (4) or more stories in height that contain at least six (6) dwelling units but not more than sixty (60) dwelling units who share a common entrance and/or common interior corridors.

APPLICANT -- A landowner and/or developer who has filed an application for a subdivision or land development, including his agents, heirs, successors and assigns. The term Applicant includes landowner, developer, subdivider and their agents or assigns.

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, for the approval of a development plan or for a request before the Board of County Commissioners or the Zoning Hearing Board.

ARCHITECT -- A professional licensed as such in the Commonwealth of Pennsylvania.

AREA OF CONCERN -- An official recognition by the Fayette County Planning Commission of certain development limitations and certain sensitive areas which because of their environmental characteristics may influence alter or preclude the subdivision or development of land within particular areas of Fayette County.

ASSEMBLY OR FABRICATION FACILITY -- Any building or part thereof where pre-manufactured parts are assembled or fashioned into a finished product for wholesale or retail sale. Such uses shall include forges, foundries, welding and/or sheet metal facilities.

ASSISTED LIVING FACILITY -- A residential building, licensed by the Commonwealth of Pennsylvania, which provides an array of coordinated supportive personal and health care services available 24-hours per day to residents who have been assessed to need any of these services. Each resident shall have a service plan based on the assessment which may include: (1) services of intermittent professional nursing or medical care; (2) administration of medication; and (3) support services promoting the residents' independence and self-sufficiency. In addition, a living unit within an assisted living facility may or may not be furnished with its own cooking facility and should be a minimum of three hundred twenty five (325) square feet in size.

AUTOMOTIVE RENTAL -- Establishments whose principal activity involves the rental of automobiles, trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles being rented or leased by operator of use. Typical uses include auto rental agencies, trailer rental agencies and taxicab parking and dispatching.

AUTOMOTIVE REPAIR AND SERVICE -- A facility which services motor vehicles with all types of repair work including engine and transmission repairs, body work, painting, or similar activities.

AUTOMOTIVE SALES -- An establishment for the sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles or boats. Typical uses include new

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and used car dealerships, motorcycle dealerships, boat, trailer and recreational vehicle dealerships with or without repair and/or maintenance services.

AVIATION-RELATED SCHOOL -- An establishment providing aviation-related training, educational courses and/or programs.

BANK -- An establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans or is exchanged. A bank may also provide financial counseling, planning, and services related to money management.

BEAUTY/BARBER SHOP -- An establishment providing personal grooming services that may include hair cutting, coloring, facial, nail grooming, and ancillary uses such as tanning salons.

BED AND BREAKFAST -- A detached dwelling owned and operated by an individual(s) in which a maximum of five (5) rooms are provided for overnight guests for a period not more than fourteen (14) consecutive nights in a thirty (30) day period, with or without breakfast meals but does not include a boarding house, rooming house, hostel, group home or hotel. The individual or assigned manager shall reside within the bed and breakfast.

BILLBOARD -- SEE "SIGN."

BLOCK -- A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, unsubdivided land or by any combination of the above.

BOARD OF COUNTY COMMISSIONERS -- The elected governing body of the County of Fayette, Pennsylvania with certain powers relative to this Chapter.

BOARDING HOUSE -- A residence, including a fraternity or sorority house, for the longterm housing for five (5) or more persons where meals are regularly prepared and served for compensation and where food is served family style without service or ordering of individual portions from a menu.

BOUNDARY LINE -- The line that encloses a portion of a tract of land which delineates the lots intended to be subdivided, and specifically does not include those portions of the original tract which are not intended to be part of the land being subdivided or developed.

BRIDGE -- A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a tract or passageway for carrying traffic or other moving loads or structure defined by PennDOT, or equivalent agency, as such.

BUFFERYARD -- A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or lots from one another and consisting of a mix of types and sizes of plant material in accordance with the requirements of this Chapter.

BUILDING -- Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT -- The vertical distance from the average elevation at finished grade level to the average height of the roof.

BUILDING SETBACK LINE -- An established line within a lot that defines the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way or lot line.

- a. The "face of the building" includes basements, decks, sunrooms, foyers, porches, patios with footers and any other solid projections and solid entrances.
- b. "Building setback line" shall also apply to accessory buildings and structures except for signs, fences and landscape walls.
- c. "Building setback line" shall also apply to all yard lines.

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d. Uncovered steps, stoops or ramps for the accessibility of persons with disabilities are exempt.

BUSINESS SERVICES -- Establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.

CAMPGROUND -- A lot or a portion thereof owned by a public or private entity on which accommodations, including cabins, tents, and campers/camper trailers, for temporary and not year round occupancy are located or may be placed and which is used for recreational purposes and retains an open air or natural character. Campgrounds may or may not include accessory uses such as retail stores or amusements.

CARTWAY -- The improved surface of a street right-of-way that is available for vehicular traffic, including parking lanes but excluding shoulders and drainage swales.

CAR WASH -- An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed. A car wash facility may or may not include accessory uses such as auto detailing.

CEMETERY -- Any property, independent upon size and shape, used for interment of deceased humans, including mausoleums and columbarium, but not including crematoriums.

CLEAR SIGHT TRIANGLE -- An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye (approximately forty inches above grade), between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway.

CLUB, PRIVATE -- Any establishment operated by a private organization for social, recreational, educational, fraternal or social purposes, and is open only to members and their guests and not to the general public.

COMMERCIAL SCHOOL -- An academic or non-academic establishment providing nonacademic

training, vocational or trade-related educational courses and/or programs.

COMMON OPEN SPACE -- A lot or lots or an area of water or a combination of land and water that is designed and intended for the use or enjoyment of the residents within a land development, not including streets, off-street parking areas.

COMMUNICATIONS ANTENNA -- An instrument intended for use in the wireless transmission or in the gathering of data, or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, cellular, or any other type of communicative transmission which is to be affixed to a building or structure, including the equipment necessary for its use, but not including structures for signal reception only.

COMMUNICATIONS TOWER -- A structure, typically a steel tower, whose principal use is to be utilized for public or private communication purposes and owned and/or operated by a private corporation or a communication corporation or utility regulated by the Federal Communications Commission (FCC), most often associated with personal communication service. Communication towers shall be considered to be a different and distinct use than a communication antenna and not permitted as accessory uses but considered to be a principal use of a lot.

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COMPLETION BOND -- Surety, in a form acceptable to Fayette County, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from an approved surety company which guarantees the satisfactory completion of improvements required by this Chapter.

COMPREHENSIVE PLAN -- Any development plan or part(s) thereof, also called The Comprehensive Development Plan for Fayette County, which has been adopted by the County or a municipality including plans for future land use, parks, transportation, urban development and public facilities and services. Official maps, applicable ordinances and capital improvement programs shall also be considered a part of the Comprehensive Plan.

CONDITIONAL USE -- An authorized use which may be granted only by the Board of County Commissioners pursuant to express standards and criteria prescribed in this Chapter and the Commonwealth of Pennsylvania, after review and recommendations by the Fayette County Planning Commission and a public hearing conducted by the Board of County Commissioners pursuant to public notice.

CONDOMINIUM -- A method of ownership applicable mainly to multi-family dwellings. Under this system, 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 said association.

CONFERENCE AND TRAINING CENTER -- A facility used for corporate or professional meetings, seminars and/or employee training, but which may include dining and lodging facilities and related recreational facilities as accessory uses.

CONSOLIDATION -- The act of combining two (2) or more lots, for the purpose of rezoning and/or subdivision purposes.

CONSTRUCTION -- The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

CONTRACTOR -- Any person(s) hired to perform specified task(s) designated in a written contract for a specified fee for professional services, usually relating to the construction trade.

CONTRACTOR'S YARD -- A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

CONTRIBUTING RESOURCE -- A building, structure or site adding to the historic significance of a lot, neighborhood or district.

CONVENIENCE STORE -- An establishment primarily engaged in the provision of frequently or reoccurring needed goods for household consumption, such as prepackaged food and beverages, limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

CORRECTIONAL FACILITY -- A public or privately owned building or structure and related facilities used for the housing or detention of persons who have been charged with or have been convicted of criminal offenses.

COUNTRY CLUB/GOLF COURSE -- A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse, restaurant, locker rooms, pro shop, swimming pool and facilities for racquet sports.

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COUNTY -- Fayette County, Pennsylvania.

COUNTY ENGINEER -- A registered and licensed professional engineer in Pennsylvania designated by the county to perform the duties of an engineer as herein specified.

CREMATORIUM -- A building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CROSSWALK -- A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CULTURE/CULTURAL -- Those ideas, habits, skills, arts, instruments, institutions, manners, beliefs of a people or region that are uniquely identifiable; having unique characteristics such as, but not limited to, language, food-ways, religious, or social beliefs, life style as for example Pennsylvania Dutch, or some combination of unique characteristics.

CULVERT -- Any structure, not classified as a bridge, which provides an opening under the roadway.

DAY-CARE CENTER, ADULT OR CHILD -- A facility, other than a residential dwelling unit, where day care for the elderly or child care and educational instructions are provided for seven (7) or more children under the age of sixteen (16) or any number of elderly persons, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24)-hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a "day-care center."

DENSITY -- The number of dwelling units per acre of land.

DENSITY DEVELOPMENT GROSS -- The overall number of dwelling units per acre within an entire subdivision or land development.

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

DEVELOPMENT LIMITATIONS -- Those land characteristics including floodplains, mine subsidence, soil resources, geology and sloping land as more fully defined and described in the Fayette County Subdivision and Land Development Ordinance or of its subsequent Amendments.

DISTRIBUTION CENTER -- Any building or part thereof where the process of directly marketing and supplying wholesale, pre-manufactured or value-added goods to a retailer or manufacturer is conducted.

DOUBLE-FRONTAGE LOT -- A lot having two (2) or more of its non-adjointing property lines abutting on a street or a legal alley, usually having front and rear street frontage. Minimum front yard setback requirements shall apply to each street.

DRIVING RANGE -- A public or private area operated for the purpose of developing golfing techniques, including par 3 courses, but excluding country clubs/golf courses.

DRIVEWAY -- A privately owned vehicular access way from a street to properties abutting the street and serving no more than four dwelling units.

DRIVE-THRU -- An accessory use to a place of business operated for the retail sale of food and other goods and designed to allow patrons to be served or accommodated while remaining in a motorized vehicle.

DUPLEX -- SEE "DWELLING."

DWELLING -- Any building designed or used as permanent living quarters for one (1) or more families, not including hotels, motels or lodging or boarding houses.

a. SINGLE-FAMILY ATTACHED -- A building designed for, or occupied

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exclusively as a residence by one (1) family and that is separated from another unit by one or more vertical common wall and no unit is located over another unit.

b. SINGLE-FAMILY DETACHED -- A separate, detached building designed for or occupied exclusively as a residence by one (1) family.

c. DUPLEX -- A single residential structure that is divided into two (2) dwelling units and has two (2) separate entrances.

d. MULTI-FAMILY -- A separate, detached building designed for or occupied exclusively as a resident by three (3) or more families. The term “multi-family dwelling” shall be understood to include apartment houses, townhouses and all other family dwellings of similar character where apartments or suites are occupied and used as a separate complete housekeeping unit, but shall not include hotels or motels.

e. QUAD-PLEX -- A detached building divided by two (2) common party walls into four (4) distinct and separate dwelling units where each dwelling unit has direct access to the outdoors.

f. TOWNHOUSE -- A residential structure consisting of a series of at least three (3), but not more than six (6), dwelling units attached to each other by continuous vertical walls without opening from basement to roof, with each dwelling unit having separate access to the outdoors and not shared with the access of other dwelling units.

g. APARTMENT -- SEE “APARTMENT.”

DWELLING UNIT -- One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which are accessible from the outdoors, either directly or by an access shared with other dwelling units, and is used or is intended to be used by one (1) family.

EASEMENT -- A right-of-way granted, but not dedicated, for limited use of land for public or quasi-public purpose.

EMERGENCY SERVICES FACILITY -- An area used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide fire, rescue or ambulatory services.

ENGINEER -- A professional licensed as such in the Commonwealth of Pennsylvania.

ENGINEERING SPECIFICATIONS -- The engineering specifications of Fayette County regulating the installation of any required improvement or for any facility installed by any landowner and/or developer, subject to public use.

ENVIRONMENT -- Conditions, circumstances, influences as well as physical features found in the surroundings of a given place.

EROSION -- The natural process by which soil and rock material moves on the earth’s surface through the forces of wind and water.

ESSENTIAL SERVICES -- The provision of distribution systems by public utilities, municipal or other government units regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health and safety or general welfare.

EXCAVATION -- Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall

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include the conditions resulting therefrom.

FAIRGROUNDS -- The use of land, or building, or structure for publicly owned fairgrounds/sites where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway, a place of amusement or a flea market. A fairground shall not have exhibitions for more than fifteen (15) consecutive days in any given month, except at a County-sanctioned facility.

FAMILY -- One (1) or more persons related by blood, marriage or adoption or no more than three (3) unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FENCES -- A fully exposed, free-standing barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field or other open space area. It includes a retaining wall less than thirty (30) inches in height that functions to enclose an open space or yard; however, a retaining wall greater than thirty (30) inches in height or a structural wall is not considered a fence.

FILING DATE -- The date of a completed application presented by the landowner and/or developer or his authorized representative to the Office of Planning, Zoning & Community Development.

FILL -- (i) Any act by which earth, sand, gravel, rock or any 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. It shall include the conditions resulting there from; (ii) the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; (iii) the material used to make fill.

FLEA MARKET -- An indoor and/or outdoor establishment used for the sale of assorted new and used goods by auctioneers or by vendors on a periodic basis.

FLEX SPACE -- A building that can be subdivided for use by multiple tenants primarily for the light industrial, warehousing and associated office/administrative space.

FLIGHT PATH ---The generally designated area where planes typically conduct take-offs, landings, approaches and flight patterns to and from one airport facility to another.

FLOOD PRONE AREA -- A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN -- Areas subject to inundation, at frequent or occasional intervals, as a result of storm water runoff or overflowing streams.

FLOODWAY -- That portion of the floodplain as defined by the Federal Emergency Management Agency that includes the watercourse channel and adjacent land areas which must be reserved to carry the one hundred (100) -year recurrence-interval flood without cumulatively increasing that flood elevation more than one (1) foot.

FLOODWAY FRINGE -- The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater of the floodplain.

FLOOR -- A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

FOOD SERVICE FACILITY -- An establishment in which food is processed and/or prepared on the premises.

FORESTRY -- The management of forests and timberlands with practices in accordance with accepted silvicultural principles through developing, cultivating, harvesting,

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transporting and selling trees for commercial purposes and which does not involve any land development.

FREIGHT TERMINAL -- A building and adjacent loading area, which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles, where cargo is stored and where commercial vehicles load and unload cargo on a regular basis.

FRONT YARD -- SEE "YARD, FRONT."

FRONTAGE -- The minimum straight line distance between the intersection of the side lot lines and the front lot line.

FUNERAL HOME -- A building used for the embalming of the deceased prior to burial, but not including cremation, and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

GAS STATION -- A retail place of business engaged primarily in the sale of motor fuels which said place could also be engaged in the supplying of goods and services generally required for the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; selling and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; supplying of other incidental automotive customer services and products; and performing automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/re-treading of tires. A "gas station" may also include the operation of a convenience food store.

GOVERNING BODY -- The Council in boroughs; the Board of Supervisors in townships of the second class; or as designated in the law providing for the form of government.

GRADING -- Excavation of fill or any combination thereof including conditions resulting from such activities.

GROSS FLOOR AREA -- The sum of the gross horizontal area of all floors of a principal building or buildings located on the same lot. All dimensions shall be measured between the exterior faces of walls.

GROSS LOT AREA -- The total acreage of a lot exclusive of public and/or private right-of-ways.

GROSS SURFACE AREA OF SIGN -- The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the "gross surface area" shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation or other communication material.

GROUP HOME -- A place, home, or institution which is licensed to provide board, shelter, and personal services to not more than eight (8) persons, regardless of age, who have a need for supervision or assisted community living based on emotional, mental, physical, familial, or social differences. (Examples of such persons include but shall not be limited to the mentally challenged, physically handicapped, alcoholics; elderly, drug-dependent, and juveniles).

GROUP RESIDENCE -- A residence, where room and board are provided to a maximum of thirteen (13) permanent residents of any age who are mentally challenged or physically handicapped and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social

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and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit organization meeting the minimum requirements of the sponsoring agency.

HALFWAY HOUSE -- A residence for those who have completed treatment at a rehabilitation facility but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

HELIPORT -- An area of land, building or structure that is used or intended to be used for the landing and take-off of helicopters.

HISTORIC NEIGHBORHOOD -- An area researched, documented, reviewed by the Pennsylvania Historic and Museum Commission, and determined eligible by that Commission for inclusion on the National Register. A Historic Neighborhood includes all buildings, structures, and sites located within it whether or not they contribute to the character of the area.

HISTORIC PRESERVATION -- The act of keeping from harm, damage, danger or extinction those artifacts, accounts, events, sites, institutions that are important in telling of the story of the life and development of a people, nation, institution, or culture.

HISTORIC RESOURCEPROPERTY -- A lot, or portion thereof, that is on the National Register of Historic Places, is recognized by Pennsylvania Historical and Museum Commission as being historically significant, eligible and/or is otherwise recognized by the Fayette County Office of Planning, Zoning and Community Development, as being historically significant to the development and heritage of the county and region in accordance with Article IV of this Chapter.

HISTORIC RESOURCE IMPACT STATEMENT -- A written statement, developed in accordance with the provisions of Article IV of this Chapter, clearly defining the proposed use of an adjacent lot to an historic resource identified in the Historic Resources Inventory as prepared by the County and identifying any impact the proposed use has on the historical resource.

HOMEOWNERS' ASSOCIATION -- An organization of homeowners residing within a particular development whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the residents.

HOME OCCUPATION, TYPE 1 -- An accessory use that is secondary to the principal use of a dwelling for living purposes and where no traffic is generated, no display or sale of retail or wholesale goods occurs, no signage is required, employs only members of the occupying family and is compatible with the residential character of the surrounding properties.

HOME OCCUPATION, TYPE 2 -- An accessory use that is secondary to the principal use of a dwelling for living purposes contributing either entirely or partly to the livelihood of a person living in the dwelling and which does not comply with the requirements of a Home Occupation, Type 1.

HOSPITAL -- An establishment which may or may not include a pharmacy, overnight stay(s) or on an emergency outpatient basis that provides diagnostic health services and extensive medical, surgical and/or psychiatric services and/or treatment either through inpatient care.

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HOSTEL -- A transient lodging establishment that contains private sleeping units, common kitchen facilities and common bathroom facilities but does not include a hotel, tourist home, or private hospital.

HOTEL -- An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access to a common interior corridor and which may provide such additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

IMPERVIOUS COVERAGE -- The area of a lot covered by buildings, structures and paving, expressed as a percentage of total lot area.

IMPROVEMENTS -- Those physical additions and changes to the land and any structures that may be necessary to produce usable and desirable lots.

INCINERATOR -- An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste and that is subject to permission by the Pennsylvania Department of Environmental Protection's Air Quality Program.

INSPECTOR -- An authorized representative assigned by the Board of County Commissioners to make any or all necessary inspections of the work performed and materials furnished by a landowner, developer and/or their contractors selected to install the improvements required by this Chapter.

INTERMITTENT STREAM -- A channel or watercourse that shows or contains flowing water only part of the time and is defined as such by the Pennsylvania Department of Environmental Protection.

JUNK STORAGE AND SALES (SALVAGE OPERATION) -- Any lot, building or structure or part thereof used for the storage, collection, recycling, resource recovery, salvage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, vehicular parts, or two (2) or more unregistered, inoperable motor vehicles or other types of junk. In no district shall this use be considered to be accessory or incidental to another use.

JUVENILE DETENTION FACILITY -- A publicly or privately owned building or structure for the temporary detention for delinquent juveniles.

KEEPING OF HORSES -- Maintaining horses and/or ponies for personal use of the residents of the lot, not involving any profit-making activity such as boarding, riding instruction or training of horses owned by persons other than residents of the lot.

KENNEL, ANIMAL -- An establishment where four (4) or more dogs or six (6) or more cats who are six (6) months old or older are kept, bred, trained or boarded at any one (1) time, whether or not for profit.

LAND DEVELOPMENT -- Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots of land for any purpose involving:
 - a. One (1) lot for a residential or non-residential building or a single non-residential building on a lot or lots regardless of the number of occupants or tenure;
 - b. A group of two (2) or more residential or non-residential buildings on more than one lot, whether proposed initially or cumulatively; or
 - c. The division or allocation of land or space whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

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2. A subdivision of land.

3. Development in accordance with § 503 (1.1) of the Pennsylvania Municipalities Planning Code.

LAND DISPOSITION MAP -- A subdivision or land development plan, which delineates, in part, lots and/or land development which have been sold, transferred or otherwise improved without the prior approval of the Planning Commission. Such plan(s) will not be recognized as a legal document for development of said plan(s) by the Office of Planning, Zoning and Community regardless of recognition by the Fayette County Recorder of Deeds or other Fayette County entity until said plan(s) is approved by the Fayette County Planning Commission and recorded.

LANDFILL -- A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all solid wastes, subject to permitting by the Pennsylvania Department of Environmental Protection's Waste Management, Municipal Waste Program, the United States Department of Environmental Protection and the United States Department of Energy.

LANDOWNER -- The legal or beneficial owner(s) 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 or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

LANDSCAPE ARCHITECT -- A professional licensed as such in the Commonwealth of Pennsylvania.

LANDSCAPE WALL -- Non-structural, non-load bearing walls less than thirty (30) inches in height and used in the art of arranging or modifying the features of a landscape to secure beautiful or advantageous effects. Walls greater than thirty (30) inches in height must meet the requirements of the Municipal or County Engineer.

LANDSCAPING CENTER/NURSERY -- Any lot, building, or structure or portion thereof used to raise non-agriculturally related trees, shrubs, flowers, and other plants for wholesale or retail sale or for transplanting.

LIBRARY -- A public building containing printed and pictorial material for public use for purposes of study education, reference and/or recreation.

LIGHT INDUSTRY -- The processing and fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. "Light industry" includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; mass-produced furniture; wood products such as cabinetry; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing nor rendering of fats.

LOT -- A tract of land in a legally recorded subdivision plat and/or land development plan or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. General illustrations of lots are provided in Appendix 1.

LOT AREA -- The area contained within the property lines of a parcel of land as shown on

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a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE -- SEE "DOUBLE-FRONTAGE LOT."

LOT OF RECORD -- A lot that is part of a legally recorded subdivision and/or land development plan duly recorded in the office of the Recorder of Deeds identified in those records by plan book volume and page number.

LOT WIDTH -- The mean width measured at right angles to its depth, except lots on cul-de-sacs, turn-arounds or curves shall provide the minimum width as required by this Chapter at the minimum required front building setback line.

LUMBER MILL -- A facility where logs or partially processed timbers are sawn, split, shaved, stripped, chipped or other-wise processed to produce wood products for sale.

MANUFACTURING -- The use of land, buildings or structures for the purpose of creating, assembly, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adopting for sale of any goods, substance, article, thing or service.

MANUFACTURED HOME -- A factory-built modular or sectional dwelling, that complies with state building codes and is anchored to a permanent foundation as defined by the Uniform Construction Code, as amended.

MARINA -- A facility, commercial or non-commercial in nature, for the mooring, docking, storing, or servicing of boats and the occupants or owners thereof. A marina facility may include accessory uses such as residences, hotels, motels, restaurants, retail stores and repair shops.

MASSAGE THERAPY ESTABLISHMENT -- Any business or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

MEDIATION -- A voluntary negotiating process in which parties of a dispute mutually select a neutral mediator to assist them in jointly exploring their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

METHADONE TREATMENT FACILITY -- A facility owned and operated by a private for-profit entity, a private non-profit entity or Fayette County where the drug "Methadone" or similar substances are prescribed and administered for the treatment, maintenance or detoxification of persons.

MILITARY RELATED FACILITIES -- A public or private lot, building and/or structure approved by the United States Department of Defense and used for the training of military personnel, maintenance, development and manufacturing of military vehicles and equipment and/or administrative purposes.

MINIMUM LOT SIZE -- The smallest parcel of land designated for a particular use exclusive of all right-of-ways.

MINING, DEEP -- Activity defined as such by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.

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MINING, SURFACE -- Activity defined as such by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.

MIXED-USE DEVELOPMENT-- Use that integrate various non-residential and/or residential uses within a single building or land development plan.

MOBILE HOME -- A factory built dwelling equipped with wheels and/or an axle and is anchored in accordance with requirements of the Uniform Construction Code, as amended.

MOBILE HOME PARK -- A lot or series of lots usually under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use.

MOTEL -- An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities and living quarters for a resident manager or proprietor.

MULTI-FAMILY DWELLING -- SEE "DWELLING."

MUNICIPALITY -- Any city of the second class or third class, borough, incorporated town, township of the first or second class, or any similar general purpose unit of government which shall hereafter be created by the Pennsylvania General Assembly.

MUNICIPALITIES PLANNING CODE (and subsequently amended) -- Planning legislation adopted by the Commonwealth of Pennsylvania in 1968 to provide uniform procedures for municipalities to implement regulations to control the development and use of land.

NATURAL RESOURCES AND PROTECTION -- The natural wealth of an area, consisting of the land, forests, bodies of water, minerals, etc. These resources form a region's historic landscape- a visual representation of its antecedents (i.e. historic transportation routes and pathways; battlegrounds; mineral deposits and extractions, etc.) The preservation of this historic landscape lies in the protection of these assets and the viewshed, through zoning and land use planning.

NATIONAL REGISTER OF LISTED AND ELIGIBLE PROPERTIES -- Any designated building, district, site, structure or object located wholly or partially in the county or municipality that is listed in or eligible for listing in the National Register of Historic Places as determined by the Pennsylvania Historical and Museum Commission.

NET FLOOR AREA -- The total of the floor area of a building or structure, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not leaseable space, lobbies, rest rooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas in a restaurant, interior vehicle parking or loading areas and any other areas not accessible to the general public.

NON-CONFORMING BUILDING OR STRUCTURE -- A building or structure or part of a building or structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter, its predecessors or any amendments thereto, such as minimum yard, maximum lot coverage, maximum height and off-street parking requirements, where such structure lawfully existed prior to enactment of this Chapter, its predecessors or amendments thereto. Such non-conforming buildings or structures include, but are not limited to, non-conforming signs.

NON-CONFORMING LOT -- A lot whose area or dimensions were lawful prior to the adoption of this Chapter, its predecessor or any amendments thereto, but which fails to

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conform to the requirements of the zoning district in which it is located, such as minimum lot area or setback requirements, by reasons of such adoption or amendments.

NON-CONFORMING USE -- A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter, its predecessor or any amendments thereto, where such use was lawfully in existence prior to enactment of this Chapter, its predecessors or amendments thereto.

NURSING/CONVALESCENT CARE FACILITY -- An establishment, licensed by the Commonwealth of Pennsylvania, engaged in providing 24 hour inpatient nursing and healthrelated personal care, utilizing in whole or part licensed and/or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

OFFICE, BUSINESS -- A building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations.

OFFICE/CLINIC, MEDICAL -- A building or structure where one (1) or more licensed medical professionals, provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation or pharmacy and shall include such uses as reception areas, offices, consultation rooms, and x-ray, providing that all such uses have access only from the interior of the building or structure.

OFFICIAL DATE OF FILING -- The date on which an application submitted for approval under this Chapter is accepted by the Office of Planning, Zoning and Community Development as complete in content and properly filed in accordance with the requirements of this Chapter.

OFFICE OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT -- A division of the Fayette County government that administers this Chapter and undertakes all other powers and duties specified by Article X. Moreover, the Office of Planning Zoning and Community Development provides for the administration and enforcement of all Zoning, Subdivision and Land Development on behalf of the Board of County Commissioners in accordance with Article II of the Pennsylvania Municipalities Planning Code.

OIL AND GAS WELL -- A pierced or bored hole in the ground used to extract a naturally occurring commodity such as petroleum oil or natural gas.

ORDINANCE -- All references to "Chapter" or "this Chapter" refer to the County of Fayette Zoning Ordinance, unless otherwise noted.

OPEN SPACE -- Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, storm water facilities and easements.

OTHER NON-COMMUNICATIONS TOWER -- Any tower not defined by either communication tower, windmill/wind turbine or not navigation, not steeples, not silos, permanently fixed water towers and number of legs or supports.

OVERLAY DISTRICT -- A zoning district that encompasses one (1) or more underlying zoning districts and that imposes additional requirements or provisions above that required by the underlying zoning district.

PARK -- A public or private lot or portion thereof that is used for active and/or passive

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recreational uses; and includes all landscaping, facilities and apparatus, playing fields, playgrounds, play equipment, utilities, buildings and other structures that are consistent with the general purposes of a park, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements to the applicable government unit.

PERMITTED USE -- An authorized use allowed by right that may be granted by the Office of Planning, Zoning and Community Development upon compliance with the requirements of this Chapter.

PERSONAL SERVICES -- Any enterprise providing domestic commodities and services pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors and related activities.

PET CEMETERY -- Any property, independent upon size and shape, used for interment of deceased household pets.

PETROLEUM, TAR AND BITUMEN PROCESSING, STORAGE AND SALES -- A facility that serves to refine extracted oil into products for use in the market or serves to temporarily hold for storage for the purpose of selling the product.

PHARMACY -- An establishment that primarily sells prescription drugs, patent medicines and surgical and sickroom supplies to the general public.

PLACE OF ASSEMBLY -- Any public or private lot, building or structure that is designed for the assembly or collection of persons at any one time, or adapted or used for purpose of assembly, where persons may congregate for civic, political, religious, educational, social, recreation and amusement purpose. A place of assembly shall include uses such as a performing arts theater.

PLACE OF WORSHIP -- An institution of any religious denomination where people regularly observe, practice or participate in religious or spiritual services, meetings or activities.

PLAN, SKETCH -- An informal plan, not necessary to exact scale, indicating salient existing features of a lot and its surroundings and the general layout of a proposed subdivision prepared by the landowner and/or developer, an engineer, landscape architect, architect or a surveyor, or other qualified professional.

PLAN, PRELIMINARY -- A tentative plan (including all required supplementary data) in a lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan, prepared by an engineer, surveyor or other qualified professional such as a landscape architect.

PLAN, FINAL -- A complete and exact plan (including all required supplementary data), prepared by an engineer, landscape architect or surveyor, for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLANNING COMMISSION -- Unless otherwise specified, the Fayette County Planning Commission.

PLANNING DIRECTOR -- The person appointed by the Board of County Commissioners to be the administrative head of the Office of Planning, Zoning and Community Development.

PLANNING STAFF -- The professionals and support personnel employed by Fayette County as part of the Office of Planning Zoning and Community Development.

PLAT -- A map or plan, either preliminary or final, presented to the Fayette County

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Planning Commission for approval, indicating the subdivision, consolidation or redivision of land or a land development.

POST OFFICE -- A facility owned and maintained by the United States Postal Service for the purpose of distributing mail to the public.

POWER PLANT -- A public or privately owned facility that generates energy for distribution, storage or sale. The term power plant shall include co-generation and bio-mass facilities but shall not include wind turbines.

PRINCIPAL BUILDING OR STRUCTURE -- The building or structure on a lot in which the principal use or uses are conducted.

PRINCIPAL USE -- The primary or predominant use of any lot, building or structure.

PRIVATE IMPROVEMENTS -- All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers and other facilities not owned, not maintained or operated by a not government unit or authority.

PROPERTY OWNERS ASSOCIATION -- A group of owners responsible for management or guidance in management of property or lot(s) as granted by defined covenants and restrictions applicable to said property or lot(s).

PUBLIC -- Owned, operated or controlled by a federal, state, county or local government unit.

PUBLIC BUILDING -- Any structure used or intended for supporting or sheltering uses for the public including municipal, county, state and federal government units.

PUBLIC GROUNDS -- Parks, playgrounds and other public areas and sites for schools.

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the Board of County Commissioners, the Planning Commission or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC IMPROVEMENTS -- All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers and other facilities to be dedicated to or maintained by a government unit or authority.

PUBLIC NOTICE -- Notice published once each week for two (2) successive weeks in a newspaper or newspaper(s) of general circulation within the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the public hearing.

PUBLIC/PRIVATE WORKS FACILITY -- The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

QUAD-PLEX -- SEE "DWELLING."

QUARRY -- Activity defined as such by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.

RAIL YARD -- The use of a lot, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and/or maintenance and repair of railway cars.

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REAR YARD -- SEE "YARD, REAR."

RECORD PLAN -- The final land development plan recorded in the Recorder of Deeds Office.

RECREATION CAMPER -- A vehicle with or without an engine for operation and with or without wheels that is utilized for leisure and/or travel purposes and not for use as a dwelling.

RECREATION FACILITY -- A public or private building, structure or area designed and equipped for the conduct of sports recreation and/or leisure activities whether or not for profit. Activities and improvements associated with a recreation facility shall include, but are not limited to:

- a. Amphitheaters/outdoor theaters.
- b. Indoor/outdoor swimming pools.
- c. Indoor/outdoor ice skating rinks.
- d. Fishing lakes.
- e. Riding stables.
- f. Any other public or private recreation facilities except rifle ranges.

REGULATORY FLOOD -- A flood having an average frequency of occurrence on the order of once in one hundred (100) years, although the flood may occur in any year.

REGULATORY FLOOD ELEVATION -- The one hundred (100) years elevation based upon the information contained in the Official Flood Insurance Study.

RESEARCH, TESTING AND DEVELOPMENT FACILITY -- Any establishment including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities and pilot light industrial, as defined by this Chapter, as an accessory use and operating in accordance with all regulatory agencies having jurisdiction.

RESERVE STRIP -- A lot held in separate ownership separating a street from other adjacent lots, or from another street.

RESORT -- A development located on a single lot or a series of lots where the primary purpose is to provide short- or long-term lodging for conferences, conventions, general leisure, and may provide ancillary recreational activities such as golf, swimming, equestrian and tennis.

RESTAURANT, HIGH TURN-OVER -- An eating establishment open to the general public where the customer turn-over time is generally less than one (1) hour, including drive-thru restaurants and take-out establishments, and where the principal use of the establishment is food service. A "high turn-over restaurant" does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, to entertainment or to the sale of merchandise or non-food-related services in accordance with the requirements of the Pennsylvania Liquor Control Board.

RESTAURANT, LOW TURN-OVER -- An eating establishment open to the general public where the customer turn-over time is generally one (1) hour or longer and where the principal use of the establishment is food service. A "low turn-over restaurant" does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages or to the sale of merchandise or non-food-related services in accordance with the requirements of the Pennsylvania Liquor Control Board.

RE-SUBDIVISION -- The removal or elimination of lot lines between existing lots of

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separate ownership or between subdivided lots of common ownership.

RETAIL STORE -- An establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, light industrial or processing of the goods offered for sale.

REVERSE FRONTAGE LOT -- A lot which abuts a collector or arterial street on one side and a local street on another side and which has access only to the local street.

RIFLE RANGE, OUTDOOR -- A lot or portion thereof that is equipped for the practice of shooting sports in the outdoors and shall include archery and skeet shooting.

RIGHT-OF-WAY -- A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or from another special use. The usage of the term "right of-way" for land platting purposes shall mean that every right-of-way thereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots.

ROOMING HOUSE -- A building where, for compensation and by pre-arrangement for definite periods, lodging, meals, or both are provided for three (3) or more persons but containing no more than five (5) guest rooms or rental units.

RUNOFF -- The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off of the surface of the land.

RUNWAY PROTECTION ZONE (RPZ) -- Area and subsequent regulations defined as such by the Federal Aviation Administration (FAA) or equivalent appointed body.

SALVAGE OPERATION -- A commercial establishment where the salvaging, scavenging, storing, or recycling of any goods such as motor vehicles or motor vehicle parts, appliances, batteries, tires, or general recycling of items such as aluminum cans, paper, or glass and plastic bottles is conducted.

SCENIC -- The general view or unique aspects or appearances of a place or landscape that has historical significance and/or appeal.

SCHOOL, PUBLIC OR PAROCHIAL -- A public, sectarian or private non-profit establishment approved by the Commonwealth of Pennsylvania to provide formal academic and/or vocational education at the kindergarten, elementary, and secondary levels.

SEDIMENTATION -- The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water) it is usually referred to as "sedimentation."

SELF-SERVICE STORAGE FACILITY -- A building consisting of individual, self-contained units less than five hundred (500) square feet in size that are leased or owned for the storage of business and household good or contractors supplies.

SENIOR CENTER -- A building that provides recreational, social, or non-invasive health maintenance services, such as blood pressure screening, to senior citizens from a professionally trained staff or volunteers.

SENSITIVE AREAS -- Those land areas and other natural or man-made conditions including agricultural land, mineral resources, forests, water resources, climate and air resources, and unique cultural and natural resources as more fully defined and described in Article XVI of this Chapter or of its subsequent amendments.

SETBACKS -- SEE "BUILDING SETBACK LINE."

SEWAGE DISPOSAL REPORT -- A report on the feasibility of providing sewage disposal,

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which report shall be prepared pursuant to applicable municipal, county or state regulations in effect at the time of application, including the provisions and regulations adopted pursuant to the Pennsylvania Sewage Facilities Act, Act no. 537, adopted January 24, 1966, P.L. 1535 (35 P.S. 750 et seq.), as amended.

SIDE YARD -- SEE "YARD, SIDE."

SIGHT DISTANCE -- The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of three and three quarters (3.75) feet above the pavement.

SIGN -- Any structure or device used to attract attention by work or graphic display.

a. **ABANDONED** -- A sign structure that has ceased to be used, and the owner intends no longer to use, for the display of sign copy.

b. **AWNING** -- A sign displayed on or attached flat against the surface or surfaces of an awning.

c. **BILLBOARD** -- A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

d. **BULLETIN** -- A freestanding ground sign or wall sign designed so that characters or letters can be changed or rearranged without altering the face or surface of the sign used by a school, church, library or other public or semipublic building to announce the name of the organization, hours of operation and changing events.

e. **CHANGEABLE COPY** -- A sign which is permanently affixed to a building or on a freestanding pole sign structure that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

f. **COMMUNITY** -- A temporary sign, generally of a decorative, festive and/or informative nature announcing activities, promotions or events, having broad community interest often hung from a light pole or building.

g. **DIRECTIONAL** -- An on-premises sign which directs and/or instructs vehicular or pedestrian traffic on the premises relative to parking areas, entrances, exits, loading areas, public telephones and similar information and which shall contain no advertising other than the business name or logo.

h. **FREESTANDING IDENTIFICATION** -- A sign supported by one (1) or more uprights, poles or braces permanently placed in the ground, which identifies the business or group of businesses located on the site.

i. **GROUND** -- A freestanding sign, the bottom edge of which is no more than eighteen (18) inches above the adjacent ground level.

j. **ON-PREMISE** -- A sign erected, maintained or used in the outdoor environment to display messages related to activities on the property on which it is displayed.

k. **POLE** -- A freestanding sign erected on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

l. **POLITICAL** -- A temporary sign intended to advance a political statement, cause or candidate for office.

m. **PORTABLE** -- Any sign, with or without wheels, not permanently attached to the ground, a building or building surface.

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- n. PYLON -- freestanding highway-oriented business identification sign that is greater than twenty five (25) feet in height and designed to be visible from distant locations.
- o. ROOF SIGN -- A sign erected and maintained upon or above the roof of any building and supported solely on the roof structure.
- p. TEMPORARY SPECIAL EVENT DISPLAY -- A banner, flag or pennant constructed of durable material and erected for a specified period time whose sole purpose is to advertise a promotion, special event, grand opening or the like. Said "display" shall be affixed to the building.
- q. TEMPORARY -- A sign that is transitory in nature used to display either commercial or non-commercial messages.
- r. WALL IDENTIFICATION -- A sign attached to and erected parallel to the face of an outside wall of a building and projecting outward no more than six (6) inches from the wall of the building which identifies the business or group of businesses located in the building.
- SIGN AREA -- SEE "GROSS SURFACE AREA OF SIGN."
- SIGN FACE -- The entire area upon which graphic or written material or information is placed for viewing in a single direction.
- SINGLE-FAMILY DETACHED DWELLING -- SEE "DWELLING."
- SIGNIFICANT HISTORIC AND CULTURAL RESOURCES -- Any areas or other sources that are determined as such by the Board of County Commissioners or the local municipal governing body to be of countywide or local significance, respectively.
- SLOPE -- The face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.
- SOCIAL SERVICE AGENCY -- An establishment providing one (1) or more social services for an individual or family limited to counseling, referral, temporary or disaster relief, welfare service or similar human support services.
- SOIL TEST PIT -- A field conducted to determine the suitability of soil for individual sewage disposal facilities by the excavation of a pit approximately eight (8) feet deep or to the top of a limiting zone and the subsequent describing of the various horizons of the soil profile characteristics.
- SPECIAL EXCEPTION -- An authorized use of a lot, building, or structure that may be granted only by the Zoning Hearing Board after a public hearing and in accordance with express standards and criteria specified in this Chapter.
- STABLE -- A building or structure, not related to the ordinary operation of a farm, for the feeding and for-profit shelter of equestrian animals.
- STEEP SLOPE -- An area where the inclination (vertical distance over horizontal distance) of the land's surface is twenty-five percent (25%) or greater and encompassing a vertical grade differential of ten (10) feet within the slope. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
- STORAGE UNIT -- An individual self-contained unit rented or leased to an occupant who has access to such for the purpose of storing and removing personal property.
- STORY -- That part of a building included between the surface floor and the surface floor of

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the next floor above or if there is no floor above, the space between the floor and the ceiling above. A basement shall be counted as a story when more than one-half (1/2) of such basement height is above the finished lot grade.

STREET -- A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place, alley or the like.

a. **ALLEY** -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

b. **ARTERIAL** -- A public street which serves large volumes of high-speed and local distance traffic.

c. **COLLECTOR** -- A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

d. **CUL-DE-SAC** -- A short street having one (1) end open to traffic and being permanently terminated by a vehicle turn-around or court.

e. **LOCAL** -- A public street designed to provide access to abutting lots and to discourage through traffic.

f. **PRIVATE** -- A street, including the entire right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A "private street" provides access to several lots or lots which do not have access to a public street and which require access to a public street through the private street. (See also "driveway, private.")

g. **PUBLIC** -- A street, including the entire right-of-way, which has been dedicated to and accepted by a borough, city, township, the county or the state or which has been devoted to public use by legal mapping, use or other means.

h. **SERVICE** -- A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of buildings or structures or to parking and loading facilities accessory to the buildings or structures and which is not intended for general traffic circulation.

STREET TREE -- A tree planted in the front yard of a lot or street right-of-way if applicable and whose use is intended, in conjunction with other street trees, to create a tree-lined street.

STRUCTURAL ALTERATION -- Any change in the support members of a building or structure such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation from one (1) position to another.

STRUCTURE -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION -- the division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or lease, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SUBMISSION DATE -- The date of the next regularly scheduled Planning Commission meeting following the date that the application is filed with the Office of Planning, Zoning

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and Community Development or the thirtieth (30) day following the day that the application was filed, whichever ever occurs sooner.

SURFACE DRAINAGE PLAN -- A plan showing all present and proposed grades and facilities for storm water drainage.

SURVEYOR -- A professional licensed as such in the Commonwealth of Pennsylvania.

TAVERNS/BARS -- An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

TEMPORARY STRUCTURE -- A building or structure intended to be used for a period of six (6) months or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays and similar structures.

TERMINAL, BUS/TRAIN -- The use of land building, or structure for loading and unloading freight and passengers on and off buses and trains, and for uses including ticket offices, restaurant, luggage checking facilities, waiting area and similar uses.

TOP SOIL -- Surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter of humus debris. Topsoil usually is found in the uppermost soil layer called the "A" horizon.

TOWNHOUSE -- SEE "DWELLING."

TRUCK STOP -- Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

UNDEVELOPED LAND -- Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development of the construction of a building.

UNIVERSITY/COLLEGE -- An educational institution, authorized by the Commonwealth of Pennsylvania as such to award associate, baccalaureate or higher degrees, including, principal uses for classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities as well as ancillary uses, such as research facilities, retail services and businesses that support student, faculty and staff needs.

USE -- Any activity, business or purpose for which any lot or structure is utilized.

VARIANCE -- A departure from the strict letter of this Chapter as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Chapter and the Pennsylvania Municipalities Planning Code.

VETERINARY SERVICES -- An establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subject to medical or surgical treatment.

VIEWSHED -- An area of land, water, and other environmental elements that is visible from a fixed vantage point. Viewsheds, as determined by the Board of County Commissioners, tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of

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viewsheds is a goal in the designation of open space areas.

WAREHOUSING -- An establishment for the storage and handling of freight or merchandise but not including the maintenance or fueling of commercial vehicles.

WATERCOURSE -- A natural stream of water, river, brook, creek, or a channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

WIND TURBINE/TOWER (WINDMILL) -- A device for converting the flow of a fluid (air, steam, water or hot gases) into mechanical motion that in turn produces electricity.

WATER STORAGE/TOWER -- Any natural or man-made receptacle or facility or the collection and/or storage of water, whether permanent or temporary, used either for swimming, boating or other recreational purpose or as part of a public water supply system.

WETLAND -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition shall include and be limited to wetlands as defined by:

a. Section 404 of the United States Clean Water Act, as may be amended from time to time.

b. The Pennsylvania Department of Environmental Protection commonly known as hydrophytic vegetation.

WHOLESALE BUSINESS -- An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

WOODSHOP/MILLWORK -- An establishment of up to ten thousand (10,000) square feet used for the manufacturing of made-to-order or custom furniture, cabinets, pressed pulp products or other wood products for retail sale to customers but shall not include a wood distillation plant or other similar type use.

YARD -- An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein. Typical yard configurations are illustrated in Appendix 1.

a. **FRONT** -- A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.

b. **REAR** -- A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.

c. **SIDE** -- A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard, or in the case of a corner lot, extending from the front yard to the yard opposite the front yard.

ZONING CERTIFICATE -- A document signed by the Zoning Officer which is required by this Chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

ZONING DISTRICT -- A finite area of land consisting of two (2) or more contiguous lots, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings. The term "zoning district" shall include "overlay districts."

ZONING HEARING BOARD -- The Zoning Hearing Board of Fayette County,

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Pennsylvania.

ZONING MAP -- The official map delineating the zoning districts as defined by the Fayette County Zoning Ordinance, together with all amendments subsequently adopted.

ZONING OFFICER -- The Chief of Zoning, designated official, or an authorized representative, such as a zoning technician, appointed or assigned by the Board of County Commissioners, whose duty it shall be to administer this Chapter with power to issue zoning permits and to halt illegal development and construction, and to interpret literally the meaning of the various sections of this Chapter subject to appeal before the Zoning Hearing Board.

ZONING ORDINANCE -- The Fayette County Zoning Ordinance No. 06-13, adopted September 28, 2006, effective November 1, 2006.

§1000-109. Official zoning map.

A. A map entitled “Fayette County Official Zoning Map” is hereby adopted as a part of this Chapter. The Official Zoning Map with any applicable overlays shall be kept on file for examination in the Office of Planning, Zoning and Community Development in the Fayette County Courthouse.

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ARTICLE II (§1000-200. listed only)

District Regulations

§1000-200. Districts.

A. For the purpose of carrying out the provisions of this Chapter, Fayette County is divided into the following zoning and overlay districts, which are shown by the district boundaries on the Official Zoning Map:

Zoning Districts

A-1 Agricultural Rural District

R-A Low Density Residential District

R-1 Moderate Density Residential District

R-2 High Density Residential District

C Conservation

B-1 Business/Commercial

B-2 Business/Commercial

M-1 Light Industrial

M-2 Heavy Industrial

Overlay Districts

AH Airport Hazard Overlay Zone

FO Floodplain Overlay

HRO Historic Resources Overlay

ARTICLE IV

Supplemental Regulations

§1000-400. Purpose.

A. The provisions of this Article shall be subject to such additions or modifications as provided by the following regulations. These regulations are intended to supplement, not repeal, abrogate, impair or replace any existing ordinances that relate to zoning or building construction within the County.

§1000-401. Airport hazard overlay.

A. The intent of this overlay district is to regulate development and the use of land in the Municipality in the flight path of present and projected aircraft operations at airport facilities regulated by the United States Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation (PennDOT).

B. All land uses which are classified as permitted uses and uses by special exception as established in §1000-203 shall be governed by the standards of the Airport Hazard Overlay.

C. Any use within the boundaries of this overlay district which creates the following conditions must comply with applicable FAA and PennDOT regulations. Notice of proposed construction or alteration must be submitted to the County, FAA and PennDOT. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PennDOT regulations. The conditions are as follows:

1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Makes it difficult for pilots to distinguish between airport lights and other lights.
3. Results in glare in the eyes of pilots using the airport.
4. Impairs visibility in the vicinity of the airport.

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5. Creates bird strike hazards.
 6. Otherwise, in any way, endangers or interferes with the landing, take-off or maneuvering of aircraft intending to use the airport.
- D. Any of the following types of construction or alteration within the boundaries of this overlay district must comply with applicable FAA and PennDOT regulations. Notice of proposed construction or alteration must be submitted to the County, FAA and PennDOT. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PennDOT regulations.
1. Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
 2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - a. One hundred (100) to one (1) for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway.
 - b. Twenty-five (25) to one (1) for a horizontal distance of five thousand (5,000) feet from the nearest point of the nearest landing and take-off area of each heliport.
 3. Any highway, railroad, or other thoroughfare whose existing height is elevated twentythree (23) feet.
- E. The Airport Hazard Overlay generally outlines the outermost boundary of the imaginary sloping surface as defined by the FAA and PennDOT. No building shall have a height which exceeds the elevation of the imaginary sloping surface. A landowner and/or developer owning a lot situated within the Airport Hazard Overlay shall be responsible for verifying the height and location of the imaginary sloping surface. Building height shall be computed by the landowner and/developer as per the criteria of the FAA.
- F. The following structures or uses are exempted from the provisions of this overlay district:
1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
 2. Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure.
 3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of any type approved by the administrator or appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
 4. Any construction or alteration for which notice is required for any other FAA regulation.

§1000-402. Floodplain management overlay.

- A. The floodplain management overlay defines those areas subject to the one hundred (100) year flood as shown on the Flood Insurance Rate Maps that are available from the Federal Emergency Management Agency (FEMA).
- B. Purpose. In the interest of the public health, safety and welfare, the purpose of these controls is to protect areas of the floodplain subject to and necessary for flood waters; to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the

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County as provided for in the Comprehensive Development Plan of Fayette County; and to continue the County's continued eligibility in the National Flood Insurance Program. In advancing these principles and the general purposes of the Fayette County Zoning Ordinance and the Comprehensive Development Plan of Fayette County, the specific intent of these controls is to:

1. Combine with present zoning requirements, certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community;
2. Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard;
3. Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
4. Reduce the financial burdens imposed on Fayette County, its governmental units and its individuals by frequent and periodic floods and overflow of lands;
5. Permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of flood waters, or otherwise cause danger to life and lot at, above, or below their locations along the floodway;
6. Permit only those uses in the floodplain compatible with the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
 - a. Withholding rapid water runoff contributing to downstream flooding; and
 - b. Providing area for groundwater absorption for maintenance of the subsurface water supply.
7. Preserve the flood carrying capacity of the natural drainage ways, particularly during major rainfall events.

C. Identification of flood-prone areas. For the purposes of these controls, the areas considered to be flood-prone within Fayette County shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Rate Maps prepared by FEMA. For the purpose of these controls the following nomenclature is used in referring to the various kinds of flood-prone areas in the Flood Insurance Study prepared by the FEMA:

Table 8. Floodway area.

D. Determination of the 100 year flood elevation in FA (General Floodplain Areas).

1. To determine the "100 Year Flood" elevation for these areas, the elevation at a given point on the boundary of the identified flood-prone area(s) which is nearest the lot in question will be used. In helping to make this necessary elevation determination, the landowner and/or developer shall use other sources of data, where available, such as:
 - a. Corps of Engineers - Floodplain Information Reports.
 - b. U.S. Geological Survey - Flood-Prone Quadrangles.
 - c. U.S.D.A., Soil Conservation Service - County Soil Surveys.
 - d. Known high-water marks from past floods.
 - e. Other sources.
2. In lieu of the above, the County shall require the landowner and/or developer of a lot in question to determine the elevation with hydrologic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations or other documentation shall be submitted in sufficient detail to allow a

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thorough technical review by the County Engineer.

E. Changes in identification of flood-prone areas. The areas considered to be flood-prone may be revised or modified by the County Engineer where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by FEMA shall be made without prior approval from FEMA.

F. Disputes. Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the County Engineer and any aggrieved by such decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Area Common Nomenclature

FW (Floodway Area) the areas identified as "Floodway."

FF (Flood-Fringe Area) the areas identified as "Floodway Fringe."

FA (General Flood Plain Area) the areas identified as "Approximate 100 Year Flood Plain."

G. Permitted land uses. In the identified flood-prone area(s), the development and/or use of any lot shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in Fayette County and shall be limited to the following (listed in general order of appropriateness):

1. Wildlife sanctuary, woodland preserve, arboretum.
2. Game farm, fish hatchery (excluding rearing structures), hunting and fishing reserves.
3. Forestry, lumbering and reforestation excluding storage and mill structures.
4. Harvesting of any wild crops such as marsh hay, ferns, moss, berries or wild rice.
5. Outdoor plant nursery or orchard.
6. Pasture or grazing land.
7. Recreation use such as: park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures.
8. Outlet facilities for sewage treatment plants, sealed public water supply wells.
9. Utility transmission lines; storm and sanitary sewer lines.
10. Storm water management areas.
11. Unpaved Parking lots.

H. Prohibited land uses.

1. All structures, including mobile homes, except for flood retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Protection, Department of Conservation and Natural Resources, Department of Transportation, Department of Community and Economic Development, and the County Engineer;
2. The removal of topsoil for use other than activity associated with Subsection I;
3. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials, and paved or all-weather parking lot; and
4. On-lot sewage disposal systems.

I. Design and construction standards. Within any identified floodplain area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in flood height caused by the proposed development is fully offset by accompanying improvements. The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:.

1. Grading. No grading in the flood-fringe area shall be permitted which would cause a

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rise in the one hundred (100) year flood height. Following grading, any earth shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling, and the area promptly seeded.

2. Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

3. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

4. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

5. Outdoor storage. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

J. Existing structures. After review by the County Engineer, and other appropriate officials as may be deemed necessary by the Office of Planning, Zoning and Community Development, and building within the flood-prone areas at the time of enactment of these controls, may be altered or extended provided that:

1. Any construction within any FW, FF, or FA area, the lowest floor (including basement) of any new or improved structures shall be at least one and one half (1-1/2) feet above the one hundred (100) year flood elevation, or, if a non-residential structure, be floodproofed in accordance with the Fayette County Subdivision and Land Development Ordinance or other applicable County Regulations.

2. The alteration or extension conforms with all applicable regulations of this Chapter.

3. Any increase in volume or area shall not exceed an aggregate of more than twenty-five percent (25%) of such volume or area during the life of the structure; and

4. No increase in any on-lot sewer system presently located either wholly or partially in the flood-prone shall be required.

K. Plan review. All plans for development or use within the flood-prone area, with the exception of expansion of existing single-family dwellings, shall be subject to the approval of the County Engineer and the Office of Planning, Zoning and Community Development.

L. County liability. The granting of a zoning permit of any kind in any portion of the floodplain management overlay shall not constitute a representation, guarantee or warranty of any kind by the Fayette County, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.

M. Variances. In addition to the standards set forth in Article XI of this Chapter for the granting of variances, the following shall apply if a variance is requested in a flood-prone area:

1. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

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2. In reviewing any request for a variance, the Zoning Hearing Board shall consider that the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, victimization of the public, or conflict with any other applicable local or state ordinance and regulations.

3. Whenever a variance is granted, the Zoning Hearing Board shall notify the landowner and/or developer in writing that the granting of the variance may result in increased premium rates for flood insurance and that such variances may increase the risks to life and lot.

§1000-403. Historic Resources Overlay.

§1000-403.1. Objective.

To protect, preserve, promote and utilize Fayette County's unique cultural and heritage assets, including but not limited to the historical, architectural and patriotic events and sites, as well as archaeological and environmental assets for the benefit of the County's current and future residents and tourists. Given the nature, character and significance of recognized heritage assets, special attention shall be given to those sites/events identified by the Pennsylvania Historical and Museum Commission and the United States Department of Interior.

§1000-403.2. Intent.

It is declared as a matter of public policy, as enabled by the Pennsylvania Municipalities Planning Code, that the preservation and protection of buildings, structures, and sites of historic, architectural, cultural, archeological, and educational merit are public necessities and are in the interests of Fayette County's health, prosperity and welfare. The provisions of this Article, coupled with the provisions of Article I, Article VII and Article VIII, and the County's Subdivision and Land Development Ordinance are intended to:

- A. Protect community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
- B. Establish a clear process by which proposed uses potentially affecting historic structures, sites and districts can be reviewed.
- C. Develop compatible future uses and land in relationship to adjacent and/or nearby historic structures, sites and districts.
- D. Encourage continued use or adaptive re-use of historic properties.
- E. Encourage the conservation of historic settings and landscapes.
- F. Utilize historic preservation as a tool for economic revitalization, to promote the general welfare, education and cultural assets of the County.

§1000-403.3 Heritage Preservation Consultation..

Fayette County recognizes the value and presence of its historic resources and, as appropriate, reserves the right to consult with related historic and/or cultural agencies and organizations including, but not limited to, the National Road Heritage Corridor, the Pennsylvania Historic and Museum Commission and/or the Laurel Highlands Visitors Bureau regarding the following.

1. Examination and discussion of the impact(s) a proposed use/development will have on any structure, building or site identified as Class I and Class II on the County's historic resource inventory list as kept on file in the Fayette County

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- Office of Planning, Zoning and Community Development.
2. Provision of written comments to the Zoning Hearing Board, Planning Commission and/or Board of Commissioners, specific to the petition or plan filed with regards to the impact of common boundaries with the historic resource(s) identified.
 3. Attendance at public hearings or meetings to provide testimony on the proposed development's impact on the historic resource(s) identified.
 4. Education of elected officials, board appointments, and the public on the importance of historic preservation.
 5. Recommendations to the amendment of Class I and/or Class II resource lists.

For any application which is being filed with Fayette County and is subject to the provisions of §1000-403, the County Planning Staff shall contact and record any findings from one or more of the above organizations as related to any relevant historically and/or culturally related information applicable to said application.

§1000-403.4. Historic Resource Inventory.

- A. A Historic Resource Inventory is established of historic resources in the County including buildings, sites, landscapes and structures designated for preservation; whereas, some historic resources may or may not be located within a formally designated Historic District.
- B. Criteria for designation:
 1. Class I - historic resources listed and/or contributing buildings within an historic district and/or other landscapes as designated on the listing of National Register of Historic Places or as designated on the listing of National Historic Landmarks or as designated on the listing of the Pennsylvania Department of Agriculture's Agricultural Conservation Easements.
 2. Class II - historic resources eligible or considered eligible to be included in the National Register of Historic Places
 3. Class III – RESERVED (for future designation, if appropriate, relevant to other identified State, County and/or local historic resources)

§1000-403.5. Procedure for Designation or Removal of Historic Resources from the Historic Resources Inventory.

- A. A public ~~hearing~~ meeting to hear and determine action for designation or removal of a historic resource from the Historic Resource Inventory shall be conducted. The process shall be completed as an ordinance amendment, in accordance with the Pennsylvania Municipalities Planning Code.

§1000-403.6. Procedure for Zoning Application Review for a Use on a Lot with No Historic Resource.

- A. Upon the submission of an zoning application by the landowner and/or developer to the County, the Office of Planning, Zoning and Community Development shall determine if the subject lot for which the zoning application is being submitted shares a common lot line with a lot which possesses a historic resource or if the subject lot is within three hundred (300) feet of a lot on which a historic resource

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- exists.
- B. The Office of Planning, Zoning and Community Development shall review the application and present a written report to the Planning Commission within fifteen (15) days of receipt of the petition. If said timeframe passes and the Office of Planning, Zoning and Community Development has not provided a written report to the County, the review shall continue without such consideration.
 - C. If the landowner and/or developer demonstrates that all of the provisions defined in this Ordinance as related to the Historic Resource Overlay cannot be met, the Planning Commission shall have the authority to prepare recommendations for modification as related to historic resources; said recommendations shall be forwarded to the applicable review body Board of Commissioners for acceptance or denial of recommended modification(s). The landowner and/or developer shall demonstrate that no practical alternative exists to comply with the Historic Resource Overlay.
 - D. The Planning Commission shall, if the zoning application is for a permitted land use, review and consider recommendations for action, and modification(s) as applicable, as part of the overall application review. A determination of acceptance or denial shall be rendered.
 - E. If the zoning application is for a Use by Special Exception, the Zoning Hearing Board shall review the recommendations for action, and modification(s) as applicable, for determination as part of the Special Exception review process.

§1000-403.7. Procedure for Zoning Application and Review for a Use on a Lot With a Historic Resource.

- A. Upon the submission of a zoning application by the landowner and/or developer to the County, the Office of Planning, Zoning and Community Development shall determine if the subject lot contains a Historic Resource identified on the Fayette County Historic Resources Inventory.
- B. The Office of Planning, Zoning and Community Development shall review the zoning application and present a written report to the Planning Commission within fifteen (15) days of receipt of the petition. If said timeframe passes and the Office of Planning, Zoning and Community Development has not provided a written report to the County, the review shall continue without such consideration.
- C. If the landowner and/or developer demonstrates that all of the provisions defined in this Ordinance as related to the Historic Resource Overlay cannot be met, the Planning Commission shall have the authority to prepare recommendations for modification as related to historic resources; said recommendations shall be forwarded to the applicable review body and considered as part of acceptance or denial of said modification(s). The landowner and/or developer shall demonstrate that no practical alternative exists to comply with the Historic Resource Overlay.
- D. The Planning Commission shall, if the zoning application is for a permitted land use, review and consider recommendations for action, and modification(s) as applicable, as part of the overall application review. A determination of acceptance or denial shall be rendered.
- E. If the zoning application is for a Use by Special Exception, the Zoning Hearing Board shall review the recommendations for action, and modification(s) as

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applicable, for determination as part of the Special Exception review process.

§1000-403.8. Land Uses.

- A. Land Uses, shown in Table I, §1000-203, that exist on a lot, or portion thereof, which possess a Historic Resource, that shares a common lot boundary and/or are within three hundred (300) feet of a Historic Resource listed on the Historic Resource Inventory shall comply with the following:
1. A Historic Resource Impact Statement shall be submitted in conjunction with said land use application and in accordance with the requirements of the Fayette County Subdivision and Land Development Ordinance.
 2. The relationship of the subject land use to a historic resource on the subject lot or within three (300) feet of a historic resource shall be evaluated in context to the viewshed pertinent to the land use. Said viewshed shall not be negatively impacted by the construction of structural elements, earthmoving or other similar alterations to a lot on which the land use is proposed.
 3. Minimum provisions for RESIDENTIAL TYPE A, TYPE B and TYPE C Standards. See Table 2 regarding setbacks of associated with existing uses legally existing prior to 1968.
 - a. Type A standards apply to a residential land use which is adjacent a residentially-oriented historic resource. Type A standards include:
 - i. Setbacks – A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located. The minimum setback for the district shall then apply to the lot.
 - ii. Landscaping – The minimum provisions as defined by §1000-212. Bufferyard standards shall apply.
 - iii. Access/Drive-thrus – Not applicable.
 - iv. Parking – For any non-single-family land use adjacent to a single-family land use. The following shall apply:
 - [a] Parking shall not be located within a front yard or between the front building face and the front lot line.
 - [b] Unless a bufferyard provision applies as part of this Ordinance, a five (5) foot wide landscape strip, inclusive of the plants outlined in Appendix A, shall be placed between any parking area and a lot line shared with a lot upon which a historic resource exists.
 - [c] A parking lot shall contain a maximum of ten (10) contiguous spaces whereas a landscaped island shall serve to terminate each ten (10) spaces. Said landscape island shall contain a minimum of one (1) two and one-half (2.5) inch caliper deciduous tree in accordance with the species identified within Appendix A this

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- b. Type B standards apply to a residential land use which is adjacent a commercially-oriented historic resource. Type B standards include:
 - i. Setbacks - A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located. The minimum setback for the district shall then apply to the lot.
 - ii. Landscaping – The minimum provisions as defined by §1000-212. Bufferyard standards shall apply.
 - iii. Access/Drive-thrus – Not applicable.
 - iv. Parking – Not applicable
 - c. Type C standards apply to a residential land use which is adjacent an industrially-oriented historic resource. Type C standards include:
 - i. Setbacks – A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located. The minimum setback for the district shall then apply to the lot.
 - ii. Landscaping – The minimum provisions as defined by §1000-212. Bufferyard standards shall apply.
 - iii. Access/Drive-thrus – Not applicable.
 - iv. Parking – Not applicable
4. Minimum Provisions for NON-RESIDENTIAL TYPE A, TYPE B and TYPE C Standards.
- a. Type A standards apply to a non-residential land use which is adjacent a residentially-oriented historic resource. Type A standards include:
 - i. Setbacks - A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located.
 - ii. Landscaping – The bufferyard width applicable to the subject lot shall be increased by a minimum of fifteen (15) feet of the minimum bufferyard required for the use. Planting density and spacing shall also be increased in accordance with the additional bufferyard width.

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- iii. Access/Drive-thrus.
 - [a] Any portion of a driveway or paved access to a lot adjacent to a historic resource shall not be located between the structure of the subject lot and the adjacent historic resource unless one of the following screening provisions are utilized:
 - [i] A landscape screen on the first day of occupancy shall be a minimum of six (6) feet in height and a minimum opacity of fifty (50%).
 - [ii] Fencing on the first day occupancy shall be a minimum of six (6) feet in height and a minimum opacity of eighty percent (80%). Fencing shall be constructed of the same materials utilized in the construction of the historic resource.
 - iv. Parking.
 - [a] Parking shall not be located within a front yard or between the front building face and the front lot line.
 - [b] Unless a bufferyard provision applies as part of this Ordinance, a five (5) foot wide landscape strip, inclusive of the plants outlined in Appendix A, shall be placed between any parking area and a lot line shared with a lot upon which a historic resource exists.
 - [c] A parking lot shall contain a maximum of ten (10) contiguous spaces whereas a landscaped island shall serve to terminate each ten (10) spaces. Said landscape island shall contain a minimum of one (1) two and one-half (2.5) inch caliper deciduous tree in accordance with the species identified within Appendix A this Ordinance.
 - v. Service/ loading areas for non-residential uses shall not be located between the structure of the subject lot and the Historic Resource.
 - vi. There shall be no use of off-premise signage , other than one (1) non-illuminated sign not exceeding two (2) square feet. Said sign shall not be placed within a public right-of-way.
- b. Type B standards apply to a non-residential land use which is adjacent a commercially-oriented historic resource. Type B standards include:
 - i. Setbacks – A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located. The minimum setback for the district shall then apply to the lot.

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- ii. Landscaping – The bufferyard width applicable to the subject lot shall be increased by a minimum of ten (10) feet of the minimum bufferyard required for the use. Planting density and spacing shall also be increased in accordance with the additional bufferyard width.
- iii. Access/Drive-thrus.
 - [a] Any portion of a driveway or paved access to a lot adjacent to a historic resource shall not be located between the structure of the subject lot and the adjacent historic resource unless one of the following screening provisions are utilized:
 - [i] A landscape screen on the first day of occupancy shall be a minimum of six (6) feet in height and a minimum opacity of fifty (50%).
 - [ii] Fencing on the first day occupancy shall be a minimum of six (6) feet in height and a minimum opacity of eighty percent (80%). Fencing shall be constructed of the same materials utilized in the construction of the historic resource.
- iv. Parking.
 - [a] Parking shall not be located within a front yard or between the front building face and the front lot line.
 - [b] Unless a bufferyard provision applies as part of this Ordinance, a five (5) foot wide landscape strip, inclusive of the plants outlined in Appendix A, shall be placed between any parking area and a lot line shared with a lot upon which a historic resource exists.
 - [c] A parking lot shall contain a maximum of ten (10) contiguous spaces whereas a landscaped island shall serve to terminate each ten (10) spaces. Said landscape island shall contain a minimum of one (1) two and one-half (2.5) inch caliper deciduous tree in accordance with the species identified within Appendix A this Ordinance.
- v. Service/ loading areas for non-residential uses shall not be located between the structure of the subject lot and the Historic Resource.
- c. Type C standards apply to a non-residential land use which is adjacent a industrially-oriented historic resource. Type C standards include:
 - i. Setbacks - A front setback for any use adjacent to a historic resource shall be that as established by the historic resource unless the existing setback for the historic structure is greater than the minimum setback required for the district in which the use is located. The minimum setback for the district shall then apply to the lot.
 - ii. Landscaping – The bufferyard width applicable to the subject lot shall be

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increased by a minimum of thirty (30) feet of the minimum bufferyard required for the use. Planting density and spacing shall also be increased in accordance with the additional bufferyard width.

- iii. Access/Drive-thrus – Not applicable.
- iv. Parking – Not applicable
- v. Service/ loading areas for non-residential uses shall not be located between the structure of the subject lot and the Historic Resource.

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ARTICLE VIII

Uses by Special Exception

§1000-800. Application.

A. All applications for a use by special exception shall demonstrate compliance with the applicable express standards and criteria of this Article and the applicable minimum lot area, maximum lot coverage, maximum building height, setback requirements and bufferyard requirements of the zoning district in which the use is proposed.

B. All applications for use by special exception approval shall contain the following:

1. A land development plan, as defined by this Chapter, and where renovation or modification of an existing building is immediately contemplated, construction plans showing the scope, nature and extent of said renovation or modifications.
2. An application fee in an amount set by resolution of the Board of County Commissioners.

§1000-801. Procedure.

A. Applications for uses by special exception shall be filed with the Zoning Officer. The Zoning Officer shall forward copies of the application to the Zoning Hearing Board for review and approval.

B. The Zoning Hearing Board shall hold a public hearing within sixty (60) days of the date that the application is accepted as complete. Failure to act within the allotted time shall be deemed approval.

C. In considering an application for use by special exception approval, the Zoning Hearing Board shall hold a public hearing thereon, pursuant to public notice, provided that the Zoning Hearing Board act on the application within forty-five (45) days of the date of the meeting at which the hearing on the application is closed. The Zoning Hearing Board may attach such conditions and standards as they deem necessary to the approval of any use by special exception.

D. All development, construction and use shall be in accordance with the approved land development plan unless a revised land development plan is submitted, approved and filed. The land development plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Planning Commission, and the conditions for the use of the lot as determined by the Zoning Hearing Board. When taken together, the application and conditions shall be known as the "approved plan." Any development contrary to the approved plan shall constitute a violation of this Chapter.

E. Any use by special exception that is approved by the Zoning Hearing Board shall be valid for a period not to exceed one (1) year. Any use by special exception approval that is not acted upon within one (1) year of the date of approval by the applicant or his/her designee shall be considered null and void.

F. For any land use subject to the provisions of the Historic Resources Overlay, the following shall apply:

1. Site lighting shall be designed to screen the source and impact of illumination and glare from the Historic Resource.
2. No use shall be permitted which generates noise perceptible at the common lot boundary line(s) or within three hundred (300) feet of a Historic Resource.
3. The relationship of the land use to a historic resource on the subject lot or within three (300) feet of a historic resource shall be evaluated by the County in context to the viewshed pertinent to the land use. Negative visual and/or physical impacts to

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the designated viewshed shall be considered as part of the basis in determining the suitability of the proposed land use.

§1000-802. Apartment.

An apartment shall be a permitted special exception subject to the following conditions and/or standards.

- A. Where a landowner and/or developer proposes a mix of apartments and commercial uses commonly known as a mixed-use development, which contains twenty (20) or more apartments, the minimum parking requirements for each use shall be reduced by twenty five percent (25%). The reduction is intended to optimize parking provided for peak hour traffic and compatibility of uses.
- B. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- C. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.
- D. If the parking area for an apartment development is adjacent to an existing residential lot, any parking areas that demand greater than thirty (30) automobiles, the following shall apply:
 1. An additional ten (10) foot setback shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
 2. A mound, a minimum of three and one-half (3 1/2) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties.
- E. All dumpsters and/or waste collection areas shall be located a maximum of two hundred (200) feet from the further most residential unit and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
- F. The primary vehicular entrance to the apartments shall face the public right-of-way.
- G. Any development shall be provided with public sewage as approved by the County.
- H. No apartment building shall be located within the flight path of a runway facility of an airport.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are limited to increased setbacks.

§1000-803. Assisted living facility.

An assisted living facility shall be a permitted special exception subject to the following conditions and/or standards.

- A. Total acreage shall be a minimum of one (1) acre.
- B. A landscape screen in conformance with Bufferyard 2 shall be constructed on the lot.
- C. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback, buffer strip and parking area.
- D. The lot shall be served by frontage on a public street and serviced by public sanitary sewers and public water.

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- E. Sidewalk gradients shall be constructed at five percent (5%) maximum.
- F. The facility shall be accessible for fire fighting purposes and evacuation at all levels and on all sides.
- G. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- H. The location, orientation and lot circulation shall be coordinated with the Municipality in order to minimize the disturbance of surrounding land uses.
- I. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- J. As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- K. The facility shall meet all state requirements for assisted living facilities in addition to those defined in this Subsection.
- L. The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.
- M. A twelve-(12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- N. The Zoning Hearing Board may attach additional conditions pursuant to this section in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-804. Boarding house.

A boarding house shall be a permitted special exception subject to the following conditions and/or standards.

- A. All off-street parking shall be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of four (4) feet and a minimum opacity of eighty percent (80%).
- D. Building height and setbacks shall be consistent with surrounding development.
- E. All rooms available for boarding shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-805. Group residence.

A group residence shall be a permitted special exception subject to the following conditions and/or standards.

- A. Off-street parking facilities shall be provided at the ratio of one (1) space for every one (1) full-time staff member and an additional space for every two (2) non-staff residents who are eligible and are permitted by the sponsor to operate a vehicle.
- B. Whenever a party or parties seeks to occupy a dwelling or other building as a group

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residence, the party or parties shall file a detailed statement of intent with the Fayette County Office of Planning, Zoning and Community Development describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. A license or certification shall also be obtained from the Commonwealth of Pennsylvania or Fayette County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.

C. A group residence shall be initially licensed, where it has met the requirements set forth by Fayette County, through December 31 of the year in which the license is issued. For each year thereafter if the group residence intends to continue its business, it must renew its license. The application for renewal is due in Fayette County Office of Planning, Zoning and Community Development no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the group residence.

D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty percent(80%).

E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-806. Halfway house, adult.

An adult halfway house shall be a permitted special exception subject to the following conditions and/or standards.

A. Whenever a party or parties seeks to occupy a dwelling or other building as an adult halfway house, the party or parties shall file a detailed statement of intent with the Office of Planning, Zoning and Community Development describing the proposed use of the dwelling or building; such statement shall detail the proposed number and nature of the anticipated occupants with the Fayette County Office of Planning, Zoning and Community Development.. The part or parties shall obtain a license or certification from the Commonwealth of Pennsylvania or Fayette County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.

B. An adult halfway house shall be initially licensed, where it has met the requirements set forth by Fayette County, through December 31 of the year in which the license is issued. For each year thereafter if the adult halfway house intends to continue its business, it must renew its license. The application for renewal is due in Fayette County Office of Planning, Zoning and Community Development no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the adult halfway house.

C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

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D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-807. Halfway house, juvenile.

A juvenile halfway house shall be a permitted special exception subject to the following conditions and/or standards.

A. Whenever a party or parties seeks to occupy a dwelling or other building as a juvenile halfway house, the party or parties shall file a detailed statement of intent with the Office of Planning, Zoning and Community Development describing the proposed use of the dwelling or building, such statement shall detail the proposed number and nature of the anticipated occupants. The party or parties shall obtain a license or certification from the Commonwealth of Pennsylvania or Fayette County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Fayette County Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.

B. A juvenile halfway house shall be initially licensed, where it has met the requirements set forth by Fayette County, through December 31 of the year in which the license is issued. For each year thereafter if the juvenile halfway house intends to continue its business, it must renew its license. The application for renewal is due in Fayette County Office of Planning, Zoning and Community Development no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the juvenile halfway house.

C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-808. Home occupation, type 2.

Home occupation shall be a permitted special exception use subject to the following minimum standards and criteria:

A. The home occupation shall be carried on wholly within the principal or accessory structures.

B. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.

C. Articles not produced on the premises shall not be sold on the premises.

D. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.

E. Exterior displays or signs other than those permitted in Article X of this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

F. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of § 900 of this Ordinance.

G. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for

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the residences in the neighborhood.

H. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.

I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.

J. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

K. The use shall not cause a negative impact on lot values in the immediate neighborhood.

L. 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 permitted to be parked on the premises.

M. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

1. beauty shops or barber shops containing more than two (2) chairs;
2. clinics, hospitals or nursing homes;
3. kennels, veterinary offices and clinics;
4. mortuaries;
5. private clubs;
6. private instruction to more than three (3) students at a time;
7. restaurants or tearooms;
8. stables;
9. tourist or boarding homes;
10. vehicle or equipment rental, repair or sales;
11. vehicle repair garages, as defined by this Ordinance.

§1000-809. Juvenile detention facility.

A juvenile detention facility shall be a permitted special exception subject to the following conditions and/or standards.

A. Off-street parking facilities shall be provided at the ratio of one (1) space for every one (1) full-time staff members and an additional space for every two (2) non-staff residents who are eligible and are permitted by the sponsor to operate a vehicle.

B. Whenever a party or parties seeks to occupy a dwelling or other building as a juvenile detention facility, the party or parties shall file a detailed statement of intent with the Office of Planning, Zoning and Community Development describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants with the Zoning Hearing Board. A license or certification shall also be obtained from the Commonwealth of Pennsylvania or Fayette County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.

C. A juvenile detention facility shall be initially licensed, where it has met the requirements set forth by Fayette County, through December 31 of the year in which the license is issued. For each year thereafter if the juvenile detention facility intends to continue its business, it must renew its license. The application for renewal is due in Fayette County Office of

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Planning, Zoning and Community Development no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the juvenile detention facility.

D. Dumpsters if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-810. Mobile home park.

A mobile home park shall be a permitted special exception subject to the following conditions and/or standards.

A. Gross site area shall be a minimum of ten (10) acres.

B. Proposed mobile home parks shall comply with all applicable provisions of state laws regulating mobile home parks and all applicable standards and regulations set forth in this Chapter.

C. 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.

D. All lots shall be serviced by public and/or private sewer and water.

E. Minimum lot width shall be forty (40) feet for single unit mobile home and sixty five (65) feet for double mobile home units.

F. All dumpster areas shall be screened from all lots and public right-of-ways. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).

G. All mobile home parks shall provide sidewalks on both sides of a street (both public and private right-of-ways).

H. Grading and ground cover requirements.

1. The ground surface in all parts of each mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each mobile home park shall be treated in a manner approved by the Commission which will effectively prevent soil erosion and prevent the emanation of dust during dry weather.

I. Mobile home park lot requirements.

1. Gross density. The maximum number of mobile home lots within each mobile home park shall be not more than eight (8) lots per acre of the total area of the mobile home park.

2. Minimum lot size.

a. The minimum mobile home lot size shall be not less than five thousand (5,000) square feet of area. The minimum width of any mobile home lot shall be not less than fifty (50) feet. The minimum length of each mobile home lot shall not be less than one hundred (100) feet.

b. Where on-lot sewage disposal is proposed, the minimum lot size shall be increased to a size sufficient to accommodate the proposed system or as required by the Zoning Ordinance of Fayette County, Pennsylvania and, if applicable, to provide the distances for wells required by the Pennsylvania Department of Environmental

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Protection and other distances required herein.

3. Mobile home lot access. All mobile homes shall abut on a street of the mobile home park's internal street system.

J. Setbacks, buffer strips and screening requirements.

1. Park perimeter buffer strips. All mobile homes, auxiliary park buildings and other park structures shall be located at least thirty-five (35) feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to twenty-five (25) feet if a suitable perimeter screening of plantings or fencing is provided and approved by the Zoning Hearing Board.

2. Minimum distances between structures within the mobile home park. Mobile homes shall be located at least fifty (50) feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings. The minimum distance between mobile homes shall be not less than twenty (20) feet.

3. Minimum building setback lines shall be not less than thirty (30) feet from the edge of the street right-of-way. Where applicable, side and rear building setbacks lines of at least ten (10) feet shall be established.

K. Recreation and open space requirements.

1. A minimum of ten percent (10%) of the gross area of the mobile home park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.

L. Parking space requirements.

1. A minimum of one and one-half (1.5) off-street parking spaces per each mobile home lot within the development shall be provided within two hundred (200) feet of the mobile home lot to be served.

M. Mobile home park internal street system requirements.

1. The street system within a Mobile Home Park shall be designed and constructed according to required standards of local sheets defined by the Fayette County Subdivision and Land Development Ordinance.

N. Mobile home lot improvements.

1. Each mobile home lot shall be provided with a permanent frost-free foundation and each lot will have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each mobile home has available to it a means of securing the home to its site.

2. Water and sewer systems. Water supply and sewage disposal system connections shall be provided to each Mobile Home lot within a Mobile Home Park. In addition, the mobile home park shall meet all requirements of the Fayette County Subdivision and Land Development Ordinance with regard to said water and sewer systems.

O. No mobile home subdivision or land development shall be approved until it has satisfied all applicable ordinances or regulations of the Municipality in which it is located.

P. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-811. Nursing/convalescent care.

Nursing/convalescent care shall be a permitted special exception subject to the following

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conditions and/or standards.

- A. The minimum site area required for nursing/convalescent care shall be one (1) acre.
- B. The site shall be served by public water and public sewers.
- C. All nursing/convalescent care shall be licensed by the Commonwealth of Pennsylvania.
- D. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local Fire Company for review and comment.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the lot or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- F. Nursing/convalescent care facilities shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.
- G. All property lines adjoining an existing residential use or residential district zoning classification shall, at a minimum, be screened by Bufferyard 2 as defined by this Chapter.
- H. Any development shall be provided with public sewage as approved by the County.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-812. Quad-plex.

A quad-plex shall be a permitted special exception subject to the following conditions and/or standards.

- A. Bufferyards between a quad-plex development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the County Office of Planning Zoning and Community Development.
- B. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- C. The primary vehicular entrance to the quad-plex shall, at a minimum, have direct access to a collector road.
- D. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- E. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- F. Any development shall be provided with public sewage as approved by the County.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-813. Townhouse and/or Duplex.

A townhouse and/or duplex shall be a permitted special exception subject to the following conditions and/or standards.

- A. Bufferyards between a townhouse development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be

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provided in accordance with the spacing, quantity and type of plants recommendations made by the County Office of Planning Zoning and Community Development.

B. The primary vehicular entrance to the townhouse development shall, at a minimum, have direct access to a collector road.

C. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.

D. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.

E. Access to the rear of any townhouse and/or duplex lot shall not be encumbered by development.

F. Comments and restrictions shall be required for the final approval of all major land developments that incorporate townhouses and/or condominiums.

G. Any development shall be provided with public sewage as approved by the County.

H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-814. Adult oriented establishment.

An adult oriented establishment shall be a permitted special exception subject to the following conditions and/or standards.

A. An adult oriented establishment may be established only in the M-2 Heavy Industrial district.

B. Persons or owners who intend to open an adult bookstore or an adult motion-picture theater or any similar adult commercial enterprise must obtain applicable registration Fayette County to operate such an enterprise and must pay to Fayette County an investigation fee as may be set from time to time by resolution of the Board of County Commissioners. In addition, such persons or owners must supply to the County detailed information as to the ownership and financing as required by the registration requirements.

C. No adult oriented establishment shall be permitted to operate if the establishment is within five hundred (500) feet of an existing day-care center, school, hospital, residence, nursing home, group care facility, place of worship, place of assembly, public park and playground or an establishment which is licensed to and does sell alcoholic beverages or as an adult businesses.

D. An adult oriented establishment shall be initially licensed, where it has met the requirements set forth by Fayette County, through December 31 of the year in which the license is issued. For each year thereafter if the adult oriented establishment intends to continue its business, it must renew its license. The application for renewal is due in Fayette County Office of Planning, Zoning and Community Development no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the adult oriented business establishment.

E. Any adult oriented establishment found to be in violation of this Chapter, as amended, shall be subject to the enforcement penalties notes defined in Article X of this Chapter.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

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§1000-815. Amusement facility, indoor/outdoor.

An amusement facility, indoor/outdoor shall be a permitted special exception subject to the following conditions and/or standards.

- A. No outdoor amusement facility shall be located within any district unless designated by Table 1.
- B. All amusement facilities shall be located along an arterial road as defined by Article II of this Chapter.
- C. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to fifty percent (50%) luminosity after 11:00 P.M. and shall provide a landscaped bufferyard a minimum of ten (10) feet in width. The bufferyard shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- D. Grass, sod or lawn turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- E. All off-street parking shall be located on the lot or on an adjacent lot under the ownership of the operator or owner of the use.
- F. All lots used for amusement facilities shall have a minimum of two (2) points of ingress and egress.
- G. All dumpsters shall be located in the rear yard setback and shall be screened. All screens shall have a minimum height of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- H. All amusement facilities shall have a maximum gross floor area of forty thousand (40,000) square feet.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-816. Automobile repair & service station.

An automobile repair & service station shall be a permitted special exception subject to the following conditions and/or standards.

- A. The maximum lot area for an auto repair & service station shall be twenty thousand (20,000) square feet.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial road, as defined by this Article II of this Chapter, or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-817. Automobile sales.

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Automobile sales shall be a permitted special exception subject to the following conditions and/or standards.

- A. All automobile sales shall be located adjacent to an arterial road as defined by Article II of this Chapter.
- B. All automobile sales shall have a maximum lot area of one (1) acre.
- C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- D. All outdoor display areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.
- E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-818. Billboards.

A. Billboard shall be a permitted special exception subject to the following conditions and/or standards.

- 1. Location. Billboard shall not be erected within the R-1 and R-2 zoning districts or within five hundred (500) feet of the line of any public or parochial school property. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented.
 - a. No billboards shall be permitted within five hundred (500) feet of the right of way of US Route 40 or the Mon-Fayette Expressway (PA Route 43).
 - b. On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
 - c. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 - d. A billboard shall be considered a structure and shall be included in the calculation of maximum building coverage as specified in Article II of this Chapter. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.
 - e. 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 or residential or non-residential structure or to limit or reduce the light and ventilation requirements as defined by this Chapter.
 - f. No billboard shall be constructed that obstructs visibility within the clear sight triangle to a height of twenty-five (25) feet from the average ground elevation of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety. Average ground elevation shall be measured as the median between the high point and low point found within the clear sight triangle area.
 - g. Billboards shall maintain a lateral minimum spacing of seven hundred fifty (750) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented. The

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applicant shall document this spacing of any existing adjacent billboards.

h. Billboards may not be mounted on the roof or project above the parapet of a building wall.

i. A detailed plan shall be submitted which indicates billboard size, number of faces, landscaping, construction types and site plan illustrating compliance with applicable setbacks and right-of-way locations.

B. Size and height. A billboard shall have a maximum allowable gross surface area of seven hundred-fifty (750) square feet per sign face. A billboard shall have a maximum of two (2) sign faces per billboard structure.

1. The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.

2. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.

3. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.

4. If the billboard foundation is visible from the right-of-way, the entire base of the billboard structure shall be permanently landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

5. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

6. Landscaping shall be maintained by the billboard sign owner in an attractive and healthy manner in accordance with accepted conservation practices.

7. Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer.

8. All grading shall be in accordance with Fayette County and Commonwealth of Pennsylvania regulations.

9. No bare earth cuts are permitted on a hillside.

10. All earth cuts or fills are to be permanently seeded or planted to prevent erosion.

11. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of one (1) footcandle upon an adjoining lot.

12. No billboard shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties because of movement, flashing or emitting noise. All display lighting shall be designed in accordance with PennDOT regulations.

13. The use of colored lighting for exterior spot lighting or uplighting is not permitted.

C. Maintenance.

1. A billboard structure shall be entirely painted every three (3) years.

2. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by an engineer or an architect and shall provide to the Fayette County a certificate from an engineer or architect attesting that the billboard is structurally sound.

3. Billboards found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the Fayette County. Failure to comply shall be a violation of this Chapter.

4. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.

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D. Permits. Prior to submission of an application for a zoning permit, the applicant for billboard use shall obtain and submit with the application any required approvals from Fayette County and, when applicable, the United States Federal Aviation Administration (FAA), PennDOT and/or National Road Heritage Park Board.

E. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set by resolution of the Board of County Commissioners.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-819. Campground, public or private.

A public or private campground shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area of a campground, public or private, shall be twenty (20) acres.

B. All activities within the campground shall be located at least one hundred (100) feet from any property line adjoining a residence and at least fifty (50) feet from any other property line or public right of way as defined by this Chapter.

C. Side and rear bufferyards shall be a minimum of twenty five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

D. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

E. The owner(s) and operator(s) of the campground shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

F. Public visitation hours at campgrounds shall be limited to between 7:00 A.M and 11:00 P.M. No deliveries or operations shall be permitted prior to 7:00 A.M. or after 9:00 P.M. Outdoor entertainment or related activities shall be limited to between 9:00 A.M. and 9:00 P.M.

G. All outdoor storage areas, loading areas and dumpsters or waste collection areas shall be screened. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, fences or walls with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

H. Visitor parking shall be provided at one (1) space for every three (3) camping sites.

I. Prior to the issuance of a permit, a land development plan must be approved by the Planning Commission and recorded with the County.

J. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-820. Car wash.

A car wash shall be a permitted special exception subject to the following conditions and/or standards.

A. Car washes as defined by this Chapter shall be permitted only when accessory to an approved commercial use.

B. The maximum lot area for a car wash shall be twelve thousand (12,000) square feet.

C. The car wash shall have direct access to an arterial road as defined by Article II of this

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Chapter or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.

D. All equipment related to the operation of the car wash shall be properly screened to minimize usual and available nuisances from all adjoining properties.

E. All car washes that adjoin an existing adjacent residential lot shall provide a minimum fifteen (15) foot wide landscaped bufferyard. The bufferyard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses or groundcovers.

F. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-821. Cemeteries.

Cemeteries shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area shall be fifty (50) acres.

B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.

C. Plans for ingress, egress and internal traffic circulation on the lot shall be submitted for comments regarding public safety to PennDOT, and/or local municipality based upon direction of the Office of Planning, Zoning and Community Development.

D. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of this Chapter.

E. An additional ten (10) feet of yard setback with landscaping a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Chapter to protect the surrounding residences from in appropriate light and other disturbances.

F. At no time shall a corpse be exposed or visible from a public right of way or adjacent lot.

G. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance on interruption as defined by this Chapter.

H. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

I. The owner(s) and operator(s) of a cemetery shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

J. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-822. Club, private.

A private club shall be a permitted special exception subject to the following conditions and/or standards.

A. A private club serving alcohol may only be established or operated in accordance with the regulation of the Pennsylvania Liquor Control Board or other equivalent assigned agency.

B. The private club shall have direct access to an arterial road as defined by Article II of this

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Chapter.

C. All parking and service areas shall be located to the rear of the lot and properly screened. All screens shall have a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

D. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-823. Commercial school.

A commercial school shall be a permitted special exception subject to the following conditions and/or standards.

A. A commercial school shall not be located within the flight path of a runway facility of an Airport.

B. A commercial school shall utilize exterior lighting that does not pose a navigation hazard to an Airport facility. All exterior lighting shall be in conformance with an airport or other United States Federal Aviation Administration (FAA) guidelines or standards.

C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one

D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-824. Communications tower.

A communications tower shall be a permitted special exception subject to the following conditions and/or standards.

A. The applicant who proposes to construct a new communications tower shall provide the Office of Planning, Zoning and Community Development with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Before an applicant proposes to construct a new communications tower, the applicant shall attempt to locate the proposed antenna on an existing communications tower or other tall structure pursuant to §1000-317 applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets. The procedure for ruling out this collocation requirement shall be followed by all applicants proposing a new communications tower and is described in Subsection A (1)(a) below.

1. The applicant shall contact all owners of surrounding communications towers and tall structures within one (1) mile of the proposed communications tower in order to determine if the proposed antenna and related equipment can be located on an existing tall structure. As part of the application, the applicant shall demonstrate at least one (1) of the following reasons for forgoing collocation on an existing communications tower or other tall structure.

a. That the proposed communications antenna and related equipment would exceed the structural capacity of existing communications towers or other tall structures.

b. That the proposed communications antenna would cause radio frequency

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interference with other existing equipment on existing communications towers or other tall structures.

c. That the existing communications towers or other tall structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.

d. That the addition of the proposed communications antenna and related equipment would result in electromagnetic radiation from such communications towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

e. That an agreement could not be reached with the owner of the communications tower or other tall structure.

2. The applicant who can utilize any existing communications tower or other tall structure shall make every effort in good faith to utilize the existing communications tower or other tall structure rather than construct a new tower.

3. If an existing communications tower or other tall structure is within a one (1) mile radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make a good faith effort as described above, Fayette County may deny the request for approval by special exception based on such inaction.

4. If the applicant succeeds in collocating an antenna on an existing communications tower or other tall structure, the regulations applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets shall be adhered to.

B. If the applicant proposing a new communication antenna is not bound by the aforementioned collocation requirements, the following design criteria shall be adhered to:

1. The following building setbacks shall be adhered to by all communications towers:

a. Towers more than fifty (50) feet in height and less than two hundred-fifty (250) feet in height shall be located on the lot so that the minimum distance from the base of the tower to any adjoining property line is equal to one hundred percent (100%) of the proposed tower height. No variance shall be granted from the minimum setback requirement.

b. Towers fifty (50) feet or less in height shall make every effort to satisfy the minimum one hundred percent (100%) setback requirements specified in Subsection B(1)(a). However, towers fifty (50) feet or less in height that cannot satisfy the minimum one-hundred percent (100%) setback requirement may be approved by Fayette County, provided that the applicant presents a certification from an engineer that the tower will withstand winds of one hundred (100) miles per hour. Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.

c. Towers shall be set back a distance equal to one hundred and ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis.

2. Under no circumstances shall a communications tower exceed two hundred-fifty (250) feet in height.

3. Tower height shall be measured from the top of the foundation to the top point of the

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tower or the top point of the communications antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal Communications Commission (FCC).

C. Lighting for communications towers shall be in accordance with the following regulations.

1. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the FAA. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.

2. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.

D. If any new access to the lot is proposed, the following regulations shall be adhered to.

1. Where the lot abuts or has access to an arterial road defined by Article II of this Chapter, access for maintenance vehicles shall be exclusively by means of the arterial roads. If possible, direct access from a local street shall be avoided.

2. At least one (1) parking space shall be provided for each tower.

3. The access drive to the lot shall be at least twelve (12) feet in width and improved with material acceptable to the Office of Planning Zoning, and Community Development. No access drive shall be constructed of dirt or left in an unpaved state.

E. If deemed necessary by the Zoning Hearing Board, fencing and/or signage may be required in accordance with the following regulations.

1. If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.

2. If high voltage is provided at the tower, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say "Danger-High Voltage," and the words shall be legible from a distance of twenty (20) feet.

F. Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify Fayette County in writing of the abandonment.

G. A landscape plan shall be required for all communications towers in accordance with the provisions of this Chapter.

H. In addition to the conditional use approval, all applicants who propose a communications tower shall submit for approval to the County a land development plan indicating antenna location, height and design, proposed access, drainage improvements with a storm water management plan, and a landscaping plan.

I. The applicant proposing to construct a communications tower shall provide detailed construction drawings for review by the County Engineer.

J. The applicant proposing to construct a communications tower shall provide detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable international building code standards and will have structural capacity to serve the devices, antennas and equipment mounted thereon.

K. The petitioner shall submit a map of Fayette County and ten (10) miles of the adjoining counties, indicating exact location of all other towers which they have or may have the potential to have co-location.

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- L. The applicant shall submit written evidence of compliance with the National Historic Preservation Act. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultant requirement.
- M. A Communication Tower may not be located within ½ mile of a property or as districted listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of the Communication Tower would not be a significant intrusion on the public view of National Register properties, historic buildings or on the historic landscapes surrounding such properties. To be eligible for a waiver the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the Advisory Council on Historic Preservation and/or Pennsylvania Historical and Museum Commission.
- N. The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number of the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- O. If a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) month period. Before any construction can commence on any tower, and at all times thereafter, a performance bond shall be posted and maintained with the municipality in the amount of at least \$10,000, providing that, if such a tower is not so removed, then the municipality can either direct the bonding company to remove the tower or remove the tower and forfeit the bond.
- L. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-825. Conference and training center.

A conference and training center shall be a permitted special exception subject to the following conditions and/or standards.

- A. A conference and training center shall not be located within the flight path of a runway facility of an airport.
- B. A conference and training center shall utilize exterior lighting that does not pose a navigation hazard to the an airport. All exterior lighting shall be in conformance to an airport or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. All parking areas adjacent to a flight path or runway approach of an airport shall provide a minimum of one (1) landscaped island for every seven (7) parking spaces. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- D. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

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§1000-826. Contractor's yard.

A contractor's yard shall be a permitted special exception subject to the following conditions and/or standards.

- A. A contractor's yard shall have a minimum lot area of twenty thousand (20,000) square feet and a maximum lot area of two (2) acres.
- B. A contractor's yard shall have direct access to an arterial road as defined by Article II of this Chapter.
- C. All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet in height and with a minimum opacity of eighty (80%) percent.
- D. All property boundaries adjoining an existing residence shall provide a landscaped bufferyard of a minimum of fifteen (15) feet in width. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- F. A contractor's yard that adjoins an existing residence shall not begin mechanical operations until 5:00 A.M. and shall cease all mechanical operations by 10:00 P.M.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-827. Correctional facility.

A correctional facility shall be a permitted special exception subject to the following conditions and/or standards.

- A. A correctional facility shall have a minimum lot area of one hundred fifty (150) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a nuisance to public health and safety.
- C. Air transport operations shall be located to minimize impacts to adjacent development and shall follow the conditions defined for a heliport §1000-836.
- D. A correctional facility shall be located adjacent to an arterial road as defined by Article II of this Chapter.
- E. No correctional facility shall be established or operated within one thousand (1,000) feet of an existing school, public park, public playground, hospital, nursing home, place of worship, place of assembly, residence or correctional facility.
- F. Correctional facilities shall provide a visual screen along all property lines. The screen shall be constructed as an earth berm, landscaped bufferyard, fence or wall. The screen shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty (80%) percent. No barbed wire or similar security fencing shall be visible from a public right of way or adjacent residential lot.
- G. All correctional facilities shall be served by public sewer and water services.
- H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-828. Country Club/Golf Course.

A country club/golf course shall be a permitted special exception subject to the following

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conditions and/or standards.

A. A traffic impact study shall be required to be submitted where the proposed country club which according to the Institute of Transportation Engineers (ITE) standards could generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

B. All parking areas adjacent to an existing residence shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.

C. Golf holes shall provide a minimum safety setback of fifty (50) feet between the outermost boundary of the golf hole and the nearest property line.

D. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as an earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.

E. Exterior lighting for parking areas visible from adjacent residences shall be reduced to half power after 11:00 P.M.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-829. Day care center, adult or child.

A day care center, adult or child, shall be a permitted special exception subject to the following conditions and/or standards.

A. A day care center, adult or child, shall not be permitted within the flight path of a runway facility of an airport.

B. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-830. Driving range.

A driving range shall be a permitted special exception subject to the following conditions and/or standards.

A. A driving range shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to airports or similar United States Federal Aviation Administration (FAA) guidelines or standards.

B. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.

C. Range areas shall provide a minimum safety setback of fifty (50) feet between the outermost boundary of the range and the closest property line.

D. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.

E. Exterior lighting for parking areas visible from adjacent residences shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

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§1000-831. Emergency services facility.

An emergency services facility shall be a permitted special exception subject to the following conditions and/or standards:

- A. An access analysis shall be conducted in order to evaluate sight distance and to identify appropriate site access points. Special traffic signage control and lighting may need to be provided pending the access analysis.
- B. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.
- C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health safety and welfare. These conditions may include but are limited to increased bufferyards, setbacks or traffic analysis requirements.

§1000-832. Fairgrounds.

Fairgrounds shall be a permitted special exception subject to the following conditions and/or standards.

- A. A traffic impact study shall be required to be submitted where the proposed fairgrounds which according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.
- C. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as an earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.
- D. Exterior lighting for parking areas visible from adjacent residential lots shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setback.

§1000-833. Flex space.

A flex space shall be a permitted special exception subject to the following conditions and/or standards.

- A. A flex space shall have a minimum lot area of two (2) acres.
- B. A flex space shall have direct access to an arterial road as defined by Article II of this Chapter.
- C. All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed within an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and with a minimum opacity of eighty (80%) percent.
- D. All property boundaries adjoining an existing residential lot shall provide a landscaped bufferyard of a minimum of fifteen (15) feet in width. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- F. A flex space that adjoins an existing residence shall not begin mechanical operations until 7:00 A.M. and shall cease all mechanical operations by 9:00 P.M.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in

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order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-834. Funeral home.

A funeral home shall be a permitted special exception subject to the following conditions and/or standards.

- A. All off-street parking must be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a maximum height of six (6) feet and a minimum opacity of eighty (80%) percent.
- D. Building length and setbacks shall be consistent with surrounding development.
- E. All rooms available for funerals and viewing shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear yard setback and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80%) percent.
- G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-835. Gas station.

A gas station shall be a permitted special exception subject to the following express standards and criteria:

- A. The minimum lot area for a gas station shall be twenty-one thousand seven hundred eighty (21,780) square feet.
- B. The gas station shall have direct ingress/egress to an arterial road as defined by this Article II of this Chapter.
- C. A canopy over the gas pumps shall be permitted, provided that:
 1. The canopy is not attached to the principal building.
 2. The canopy shall not be enclosed.
 3. The canopy shall be located a minimum of ten (10) feet from any property line or street right-of-way line.
 4. The canopy shall be removed immediately if the principal use is changed or discontinued.
- D. All authorized minor repair work, car washing and lubrication shall be conducted within a completely enclosed building.
- E. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- F. Off-street parking shall be provided for a minimum of one (1) space for each employee on duty and employer plus three (3) spaces for each repair bay.
- G. Gasoline pumps shall be located at least forty (40) feet from the right-of-way line of any public street.
- H. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but

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are not limited to increased setbacks.

§1000-836. Heliport.

A heliport shall be a permitted special exception subject to the following conditions and/or standards.

- A. A heliport shall not be located within the flight path of a runway facility of airport.
- B. All heliports shall file an operation plan with any airport situated with one (1) mile of the heliport site. Preliminary approval of the operation plan shall be required prior to final approval of any heliport facility.
- C. Exterior and navigation lighting shall not create a nuisance to adjoining properties or any airport situated within one (1) mile of the heliport site.
- D. All surfaces within a heliport shall be paved with a hard surface or shall be maintained as lawn areas. No gravel, dirt or uncontrolled soil surface shall be permitted within a heliport facility.
- E. All heliports shall be located within a lot's principal building area and shall not be visible from a public right of way or adjoining residence.
- F. All heliports shall be screened with a minimum of a fifteen (15) foot wide earth berm or a landscaped bufferyard. A landscaped bufferyard shall consist of combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- G. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-837. Hospital.

A hospital shall be a permitted special exception subject to the following conditions and/or standards.

- A. A hospital shall not be located within the flight path of a runway facility of an airport.
- B. A hospital shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to the airports or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. All parking areas adjacent to a flight path or runway approach of an airport shall provide a minimum of one (1) landscaped island for every seven (7) parking spaces. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-838. Hotel.

A hotel shall be a permitted special exception subject to the following conditions and/or standards.

- A. A hotel shall not be located within the flight path of a runway facility of an airport.
- B. A hotel shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport's or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

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§1000-839. Incinerator.

An incinerator shall be a permitted special exception subject to the following conditions and/or standards.

- A. The minimum lot area for an incinerator shall be fifty (50) acres.
- B. An inventory of toxic corrosive flammable carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and the Fayette County 911 Service.
- C. The perimeter of an incinerator including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.
- D. An incinerator shall have one (1) point of ingress and egress and shall be from an arterial road as defined by Article II of this Chapter.
- E. Incinerators shall operate between 5:00 A.M. and 10:00 P.M. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M.
- F. Emissions shall meet the minimum requirements of this Chapter as well as all applicable state and federal regulations.
- G. Such uses shall be located at least five hundred (500) feet from any property line adjoining an existing residential lot and at least two hundred (200) feet from any other property line or public right of way as defined by this Chapter.
- H. No incinerator should be located within one thousand (1,000) feet of an existing public or parochial school, hospital, nursing home, daycare center, place of worship, place of assembly, public playground and public park.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-840. Junk storage, sales and salvage operations.

A junk storage, sales and salvage operation shall be a permitted special exception subject to the following conditions and/or standards.

- A. The minimum lot area shall be ten (10) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and to prevent the accumulation of stagnant water.
- E. Junkyards shall comply with the performance standards of this Chapter.
- F. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any existing residential lot or within forty (40) feet of any property line or public right-of-way.
- G. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located within the interior of the bufferyard a twenty five (25) foot wide landscaped bufferyard. All other property lines shall provide a fifteen (15) foot wide landscaped bufferyard. Bufferyards shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental

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grasses and groundcovers.

H. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

I. The fence shall be supplemented with screening material which creates a visual barrier that is one hundred percent (100%) opaque.

J. The operator shall obtain a permit from Fayette County prior to initiating operation. The Zoning Officer may inspect the property at any time. The Zoning Officer shall notify the operator forty-eight (48) hours before such inspection shall take place.

K. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the adjacent fence.

L. This special exception approval shall be subject to periodic inspections to insure compliance with the conditions of approval.

M. The owner(s) and operator(s) of a junkyard shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

N. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-841. Keeping of Horses.

Keeping of horses shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area shall be two (2) acres.

B. Any permitted structure, pen, corral or other enclosure for the shelter or confinement of Horses shall be located not less than 150 feet from any lot line provided, however, that normal farm fencing shall be permitted in accordance with Subsections C.

C. Perimeter fences shall be constructed around all fields and meadows that are used for keeping of horse operations and/or similar activities. The perimeter fence can be located on the property line.

§1000-842. Kennel, animal.

An animal kennel shall be a permitted special exception subject to the following conditions and/or standards.

A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Chapter.

B. The minimum lot area shall be two (2) acres.

C. 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 a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential lot or a public right of way.

D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.

E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Fayette County Health Department shall be maintained.

F. At no time shall the animals be permitted to run loose on the lot other than in a completely

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enclosed area.

G. Approval as a special exception shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-843. Landscaping center/nursery.

A landscaping center/nursery shall be a permitted special exception subject to the following conditions and/or standards.

A. Side and rear bufferyards shall be a minimum of twenty-five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

B. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

D. The owner(s) and operator(s) of a landscaping center/nursery shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

E. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 5:00 A.M. and 10:00 P.M.

F. The storage of combustible materials, such as mulch and manure, shall be limited to thirty (30) feet in height.

G. All outdoor storage areas and loading areas shall be screened from adjoining residences. Screens shall be a minimum of six (6) feet in height and shall be constructed as earth berms, landscaped bufferyards with a minimum width of fifteen (15) feet, fences or walls with minimum opacity of eighty (80%) percent.

H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-844. Lumber mill.

A lumber mill shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area of a lumber mill shall be twenty (20) acres.

B. Such uses shall be located at least two hundred (200) feet from any property line adjoining a residence and at least one hundred (100) feet from any other property line or public right of way as defined by this Chapter.

C. Side and rear bufferyards shall be a minimum of twenty five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

D. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

E. A traffic impact study shall be required to be submitted, where the proposed development

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according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

F. The owner(s) and operator(s) of a lumber mill shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

G. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 5:00 A.M. and 10:00 P.M.

H. The storage of combustible materials, such as bark and sawdust, shall be limited to thirty (30) feet in height.

I. All outdoor storage areas and loading areas shall be screened from adjoining residences. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, landscaped bufferyards with a minimum width of fifteen (15) feet, fences or walls with a minimum height of eight (8) feet and a minimum opacity of eight (80%) percent.

J. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-845. Marina.

A. The minimum lot area for a marina shall be three (3) acres.

B. The restaurant and retail portion of the operation shall be no greater than twenty-thousand (20,000) square feet maximum and when adjacent to an existing residential lot shall provide a landscaped bufferyard a minimum of twenty (20) feet in width.

C. The combined repair and storage facility shall be no greater than sixty thousand (60,000) square feet maximum.

D. Side and rear bufferyards shall be a minimum of twenty-five (25) in width and should be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

E. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of 2" d.b.h.

F. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-846. Methadone treatment facility.

A methadone treatment facility shall be a permitted special exception subject to the following conditions and/or standards.

A. The facility shall not be established or operated within one thousand (1,000) feet of an existing school, public playground, public park, residence, child-care facility, hospital, nursing home, place of worship or place of assembly established prior to the proposed methadone treatment facility unless, by majority vote, the Zoning Hearing Board votes in favor of the issuance of an occupancy permit or certificate of use. One (1) or more public hearings regarding the proposed facility location shall be held within the County following public notice. All property owners 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 said public hearings occurring. The petitioner shall be responsible for obtaining

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adjacent property owner list at time of application.

B. The facility shall not be established or operated within three hundred (300) feet of an existing bar, nightclub, private club or liquor store.

C. Side and rear bufferyards shall be a minimum of twenty-five (25) in width and should be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

D. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

E. Facilities, equipment and professional staff to support overnight boarding shall be permitted.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-847. Military related facilities.

A military related facility shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area of a military related facility shall be twenty (20) acres.

B. Such uses shall be located at least two hundred (200) feet from any property line adjoining a residential use and at least one hundred (100) feet from any other property line an public right of way as defined by this Chapter.

C. Side and rear bufferyards shall be a minimum of twenty five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees and shrubs, ornamental grasses and groundcovers.

D. An inventory of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases and solids shall be updated annually and filed with the local fire department and the Fayette County 911 service.

E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

F. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

G. The owner(s) and operator(s) of a military facility shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

H. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 7:00 A.M. and 9:00 P.M.

I. The storage of combustible materials shall be limited to thirty (30) feet in height.

J. All outdoor storage areas and loading areas shall be screened from an adjoining residential lot. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, landscaped bufferyards with a minimum width of fifteen (15) feet, fences or walls with a minimum opacity of eighty (80%) percent.

K. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-848. Mining, surface.

A surface mine shall be a permitted special exception subject to the following conditions and/or

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standards.

- A. The minimum lot area for a surface mine shall be thirty (30) acres.
- B. An inventory of toxic corrosive flammable carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and the Fayette County 911 Service.
- C. The perimeter of a surface mine including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.
- D. A surface mine shall have a minimum of one (1) point of ingress and egress and shall be from an approved Township or State road. The road upon which access is to be gained shall be bonded with the Township or State as appropriate.
- E. A surface mine shall operate between 5:00 A.M. and 10:00 P.M. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.
- F. Emissions shall meet the minimum requirements of this Chapter as well as all applicable state and federal regulations.
- G. Such uses shall be located at a distance from any property line adjoining a residential use or zoning district and at least one hundred (100) feet from any other property line defined by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.
- H. Setbacks for all adjacent uses shall comply with the provisions defined by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-849. Motel.

A motel shall be a permitted special exception subject to the following conditions and/or standards.

- A. A motel shall not be located within the flight path of a runway facility of an airport.
- B. A motel shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport's or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-850. Neighborhood convenience store.

A neighborhood convenience store shall be a permitted special exception subject to the following conditions and/or standards.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- C. Setback, screening and buffering of parking and loading areas as well as outdoor common spaces shall be provided in accordance with this Chapter.
- D. A neighborhood convenience store shall have one (1) point of ingress and egress and shall be from an approved Township or State road.

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E. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-851. Oil or gas well.

An oil or gas well shall be a permitted special exception subject to the following conditions and/or standards

A. An oil or gas well shall not be located within the flight path of a runway facility of an airport.

B. An oil or gas well shall not be located closer than two-hundred (200) feet from residential dwelling or fifty-(50) feet from any property line or right-of-way.

C. An oil or gas well shall provide fencing and shrubbery around perimeter of the pump head and support frame.

D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-852. Other non-communication towers.

An other non-communication tower shall be a permitted special exception subject to the following conditions and/or standards

A. The minimum lot size for an other non-communication tower shall be two (2) acres.

B. The minimum setback of an other non-communication tower from any lot line shall be equal to one hundred percent (100%) of the non-communication tower's height.

C. The landowner and/or developer shall complete a view shed impact analysis as part of all potential non-communication tower development.

D. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.

E. The owner(s) and operator(s) of an other non-communication tower shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

F. All structures more than two hundred (200) feet in height shall have aircraft warning lights and comply with United States Federal Aviation Administration (FAA) requirements.

G. The applicant shall submit written evidence of compliance with the National Historical Preservation Act. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultation requirement.

H. A non-communication tower may not be located with ½ mile of a property or a districted listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of the noncommunication

tower would not be a significant intrusion on the public view of National Register properties, historic buildings or on the historic landscapes surrounding such properties. To be eligible for a waiver the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the

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Advisory Council on Historic Preservation and/or the Pennsylvania Historical and Museum Commission.

I. If a non-communication tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) month period. Before any construction can commence on any tower, and at all times thereafter, a performance bond shall be posted and maintained with the municipality in the amount of at least \$10,000, providing that, if such a tower is not so removed, then the municipality can either direct the bonding company to remove the tower or remove the tower and forfeit the bond.

G. The Zoning Hearing Board may attach additional regulations pursuant to this section in order to protect the public's health, safety and welfare. These conditions may include but are not limited to increased setbacks.

§1000-853. Park/playground/playfield.

A park/playground/playfield shall be a permitted special exception subject to the following conditions and/or standards.

A. A park/playground/playfield shall not be located within the flight path of a runway facility of an airport.

B. A park/playground/playfield shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport's or other United States Federal Aviation Administration (FAA) guidelines or standards.

C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-854. Pet Cemetery.

A pet cemetery shall be a permitted special exception subject to the following conditions and/or standards.

A. A pet cemetery shall have a minimum lot size of five (5) acres.

B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.

B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.

C. At no time shall a carcass be exposed or visible from a public street or adjacent lot.

D. An inventory of type and quantity of all toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids utilized, stored and/or transferred shall be filed with the County on an annual basis.

E. The owner(s) and operator(s) of a pet cemetery shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

F. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.

§1000-855. Place of assembly.

A place of assembly shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area shall be one (1) acre.

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B. A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the County Engineer to ensure employee and visitor safety.

E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

F. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

G. No place of assembly shall be located within the flight path of a runway facility of an airport.

H. A place of assembly shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to airport's and United States Federal Aviation Administration (FAA) guidelines or standards.

I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-856. Place of worship.

A place of worship shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area shall be one (1) acre.

B. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the County Engineer to ensure employee and visitor safety.

E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

F. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

G. No place of worship's shall be located within the flight path of a runway facility of an airport.

H. A place of worship's shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance with an airport's and United States Federal Aviation Administration (FAA) guidelines or standards.

I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in

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order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-857. Power plant.

A power plant shall be a permitted special exception subject to the following conditions and/or standards.

- A. The minimum lot area for a power plant shall be fifty (50) acres.
- B. An inventory of toxic corrosive flammable carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and the Fayette County 911 Service.
- C. The perimeter of a power plant including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.
- D. A power plants shall have one (1) point of ingress and egress and shall be from an arterial road as defined by Article II of this Chapter.
- E. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.
- F. Emissions shall meet the minimum requirements of this Chapter as well as all applicable state and federal regulations.
- G. The height of cooling towers, smoke stacks, chimneys or other structures shall not exceed two hundred fifty (250) in height.
- H. Such uses shall be located at least five hundred (500) feet from any property line of an adjoining residential lot use and at least two hundred (200) feet from any other property line or public right of way as defined by this Chapter.
- I. No power plants should be located within one thousand (1,000) feet of an existing public or parochial school, daycare center, nursing home, hospital, place of worship, place of assembly, public playground, public park and residence.
- J. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks, increased or enhanced limitations.

§1000-858. Public/Private Works Facility.

A public/private works facility shall be granted as a use by special exception subject to the following minimum standards:

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
- B. If the parking area for a Public/Private Works Facility is adjacent to a single-family residential lot, the following shall apply:
 - 1. An additional twenty (20) foot setback with one and one-half times (1.5x) the required number of plants for screening and buffering activities that occur on the premises.
 - 2. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet.
 - 3. As part of all development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of twenty-five-hundredths (0.25) foot-candles.
- C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but

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are not limited to increased setbacks.

§1000-859. Pylon sign.

A pylon sign shall be a permitted special exception subject to the following conditions and/or standards.

- A. A pylon sign shall be permitted only for a commercial-type use such as an automobile service station, restaurant or convenience store.
- B. The pylon sign shall be located within ¼-mile radius of the intersection/interchange of two (2) arterial roads as defined by Article II. The radius shall be known as the sign location radius. The center point of the radius shall be located at the point where the centerline of the two (2) arterial roads cross.
- C. Pylon characteristics.
 1. The maximum height of a pylon sign shall be defined as the maximum building height permitted by this chapter.
 2. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
 3. The pylon foundation shall be permanently landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers. The area of landscaping shall be equivalent to the size of the sign face.
 4. Grass, sod or turf shall not be considered an acceptable plant for landscaping.
 5. Landscaping shall be maintained by the pylon owner in an attractive and healthy manner in accordance with accepted conservation practices.
 6. Permanent landscaping shall form a base and/or backdrop to the pylon sign when practical in the opinion of the Zoning Officer.
 7. All grading shall be in accordance with Fayette County and Commonwealth of Pennsylvania regulations.
 8. No bare earth cuts are permitted on a hillside.
 9. All earth cuts or fills are to be permanently seeded or planted to prevent erosion.
 10. No pylon shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties because of movement, flashing or emitting noise. All display lighting shall be designed in accordance with PennDOT regulations.
 11. The use of colored lighting for exterior spot lighting or uplighting is not permitted.

D. Maintenance.

1. A pylon structure shall be entirely painted every three (3) years.
2. Every ten (10) years, the owner of the pylon shall have a structural inspection made of the billboard by an engineer or an architect and shall provide to the Fayette County a certificate from an engineer or architect attesting that the billboard is structurally sound.
3. Annual inspections of the pylon may be conducted by Fayette County to determine compliance with the provisions of this Chapter.
4. Pylons found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the Fayette County. Failure to comply shall be a violation of this Chapter.

E. Permits. Prior to submission of an application for a building permit, the applicant for pylon use shall obtain and submit with the application approvals from Fayette County and, when applicable, the United States Federal Aviation Administration (FAA) or National Road Heritage Park Board.

F. Application fees. Said application shall be accompanied by an application fee in an amount

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equal to that set by resolution of the Board of County Commissioners.

G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-860. Quarry.

A quarry shall be a permitted special exception subject to the following conditions and/or standards.

A. No quarry or other extraction operations shall be located within three (300) feet of a residential dwelling.

B. A minimum setback of one hundred fifty (150) feet shall be provided along all property lines or public right of ways as defined.

C. An inventory of toxic, corrosive, flammable, carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and the Fayette County 911 Service.

D. The perimeter of a quarry or other mineral operation including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties and public right of ways. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape bufferyards, fences or walls with a minimum opacity of eighty (80%) percent.

E. A quarry or other extraction operation shall have a minimum of one (1) point of ingress and egress and shall be from an approved Township or State road. The road upon which access is to be gained shall be bonded with the Township or State as appropriate.

F. A quarry or other extraction operation shall operate between 5:00 A.M. and 10:00 P.M. No deliveries, operations or processing shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.

G. Such uses shall be located from any property line of an adjoining a residential lot and from any other property line or public right of way as defined by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation..

H. No quarry or other extraction operation should be located within five hundred (500) feet of an existing public or parochial school, daycare center, hospital, nursing home, place of worship, place of assembly, public playground, public park or residence.

I. The use of explosives shall be reviewed and approved by the Department of Environmental Protection or other authorizing agency as appropriate. All blasting shall meet applicable State and Federal regulations.

J. No vehicle utilized for the transportation of quarry-related materials shall be permitted to stage or park along any public roadway prior to 5:00 A.M.

K. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-861. Research, testing and development facility.

A research, testing and development facility shall be a permitted special exception subject to the following conditions and/or standards.

A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Chapter.

B. A research, testing and development facility shall have one (1) point of ingress and egress to an arterial road as defined by Article II of this Chapter.

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C. 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.

D. All interior driveways and parking areas shall be paved with a material to reduce dust.

E. 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 department and the Fayette County 911 service.

F. A research testing and development facility shall not be located within the flight path of a runway facility of an airport.

G. A research, testing and development shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance with an airport's and United States Federal Aviation Administration (FAA) guidelines or standards.

H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-862. Resort.

A resort shall be a permitted special exception subject to the following conditions and/or standards.

A. A traffic impact study shall be required to be submitted, where the proposed resort according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

B. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.

C. Golf holes shall provide a minimum safety setback of fifty (50) feet between the outermost boundary of the golf hole and the nearest property line.

D. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as an earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.

E. Exterior lighting for parking areas visible from adjacent residential lots shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setback.

§1000-863. Restaurant, low turn-over.

A low-turnover restaurant shall be permitted special exception subject to the following conditions and/or standards.

A. The hours of operation and activities for a low turnover restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

B. All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in this Chapter.

C. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.

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D. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a length of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).

E. Mechanical equipment location(s) are subject to Zoning Hearing Board approval and shall be designed and screened so that visibility from an adjacent Residential Zoning District is minimized to the greatest extent possible.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks and the provision of bufferyards.

§1000-864. Retail/business store

A retail/business store shall be a permitted special exception subject to the following conditions and/or standards.

A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

B. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.

C. Setback, screening and buffering of parking and loading areas as well as outdoor common spaces shall be provided in accordance with this Chapter.

D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to a maximum of one (1) footcandle when measured from an adjacent property line.

E. A retail/business store located within a R-2 district and not adjacent to an arterial road as defined by Article II of this Chapter and shall not exceed a total of ten thousand (10,000) square feet and shall provide a landscaped bufferyard a minimum of ten (10) feet in width.

F. A retail/business store located within a R-2 district and adjacent to an arterial road shall have a maximum building size of forty thousand (40,000) square feet and shall provide a landscaped bufferyard a minimum of twenty-five (25) feet in width.

G. A retail/business store located within a R-2 district and adjacent to a highway interchange shall have a maximum building size of seventy-four thousand (74,000) square feet and shall provide a landscaped bufferyard a minimum of forty (40) feet in width.

H. All interior driveways and parking areas shall be paved within a material that reduces dust.

I. All bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

J. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

K. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.

L. Not considered a convenience store

L. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-865. Rifle Range, Outdoor.

An outdoor rifle range shall be a permitted special exception subject to the following conditions and/or standards.

A. No outdoor rifle range shall be permitted within one thousand (1,000) of a flight path of a runway facility of an airport.

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- B. A shooting schedule shall be filed with any airport situated within one (1) mile of the outdoor rifle range and the Fayette County Zoning Officer. The shooting schedule shall describe hours of operation, schedule of events or meets, and other pertinent information related to shooting safety.
- C. All outdoor rifle ranges shall provide a minimum setback of five hundred (500) feet from all adjoining property lines or public right of ways as defined by this Chapter.
- D. A landscaped bufferyard of forty (40) feet in width shall be provided along all property lines that adjoin an existing residence or residential zoning district. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- E. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks, increased or enhanced limitations.

§1000-866. Sanitary landfill.

A sanitary landfill shall be a permitted special exception subject to the following conditions and/or standards.

- A. The minimum lot area for a sanitary landfill shall be two hundred (200) acres.
- B. An inventory of toxic, corrosive, flammable, carcinogenic and explosive materials, chemicals, liquids, gases or solids shall be filed annually with the local fire department and the Fayette County 911 Service.
- C. The perimeter of a sanitary landfill including outdoor storage areas, delivery areas and/or loading areas shall be screened from adjoining properties and public right of ways as defined by this Chapter. All screens shall have minimum height of eight (8) feet and shall be constructed as earth berms, fifteen (15) foot wide landscape buffer areas, fences or walls with a minimum opacity of eighty (80%) percent.
- D. A sanitary landfill shall have one (1) point of ingress and egress and shall be from an arterial road as defined by Article II of this Chapter.
- E. A sanitary landfill shall operate between 5:00 A.M. and 10:00 P.M. No deliveries or operations shall be permitted prior to 5:00 A.M. or after 10:00 P.M. No staging of trucks shall occur prior to 5:00 A.M.
- F. Back filling and cover operations shall be completed on a daily basis and all operations shall meet the minimum requirements of this Chapter as well as all applicable State and Federal regulations.
- G. Such uses shall be located at least two hundred (200) feet from any property line of an adjoining residential lot and at least one hundred (100) feet from any other property line or public right of way as defined by this Chapter.
- H. No sanitary landfill should be located within five hundred (500) feet of an existing public or parochial school, daycare center, hospital, nursing home, place of worship, place of assembly, public playground, public park or residence.
- I. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-867. School, public or private.

A public or private school shall be a permitted special exception subject to the following

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conditions and/or standards.

A. A public or private school shall not be located within the flight path of a runway facility of an airport.

B. A public or private school shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airports and United States Federal Aviation Administration (FAA) guidelines or standards.

C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-868. Senior center.

A senior center shall be a permitted special exception subject to the following conditions and/or standards.

A. A senior center shall not be located within the flight path of a runway facility of an airport.

B. A senior center shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport's or other United States Federal Aviation Administration guidelines (FAA) or standards.

C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-869. Social service agency.

A social service agency shall be a permitted special exception subject to the following conditions and/or standards.

A. A social service agency shall not be located within the flight path of a runway facility of an airport.

B. A social service agency shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport or other United States Federal Aviation Administration (FAA) guidelines or standards.

C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-870. Stable.

A. A horse stable shall be permitted on a lot not containing less than five (5) acres.

B. The intent is to construct a stable for rental, board or any other profit making activity.

C. The landowner or occupant shall be responsible for collecting and disposing of litter and droppings from the animals in such a way to minimize the presence of fly larvae and objectionable odors.

D. Any permitted structure, pen, corral or other enclosure for the shelter or confinement of Horses shall be located not less than 150 feet from any lot line provided, however, that normal farm fencing shall be permitted in accordance with this Section.

E. Perimeter fences shall be constructed around all fields and meadows that are used for stable operations and/or similar activities. The perimeter fence can be located on the property line.

F. With the exception of a residential, agricultural, public or semi-public building, no use shall be located within 300 feet of a dwelling or principal building classified as public or semipublic building except that the Zoning Hearing Board may allow a use within the required 300 feet upon written consent of the owner of the adjacent dwelling or public/semi-public building.

G. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order

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to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-871. Tavern/Bar.

A tavern/bar shall be a permitted special exception subject to the following conditions and/or standards:

- A. A tavern/bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. A tavern/bar's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- C. The owner(s) and operator(s) of a tavern/bar shall be responsible for the conduct and safety of the patrons.
- D. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health safety and welfare. These conditions may include but are not limited to increased setbacks or traffic analysis.

§1000-872. Terminal, bus/train and/or truck stop.

A bus/train terminal and/or truck stop shall be a permitted special exception subject to the following conditions and/or standards.

- A. Bus/train terminal and/or truck stop shall not be located within the flight path of a runway facility of an airport.
- B. A bus/train terminal and /or truck stop shall utilize exterior lighting that does not pose a navigation hazard to an airport. All exterior lighting shall be in conformance to an airport or other United States Federal Aviation Administration (FAA) guidelines or standards.
- C. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-873. Veterinary services.

Veterinary services shall be a permitted special exception subject to the following conditions and/or standards.

- A. No outdoor pens, kennels or runs shall be constructed or provided.
- B. Noise shall not exceed the levels deemed acceptable by the performance standards of this Chapter.
- C. Hours of operation shall be limited to between 8:00 A.M and 8:00 P.M.
- D. Parking areas for veterinary services located within a R-2 district and not adjacent to an arterial road as defined by Article II of this Chapter shall be limited to a maximum of ten (10) parking spaces.
- E. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-874. Warehouse.

A warehouse shall be a permitted special exception subject to the following conditions and/or standards.

- A. Warehouses shall be limited to a maximum building size of forty thousand (40,000) square feet in a R-2 district and one hundred thousand (100,000) square feet in the B-1 and B-2 districts.
- B. Warehouses should be located adjacent to an arterial road as defined by Article II of this Chapter.
- C. Loading areas shall not be visible from a public right of way or an adjacent residence. A

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landscaped bufferyard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

D. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

E. Outdoor storage of foods and/or materials shall not be permitted.

F. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

G. The building height of a warehouse located within a R-2 district shall be compatible with the building height of adjacent lots buildings.

H. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-875. Water storage/tower.

A water storage/tower shall be a permitted special exception subject to the following conditions and/or standards.

A. No water storage/tower shall exceed two hundred fifty (250) feet in height.

B. Water storage/towers shall be setback from adjacent property lines and/or right-of-ways a distance equal to one hundred ten percent (110%) of the water storage/tower's height.

C. The height of a water storage/tower shall be measured from the top of the foundation to the upper most point of the tower including any lights and/or antennae.

D. Lighting shall be required for the water storage/tower as a safety measure for low-flying aircraft in accordance with all United States Federal Aviation Administration (FAA) regulations and approvals.

E. Access driveways to a water storage/tower shall be paved with a minimum of two (2) inches of slag or stone.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-876. Windmill/wind turbine.

PER COUNTY ZA-09-04 enacted 7/23/09

~~A windmill/wind turbine shall be a permitted special exception subject to the following conditions and/or standards.~~

~~A. The minimum lot size for a commercial windmill/wind turbine shall be two (2) acres.~~

~~B. A windmill/wind turbine for residential use on a residential lot shall be considered an accessory use.~~

~~C. The top of a commercial windmill/wind turbine shall not exceed two hundred fifty (250) feet not including the blades. The top of a windmill turbine located on a residential lot shall not exceed seventy five (75) feet in length.~~

~~D. The minimum setback of a windmill/wind turbine from any lot line shall be equal to one hundred percent (100%) of the windmill/wind turbine's height.~~

~~E. Noise from any windmill/wind turbine shall not exceed seventy (70) decibels when measured from a property line.~~

~~F. The landowner and/or developer shall complete a view shed impact analysis as part of all~~

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~~potential commercial windmill/wind turbine development.~~

~~G. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.~~

~~H. The owner(s) and operator(s) of a windmill/wind turbine facility shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.~~

~~I. All structures more than two hundred (200) feet in height shall have aircraft warning lights and comply with United States Federal Aviation Administration (FAA) requirements.~~

~~J. No windmill/wind turbine facility shall be located within the airport hazard overlay.~~

~~K. The applicant shall submit written evidence of compliance with the National Historical Preservation Act. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultation requirement.~~

~~L. A windmill/wind turbine may not be located within ½ of a property or a district listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of a windmill/ wind turbine would not be a significant intrusion on the public view of National Register properties, historic buildings or on the historic landscapes surrounding each properties. To be eligible for a waiver the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the Advisory Council on Historic Preservation and/or the Pennsylvania Historical and Museum Commission.~~

~~M. If windmill/ wind turbine remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) month period. Before any construction can commence on any tower, and at all times thereafter, a performance bond shall be posted and maintained with the municipality in the amount of at least \$10,000, providing that, if such a tower is not so removed, then the municipality can either direct the bonding company to remove the tower or remove the tower and forfeit the bond.~~

~~N. The Zoning Hearing Board may attach additional regulations pursuant to this section in order to protect the public's health, safety and welfare. These conditions may include but are not limited to increased setbacks.~~

§1000-877. Woodshop/millwork.

A woodshop/millwork shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot area of a woodshop/millwork shall be fifteen thousand (15,000) square feet.

B. All construction, manufacturing or milling activities shall be conducted within a completely enclosed building.

C. All lumber wood or other materials shall be stored within a completely enclosed building.

D. Parking facilities shall be provided for each fulltime employee at peak shift and three (3) additional spaces for customers.

E. Hours of operation shall be limited to between 7:00 A.M. and 9:00 P.M.

F. The Zoning Hearing Board may attach additional conditions pursuant to this section in order to protect the public's health, safety and welfare. These conditions may include but are not limited to increased setbacks.

§1000-878. All other uses.

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A. The Zoning Hearing Board may attach additional regulations pursuant to this section in order to protect the public's health, safety and welfare. These conditions may include but are not limited to increased setbacks, increased or enhanced buffer areas or building coverage limitations.