

**FAYETTE COUNTY
ZONING ORDINANCE**

Approved by the Fayette County
Board of Commissioners

Resolution # 06-9-28-7

Effective November 1, 2006

FAYETTE COUNTY ZONING ORDINANCE

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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; and
 - 8. To promote high quality design throughout the built environment.

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§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.
 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.

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§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, barbers, 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 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.

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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 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.

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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.

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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 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 long-term 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.

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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.
- 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.

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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 non-academic 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.

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.

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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.

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.

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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.

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.

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.

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DOUBLE-FRONTAGE LOT -- A lot having two (2) or more of its non-adjoining 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 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.

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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.

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 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.

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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.

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

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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 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.

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.

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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.
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.

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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 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.

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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.

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.

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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.

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 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.

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NURSING/CONVALESCENT CARE FACILITY -- An establishment, licensed by the Commonwealth of Pennsylvania, engaged in providing 24 hour inpatient nursing and health-related 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.

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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 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.

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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 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.

FAYETTE COUNTY ZONING ORDINANCE

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.

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.

FAYETTE COUNTY ZONING ORDINANCE

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.

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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 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.

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.

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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, 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.

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- 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.
- 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.

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- 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."

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.

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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 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.

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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 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 or 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

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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.

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:

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- 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, Pennsylvania.

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

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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

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

§1000-201. District boundaries.

- A. District boundaries shown on the lines of roads, streams and transportation right-of-ways shall be deemed to follow their centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Planning Director cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Official Zoning Map or by the fact that it clearly coincides with a property line, the Planning Director shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

§1000-202. Permitted uses and uses by special exception.

- A. No building, structure or land shall be constructed or used for any purpose or in any manner other than for one (1) or more of the permitted uses, granted by right to the zoning district in which such building, structure or land is located or of the uses by special exception.
- B. All uses by special exception shall conform to all applicable requirements and provisions defined by Article VIII of this Chapter.

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§1000-203. Permitted uses and uses by special exceptions by zoning district.

- A. The letter “P” denotes a permitted use by right, subject to the requirements specified by this Chapter and after a zoning certificate has been issued in accordance with Article II of this Chapter.
- B. The letter “S” denotes a use that is a special exception subject to the requirements specified by this Chapter and provided that the Zoning Hearing Board grants the special exception pursuant to Article VIII of this Chapter.

Table 1: Permitted uses and uses by special exception.

Residential

	A-1	R-A	R-1	R-2	C	B-1	B-2	M-1	M-2	AH
Apartment	S*			P		S				S
Assisted Living Facility				S		P				S
Bed and Breakfast	P	P	P	P		P				P
Boarding House				S		P				S
Duplex	S*	S*	S*	P		S				S
Group Residence				S						S
Halfway Home, Adult				S						S
Halfway Home, Juvenile				S						S
Home Occupation, Type 1	P	P	P	P						P
Home Occupation, Type 2	S	S	S	S						S
Juvenile Detention Facility				S						S
Mobile Home Park				S						S
Nursing/Convalescent Fac.	S*	S*	S*	S		P				S
Quadplex	S*	S*	S*	P		S				S
Single-Family Detached Dwelling	P	P	P	P	P					P
Townhouse	S*	S*	S*	P		S				S

- only when public sanitary sewer is provided
- AH = Airport Hazard Overlay

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Table 1. Permitted uses and uses by special exception (con't.)

Non-Residential

	A-1	R-A	R-1	R-2	C	B-1	B-2	M-1	M-2	AH
Adult Oriented Establishment									S	S
Agriculture	P				P					P
Aircraft Assembly & Rehabilitation								P	P	P
Aircraft Maintenance & Storage Hanger										P
Airport Traffic Control Facilities	P		P					P	P	P
Airport Parking										P
Airport Runway/Taxiway										P
Airport Service Facility										P
Airport Terminal										P
Amusement Facility, Indoor/Outdoor						P	P	P	P	S
Assembly or Fabrication Facility								P	P	P
Automotive Rental						P	P	P	P	P
Automotive Repair & Service Station						P	P	P	P	S
Automotive Sales						P	P	P	P	S
Aviation-Related School										P
Bank				P		P	P	P		P
Beauty/ Barber Shop	P	P	P	P		P	P	P		P
Billboard						S	S	S	S	S
Business Services				P		P	P	P		P
Campground, Public or Private	S				P					S
Car Wash						S	S	P	P	S
Cemeteries	S									S
Club, Private				S		P	P	S		S
Commercial School				P		P	P	P	P	S
Communications Antenna	P	P	P	P	P	P	P	P	P	P
Communications Tower	S							S	S	S
Conference and Training Center						P	P	P		S
Contractor's Yard	S				S			P	P	P
Correctional Facility								S	S	S
Country Club/ Golf Course	S	S								S
Day-Care Center, Adult or Child	S	S	S	P	S	P	P	P		S
Distribution Center							P	P	P	P
Driving Range	S			S				P		S
Emergency Services Facility				P		P	P	P	P	P
Essential Services	P	P	P	P	P	P	P	P	P	P
Fairgrounds	P							S		S
Flex Space				S		S	S	P	P	S
Food Service Facility				P		P	P			P
Forestry	P	P	P	P	P	P	P	P	P	P
Freight Terminal								P	P	P
Funeral Home			S	S		P	P	P		S

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	A-1	R-A	R-1	R-2	C	B-1	B-2	M-1	M-2	AH
Gas Station						S	S			S
Heliport						S	S	S	S	S
Hospital						S	S	S		S
Hotel						P	P	P		S
Incinerator	S									S
Junk Storage, Sales and Savage Operations								S	S	S
Keeping of Horses	P	S			P					S
Kennel, Animal	S				S	S	S	S	S	P
Landscaping Center/ Nursery	S			P	S	P	P	P		P
Library				P		P	P			P
Lumber Mill	S								P	S
Manufacturing								P	P	P
Marina	S	S			P	P	P	P	P	P
Massage Therapy Establishment				P		P	P	P		P
Methadone Treatment Facility						S	S	S	S	S
Military Related Facilities	S							S	S	S
Mining, Deep								P	P	P
Mining, Surface	S							P	P	S
Motel						P	P	S		S
Neighborhood Business	S		S	P		P	P			P
Office, Business less than 5,000 sf				P		P	P	P	P	P
Office Business greater than 5,000 sf less than 40,000 sf						P	P	P	P	P
Office Business greater than 40,000 sf						P	P	P	P	P
Office, Medical				P		P	P	P		P
Oil or Gas Well	P	S	S	S	P			S	S	S
Other NonCommunication Tower								S	S	S
Park/Playground/Playfield	P	P	P	P	P	P	P	P	P	S
Personal Services (inc. pers. Improve. Establishment)				P		P	P	P		P
Pet Cemetery	S				S					S
Petroleum, tar and bitumen processing, storage and sales								P	P	P
Pharmacy				P		P	P	P		P
Place of Assembly	S	S	S	P		P	P			S
Place of Worship	S	S	S	P		P	P			S
Post Office		P	P	P		P	P	P	P	P
Power Plant	S							P	P	S
Public Building	P			P	P	P	P			P
Public/Private Works Facility	S	S	S	S	S	S	S	S	S	S
Pylon						S	S	S	S	S
Quarry	S							P	P	S
Rail Yard								P	P	P
Recreation Facility	S				S					
Research, Testing & Development							S	P	P	S
Resort	S									S
Restaurant, High-Turnover with Drive-Thru						P	P			P
Restaurant, High-Turnover without Drive-Thru						P	P			P

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	A-1	R-A	R-1	R-2	C	B-1	B-2	M-1	M-2	AH
Restaurant, Low Turnover						P	P	S	S	P
Retail/Business Store, less than 10,000 sf	S		S	P		P	P	S	S	P
Retail/Business Store greater than 10,000 sf less than 40,000 sf				S		P	P	S	S	P
Retail/Business Store greater than 40,000 sf				S		P	P	S	S	P
Rifle Range, Outdoor	S				S					S
Sanitary Landfill	S								S	S
School, public or private	P	P	P	P	P	P	P			S
Self- Service Storage Facility (miniwarehouse)				S		P	P	P	P	P
Senior Center				P		P	P			S
Social Service Agency				P		P	P			S
Stable	S				S					
Tavern Bar				S		P	P			S
Temporary Structure	P	P	P	P	P	P	P	P	P	P
Terminal, Bus/Train				P		P	P	P	P	S
Truck Stop								P	P	S
University/ College	P				P	P	P			P
Veterinary Services	S			S	S	P	P	S	S	P
Warehouse				S		S	S	P	P	P
Water Storage/Tower	S			S	S			P	P	S
Wholesale Business				P		P	P	P	P	P
Windmill/ Wind Turbine	S				S			S	S	S
Woodshop/ Millwork	S			S	S	S	S	P	P	P
All Other Uses									S	S

* AH = Airport Hazard Overlay

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§1000-204. Arterial road classification.

- A. Certain roads and thoroughfares have been classified by Fayette County as arterial roads. As specified in Article VIII, these roads shall define additional development standards and conditions.
- B. The following road and thoroughfares are classified as arterial roads:
 - 1. PA Route 51
 - 2. US Route 40
 - 3. US Route 119
 - 4. PA Route 21
 - 5. PA Route 43
 - 6. PA Route 166
 - 7. PA Route 857
 - 8. PA Route 711
 - 9. PA Route 381
 - 10. PA Route 31
 - 11. PA Route 201

§1000-205. Development intensity overview.

- A. General. Any permitted structure or use which is erected, added to or structurally altered shall be located on a lot having not less than the minimum requirements set forth by this Chapter.
- B. To provide housing diversity; to maintain development flexibility; to encourage efficient land development; to maximize the use of available sanitary sewer infrastructure; and to enhance open space conservation, residential development shall be available to a landowner and/or developer.
- C. The intensity of all non-residential developments shall comply with the density, yard, setback, height, and lot coverage requirements defined by Table 3: Non-residential development dimensional requirements.

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§1000-206. Conventional residential development.

A. No lot located within a conventional residential development shall be less than the minimum lot area as defined by Table 2: Conventional residential development dimensional requirements. The minimum lot area shall be continuous and shall be exclusive of existing streets and/or right-of-ways.

B. The maximum number of lots permitted within a conventional residential development shall be computed in accordance with the following equation:

$$\text{Max. Number of Lots} = \text{Max. Gross Density} \times \text{Gross Lot Area}$$

C. All conventional residential developments shall comply with the minimum yard, setback and lot coverage requirements defined in Table 2: Conventional residential development dimensional requirements.

Table 2. Conventional residential development dimensional requirements.

Zoning District	Minimum Lot Area (square feet)	Maximum Gross Density (d.u.'s per acre) *	Minimum Lot Frontage (feet)	Minimum Building Setbacks (feet)**			Maximum Building Coverage (percent)	Maximum Building Height (feet)	
				Front	Side	Rear			
A-1	Agriculture - Rural without public sewer	80,000	0.54	120	30	25	30	20%	35
	Agriculture - Rural with public sewer	21,780	2	80	30	10	20	30%	45
R-A	Low Density Residential	43,560	1	100	30	15	25	30%	35
R-1	Moderate Density Residential - without public sewer	21,780	2	80	30	10	30	30%	35
	Moderate Density Residential - with public sewer	10,890	4	80	30	10	20	40%	45
R-2	High Density Residential - without public sewer	21,780	2	80	30	10	30	30%	35
	High Density Residential - with public sewer	5,445	12	65	30	10	20	40%	45

* d.u.- Dwelling Unit

**For residential uses legally existing prior to 1968, front, rear and side yards for existing lots of record shall not be less than the established yards prevailing in the immediate area, but in no case shall side yards be less than three (3) feet or rear yards less than five (5) feet.

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§1000-207. Non-residential development.

- A. The lot area proposed for a non-residential development shall not be less than the minimum lot area as defined by Table 3: Non-residential development dimensional requirements. The area of a lot shall be measured in square feet.
- B. All non-residential developments shall comply with the minimum yard, setback and lot coverage requirements defined in Table 3: Non-residential development dimensional requirements.

Table 3. Non-residential development dimensional requirements

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Building Setbacks (feet)			Maximum Building Coverage (percent)	Maximum Building Height (feet)	
			Front	Side	Rear			
A-1	Agriculture**	80,000	120	30	50	35	20%	35
R-A	Low Density Residential**	21,780	100	30	25	35	20%	35
R-1	Residential	21,780	65	30'	20'	30	25%	35
R-2	Residential	10,890	65	30'	20'	20	25%	35
C	Conservation	87,120	120	50	20	30	20%	25
B-1	Business-Commercial	21,780	120	50	20	30	75%	45
B-2	Business-Commercial	21,780	120	50	20	30	75%	45
M-1	Light Industrial*	43,560	150	50	20	50	50%	45
M-2	Heavy Industrial	43,560	150	50	30	50	50%	55

* For Industrial Park development, total Park acreage shall be a minimum of dimensions defined.

** Development subject to the provision of public sewer, as determined applicable

§1000-208. Height regulations.

- A. No buildings or structures shall exceed the maximum building height defined in Tables 2 and 3. The height of all buildings shall be measured from the average elevation of the ground surface along the building or structure's front facade. The maximum height of a building or structure located in R-2 (Non-Residential Buildings), M-1 or M-2 zoning

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districts may be increased, provided that all front, side and rear yard depths are increased by one (1) foot for each additional foot of height over the maximum building height defined in Tables 2 and 3. Under no circumstances shall the height of a structure exceed one hundred twenty-five (125) feet.

- B. Exceptions. The following shall not be considered structures within the intent of this section and may be erected to any height, provided that they do not constitute a hazard to an airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles.

§1000-209. Minimum residential floor area requirements.

- A. The minimum gross floor area of a residential dwelling unit shall be seven hundred twenty (720) square feet.

§1000-210. Lot and yard requirements.

- A. The minimum site area, minimum lot area, minimum lot width, minimum depth of front and rear yards and minimum width of each side yard for lots in each district shall be provided as shown on Tables 2 and 3.
- B. Lots, which abut more than one (1) street, shall provide the required front yards along every street. In such instances, the side yard shall be opposite the front yard. The configurations of the County's permitted lots are illustrated in Appendix 1.
- C. All structures, whether attached to the principal building or structure or not and whether open or enclosed, including porches, carports, balconies, decks or any platforms in excess of twelve (12) inches above the nearest ground which have not been mounded against or in conjunction with the development of the platform (i.e., that ground which has come to be, prior to the development of the platform, the normal grade level), shall not project into any minimum required front, side or rear yard, except as provided for in Article II.
- D. Any legally recorded lot existing at the effective date of this Chapter may be used for the erection of a building or structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Chapter, provided that all other requirements of the district can be met. If the area or width of said lot, that is residential in nature, is less than the defined minimum requirements, the lot setbacks shall conform to those defined in Table 2. If the area or width of said lot, that is non-residential in nature, is less than the defined minimum requirements, the lot setbacks shall conform to those defined in Table 3.
- E. All on-lot sanitary sewage systems shall be constructed in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Fayette County Health Department.

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- F. Any portion of a lot used as a yard with the lot area requirements of the district regulations of this Chapter shall not be counted again as required yard or lot area for another dwelling unit or building.
- G. No structure or use of land which has non-conforming yards may be enlarged or expanded in any manner which will further reduce the minimum dimension of such non-conforming yards as outlined in Article VI of this Chapter unless approved by the Zoning Hearing Board.
- H. Uses, structures or buildings per lot.
1. Only one (1) single-family detached dwelling unit, one (1) mobile home or one (1) two-family detached dwelling, together with its permitted accessory structures, shall be located on any single lot. A land development proposing two (2) or more single-family detached dwellings, mobile homes or two-family detached dwellings on one (1) lot shall not be permitted.
 2. A multi-family development or non-residential development in which two (2) or more buildings or structures are proposed on one (1) lot shall be permitted, provided that:
 - a. The land development does not exceed the maximum building coverage as defined by this Article.
 - b. The land development shall conform to the minimum lot area and minimum lot width requirements of the zoning district in which it is located.
 - c. The land development shall conform to all the yard, bufferyard and landscape requirements around the perimeter of the lot for the zoning district in which it is located.
 - d. A land development plan shall be submitted to the Fayette County Office of Planning, Zoning and Community Development in accordance with the County's land development application standards.
 - e. An adequate, County approved access shall be provided to a public road for public safety services such as fire, police emergency vehicles and other service vehicles.
- I. Enclosed structures.
1. No building or enclosed structure shall be located within two hundred (200) feet of any operating oil or gas well or coal mine entrance. No building or enclosed structure shall be located within two hundred (200) feet of any non-operating oil or gas well or coal mine entrance, unless said well or entrance has been properly sealed in accordance with all applicable local, county, state and federal regulations and documentation to that effect has been provided to the County.

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2. No oil or gas well or coal mine entrance may be constructed or drilled within two hundred (200) feet of any existing building or enclosed structure. Further, the County may require any new oil or gas well or coal mine entrance to be entirely fenced when, in the opinion of the County, the well is accessible to the general public. The County may also require that a landowner and/or developer construct a County approved barrier in the event that the land development is constructed near an existing oil or gas well and, in the opinion of the County, there is a reasonable chance that the well could be accessible to residents, employees, business owners or customers in the development.

§1000-211. Clear sight triangle.

- A. Fences and walls or other obstructions including signs, shall not be located within the right-of-way and shall not obscure any intersection. A clear sight triangle shall be maintained at all intersections. No obstruction of view will be permitted in this area above the height of two and one half (2.5) feet and below fifteen (15) feet.
- B. For the dimensions of a clear sight triangle, See Appendix 4.

§1000-212. Bufferyard standards.

- A. Bufferyards shall be provided as part of a land development and shall be governed by the specifications in this section and the provisions of the Pennsylvania Municipalities Planning Code.
- B. The specific requirements for bufferyards 1, 2 and 3 are defined in Table 5: Bufferyard requirements and Subsection C.

Table 4. Bufferyards.

Development Proposed	Required Bufferyard		
	1	2	3
Multi-family			
Adjoining single-family/two-family	X		
Adjoining any other use		X	
Commercial use in B-1, B-2, M-1 or M-2			
Adjoining single-family/two-family	X		
Adjoining multi-family		X	
Adjoining any B-1, B-2, M-1 or M-2			X
Industrial use in M-1 or M-2			
Adjoining any residential	X		
Adjoining any commercial, B-1 or B-2		X	
Adjoining any industrial			X
Adjoining any C	X		

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C. Bufferyards requirements.

1. No structures or uses, including but not limited to buildings, accessory structures, parking spaces, access drives and lighting devices, may be located within a bufferyard. Access drives may be located in the front bufferyard or other bufferyard if required by the County.
2. Bufferyards shall be planted within a combination of deciduous and evergreen shrubs, groundcover and ornamental grasses. If planted, lawn, turf, sod and grass, or similar plant material, shall not be considered as landscaping to fulfill bufferyard planting requirements.
3. Trees planted within a bufferyard shall be a minimum of two (2) inches diameter at breast height (d.b.h.).
4. Bufferyards are defined as follows:

Table 5. Bufferyard requirements.

Bufferyard	Minimum bufferyard width	Plantings required per forty (40) linear feet of property line or right-of-way
1	25 feet	2 shade trees and 12 shrubs
2	15 feet	1 shade tree and 8 shrubs
3	10 feet	1 shade tree and 6 shrubs

5. If a fence, with an opacity of 80% or greater, is constructed within the bufferyard, the minimum plantings required within the bufferyard may be reduced by one-half.
 6. If a bufferyard dimension is greater than the yard setback dimensions, the bufferyard dimension shall apply.
- D. When the bufferyard width specified in §1000-212 is in conflict with the provisions of Table 2 or 3 or any other regulations, the greater distance shall apply.
- E. In instances where an existing structure housing the principal use of the lot is located within a bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the property line shall be required. This reduced bufferyard width shall apply only to the yard area which the existing structure encroaches. All landscaping requirements shall be adhered to, regardless of the bufferyard width.
- F. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within four (4) weeks after construction is completed on the lot, unless activities are completed between a time period of November 1 through April 1. In such case, the required sodding or seeding must occur within four (4) weeks of April 1.

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- G. All trees and shrubs required to be planted within the bufferyard shall be planted in accordance with Appendix 5 and accepted conservation practices.
- H. Storm water management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the landscaping requirements.
- I. Deviation from the requirements of §1000-212 and Appendix 5 shall be permitted only in accordance of approval by the Fayette County Zoning Hearing Board.

§1000-213. Landscaping.

Landscaping shall be provided in accordance with the following specifications:

- A. Landscaping required in bufferyards as outlined in §1000-212 cannot be substituted for any required landscaping mandated in this section.
- B. A conceptual landscape plan, with appropriate details, shall be prepared in accordance with the Fayette County Subdivision and Land Development Ordinance and submitted at the time of site plan or subdivision and land development application. It is recommended that a landscape architect or similar professional prepare said plan illustrating:
 - 1. All required bufferyards with proposed plantings (identifying each proposed tree or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - 2. All required planting independent of any bufferyard requirements (identifying each tree, shrub, the use of sod or seeding, etc.) drawn to scale.
 - 3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative size and location.
 - 4. Any existing trees or vegetation which will be removed, accurately identifying their relative size and location.
- C. Minimum planting requirements.
 - 1. At least one (1) deciduous tree must be planted for each seven hundred (700) square feet of net floor area in conjunction with any non-residential development.
 - 2. At least one (1) deciduous tree must be planted for each dwelling unit in conjunction with any multi-family development.
 - 3. A minimum of one (1) deciduous street tree shall be planted in the front yard of each single family lot no closer than twelve (12) feet from the front property line.

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D. Landscaping of parking areas.

1. Perimeter parking landscape area shall be a minimum of ten (10) feet wide in accordance with Bufferyard 3.
2. Surface parking area.
 - a. Interior landscaping shall be required for parking areas containing more than four thousand (4,000) square feet or ten (10) parking spaces. Where a pre-existing parking area is altered or expanded to increase the size to four thousand (4,000) or more square feet of area or ten (10) or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
 - b. One (1) internal landscape island shall be provided for every twelve (12) parking spaces. No more than twelve (12) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands. Interior landscape islands shall be a minimum ten (10) feet wide with a total area of at least one hundred sixty (160) square feet.
 - c. At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs, perennials, or turf grass.

E. Landscaping for service structures.

1. All service structures shall be fully screened by continuous planting, hedge, fence, wall or earthen mounding, except when located in the M-1 and M-2 districts. Service structures in the M-1 and M-2 districts shall be fully screened when located within one hundred (100) feet of any zoning district other than M-1 and M-2. For the purposes of this Subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.
2. The average height of the screening material at maturity shall be a minimum of six (6) feet in height. Fences, walls and mounding shall be installed at a minimum of six (6) feet in height.

F. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within four (4) weeks of when construction is completed on the lot.

G. All ground signs and pole signs shall be landscaped, except those signs which have traffic traveling below them. A conceptual landscape plan in accordance with Article XIV must be submitted as part of the application for a sign permit. The Zoning Officer must approve the conceptual landscape plan prior to issuing a sign permit.

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- H. Deviation from the requirements of §1000-213 shall be permitted only upon approval by the Fayette County Zoning Hearing Board.

§1000-214. Wall and fences.

- A. Non-gravity walls and fences may be used for privacy, protection or screening but shall not be used in lieu of landscape screening in buffer areas.
- B. Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face; a minimum of eighty percent (80%) of the front face, unless a split rail fence, shall be oriented toward the exterior of a lot.
- C. If a fence or wall with a minimum opacity of eighty percent (80%) is constructed within a bufferyard, the number of shrubs defined by Table 5 for said bufferyard may be reduced by fifty percent (50%).
- D. A fence or wall may be permitted to be located on a lot line. Where fences or walls are located within the bufferyard, trees and shrubs shall be planted between the lot line and the exterior face of the fence or wall.

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ARTICLE III

Additional Requirements

§1000-300. Accessory and temporary uses and structures.

- A. All accessory structures shall comply with the requirements of this Chapter, except those freestanding structures accessory to a single-family dwelling.
- B. General. Accessory buildings shall occupy the same lot as the principal use or building.
- C. Separation from principal building. All accessory buildings and structures shall be separated from the principal building by ten (10) feet.
- D. Private garages. An accessory building used as a private garage shall be permitted within the rear yard or side yard provided that setbacks are maintained and the structures do not encroach into any recorded easements. The private garage may be permitted to be located in the front yard if the side and rear yards primarily consist of slopes greater than twenty-five percent (>25%) and the locations of such slopes render placing the private garage in the side or rear yards infeasible provided the following:
 - 1. The private garage does not encroach in to the front bufferyard.
 - 2. The garage is not located within the site triangle of two (2) public rights-of-way.
- E. Front yard restrictions. All accessory buildings and structures used for storage, swimming pools, satellite dishes or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No accessory structures shall be located in the front yard.
- F. Satellite dish. An accessory structure used as a satellite dish shall be in accordance with provisions of §1000-318.
- G. Buildings or structures moved into or within the jurisdictions shall comply with the provisions of this code for new buildings and structures.
- H. Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval for a limited period of time and the appropriate fee as may be established from time to time by the County Board of Commissioners is received from the Zoning Officer for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit. The minimum setbacks for temporary buildings, structures and uses shall be as defined for principal structures. See Fayette County Office of Planning, Zoning and Community Development for applicable fee schedule.

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- I. Retaining walls. Retaining walls and similar structures that are greater than eight (8) feet in length shall be considered accessory structures. A building permit is required prior to construction. The retaining wall shall be designed by an engineer who shall certify that the wall is of sound construction, will not cause a dangerous condition and will not constitute a public or private nuisance. Retaining walls shall not be erected on the right-of-way, or within five (5) feet of any lot line. When cribbing is used as a type of construction for a retaining wall, the material used shall have any exposed surface earth covered and seeded to prevent erosion.
 1. Guards. Where retaining walls with differences in elevation on either side of the wall that are in excess of thirty (30) inches and the high side is located near a walk, path, parking lot or driveway or any other location that may be hazardous to pedestrians, such retaining walls shall be provided with guards that are constructed in accordance with the International Building Code or equivalent protective measures.

§1000-301.1 Agriculture.

- A. The Minimum lot size is 80,000 square feet.
- B. Any permitted structure, pen, corral or other enclosure for the shelter or confinement of livestock or poultry shall be located not less than 150 feet from any lot line provided, however, that normal farm fencing shall be permitted in accordance with Subsection C.
- C. Perimeter fences shall be constructed around all fields and meadows that are used for livestock grazing, feeding and similar activities. The perimeter fence can be located on the property line. The fencing is for the management of keeping animals confined and predators off the property.
- D. 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 semi-public building except that the ZHB may allow a use within the required 300 feet upon written consent of the owner of the adjacent dwelling or public/semi-public building.
- E. Agricultural operations shall be in accordance with the PA Municipalities Planning Code statute(s) that governs the production of crops, livestock and livestock operations.
- F. The aggregate floor area of all structures on a lot shall not exceed the maximum building coverage. Refer to Table 3.
- G. The maximum length of any building shall be 200 feet when intent is to store farm equipment. The maximum length for buildings and width for buildings used for agricultural purposes shall be 400 feet for each of the length and width.
- H. A legally operating farm is permitted to advertise premise-produced products for sale from agricultural activities only. Advertising for businesses or activities located off the property shall not be permitted.

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- I. The use of property in A-1, R-A, and C-1 for 4-H is an accessory use to the principal use (residential). A lot created and approved after the adoption of this Ordinance is a minimum of 80,000 square feet. A lot legally existing prior to that adoption of Ordinance in the A-1, R-A and C-1 zoning districts shall permit 4-H use as an accessory use. The size of the Shelter for housing shall not exceed 12x12 structure, with a setback of 30' front, 25' side, and 30' rear. Any structure greater than 12x12 shall meet Subsection B.

§1000-302. Home occupation, type 1.

No-Impact Home Based Business are permitted by right in all residential Zoning Districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supersede any deed, restriction, covenant or agreement restricting the use of the land, nor any master deed, by law or other document application to a common interest ownership community:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights, except that the name of the business may be indicated on the residence mailbox as long as the mailbox sign does not exceed two (2) square foot in the area.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in a neighborhood.
- F. The business activity may not generate any solid wastes or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business shall be conducted only within the dwelling and may not occupy more that fifteen percent (15%) of the habitable floor area.
- H. The business may not involve any illegal activity.

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§1000-303. Off-street parking and loading.

A. Overall parking requirements.

1. Off-street parking spaces shall be provided in accordance with the specifications in this section in any zoning district, whenever any new use is established or for the new portion whenever any existing use is enlarged. An existing use which conforms to the bufferyard and landscaping requirements of this Chapter, or which is willing to do so, shall adopt the following parking space measurements:
 - a. A standard off-street parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, aisles and other circulation areas.
 - b. Driveways and traffic aisles between two (2) rows of off-street parking spaces shall be of a width not less than twenty-four (24) feet, except for one-way aisles for angle parking which shall be no less than eighteen (18) feet in width.
 - c. Any lighting devices used to illuminate any off-street parking lot or parking structure shall be so arranged as to reflect the light away from all adjoining properties. Lighting shall be required in parking areas with fifteen (15) or more parking spaces. Lights shall be required at the access drive or point of entry to a parking area where it intersects with any public or private street if, in the opinion of the County Engineer, there is insufficient light on the aforementioned public or private street.
 - d. All off-street parking spaces shall be provided on the lot of the principal structure which they are intended to serve.
 - e. When the setback requirement in this section is in conflict with the provisions of this Chapter or any other Chapter regulating land development, the greater distance shall apply.
2. When two (2) or more uses are located within the same building or structure or when two (2) or more uses are located in more than one (1) building on one (1) property, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided. The land development plan shall contain a tabular summary of each use and the parking spaces assigned to it.
3. Off-street parking areas which are used for the storage of vehicles and are not accessible to the general public shall be graded for proper drainage and finished with an all-weather surface such as gravel or slag which has been properly graded, choked and compacted.
4. Off-street parking areas for more than five (5) vehicles and access drives leading to the parking area which are accessible to the general public shall be graded for proper drainage and paved with concrete, bituminous asphalt or bituminous seal coat. The

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landowner and/or developer shall provide assurance that in the event that development occurs at a time of year which makes it impractical to pave, paving will occur as soon as weather permits.

5. When the determination of parking spaces required for a use results in a fraction of a space, any fraction shall be counted as one (1) space.
6. The parking for more than forty-eight (48) hours in any week and the seasonal storage of trucks, construction equipment, vacation vehicles, trailers and boats shall not be permitted in any front or side yard in any Residential or Agricultural or Conservation District. Vehicles shall be parked a minimum of ten (10) feet from the rear lot line. The foregoing requirements shall not apply to the parking of privately owned or operated commercial vehicles in a residential or agricultural or conservation district. Such vehicles shall be parked in rear yards not closer than one hundred fifty (150) feet from lot lines.
7. Off-street parking shall be provided in accordance with the ratios specified in Table 6: Parking and loading requirements for the various categories of uses.

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Table 6. Parking and loading requirements.

Note: GFA = Gross Floor Area

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
A. Residential			
1	Apartment	2:D.U. (resident spaces) + 1:4 D.U. (guest spaces)	0 - 59,999 s.f = 1 berth 60,000-99,000 s.f = 2 berths 100,000- 160,000 s.f. = 3 berths each additional space 60,000 s.f. = 1 additional berth
2	Assisted Living Facility	1:2 residents (resident spaces) + 1: 2 employees + 1: 5 residents (guest spaces)	
3	Bed and Breakfast	1: guest room	
4	Boarding House	1:bedroom	
5	Duplex	2:D.U.	
6	Group Residence	1:4 residents + 1:employee	
7	Halfway Home, Adult	1:4 residents + 1:employee	
8	Halfway Home, Juvenile	1:4 residents + 1:employee	
9	Home Occupation, no impact	N/A	
10	Home Occupation, other	Defined by Section VIII, Special Exceptions	
11	Juvenile Detention Facility	1:employee + 1:5 residents	0 - 59,999 s.f = 1 berth 60,000-99,000 s.f = 2 berths 100,000- 160,000 s.f. = 3 berth each additional space 60,000 s.f. = 1 additional berth
12	Mobile Home Park	2:D.U.	
13	Nursing/Convalescent Care Facility	1:5 residents (resident spaces) + 1: 2 employees + 1: 5 residents (guest spaces)	0 - 39,999 s.f. = 1 berth 40,000-59,999 s.f. = 2 berths each additional space 60,000 s.f. = 1 additional berth
14	Quadplex	2:D.U.	
15	Single-Family Detached Dwelling	2:D.U.	
16	Townhouse	2:D.U.	

FAYETTE COUNTY ZONING ORDINANCE

Table 6. Parking and loading (con't.)

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
1	Adult Oriented Establishment	1:125 s.f. of g.f.a.	N/A
2	Agriculture	2:D.U. + 1:employee	N/A
3	Aircraft Assembly & Rehabilitation	1:750 s.f. of g.f.a.	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
4	Aircraft Maintenance & Storage Hanger	1:4 hanger bays + 1:employee on peak shift	N/A
5	Airport Traffic Control Facilities	1: facility	N/A
6	Airport Parking	N/A	N/A
7	Airport Runway/Taxiway	N/A	N/A
8	Airport Service Facility	1:employee on peak shift	0 - 10,000 s.f. = 1 berth each additional 20,000 s.f. = 1 additional berth
9	Airport Terminal	1: 5,000 s.f. of g.f.a. + 1:employee on peak shift	N/A
10	Amusement Facility, Indoor/Outdoor	1: 250 s.f. of g.f.a. indoor space + 1:500 s.f. of publicly outdoor accessible facility space	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
11	Assembly or Fabrication Facility	1:750 s.f. of g.f.a.	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
12	Automotive Rental	1 : 500 s.f. of g.f.a. of sales + 1:employee on peak shift	N/A
13	Automotive Repair & Service Station	1:1,000 s.f. of g.f.a. + 1:employee on peak shift	N/A
14	Automotive Sales	1:400 g.f.a showroom + 1:2,500 s.f. of g.f.a outdoor display	1 for every 5,000 s.f. of g.f.a. showroom
15	Aviation-Related School	1:each employee + 1:2 students or peak shift	N/A
16	Bank	1:300 s.f. of g.f.a. + 1: employee on peak shift	N/A
17	Beauty/Barber Shop	1: 200 s.f. of g.f.a. + 1:2 employees on peak shift	N/A
18	Billboard	1 per billboard site	N/A

FAYETTE COUNTY ZONING ORDINANCE

Table 6. Parking and loading (con't.)

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
19	Business Services	1:300 s.f. of g.f.a.	0 - 19,999 s.f. = 1 berth 20,000-60,000 s.f. = 2 berths each additional 60,000 s.f. = 1 additional berth
20	Campground, Public or Private	1:campsite + 1:employee on peak shift	N/A
21	Car Wash	1: 500 s.f. of g.f.a. of office space + 5 spaces for stacking	N/A
22	Cemeteries	1: 500 s.f. of g.f.a. of office/admin. + 1:employee on peak shift	N/A
23	Club, Private	1: employee on peak shift + 1:3 members	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
24	Commercial School	1: employee on peak shift + 1:2 students	0 - 59,999 s.f. = 1 berth 60,000 - 99,000 s.f. = 2 berths 100,000-160,000 s.f. = 3 berths each additional 60,000 s.f. = 1 additional berth
25	Communications Antenna	N/A	N/A
26	Communications Tower	1:facility	N/A
27	Conference and Training Center	1:3 persons of legal occupancy	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
28	Contractor's Yard	1:500 s.f. of g.f.a. of office/admin. space + 1:employee on peak shift	N/A
29	Correctional Facility	1:10 cells (visitors) + 1:employee on peak shift	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
30	Country Club/Golf Course	1: 150 s.f. of g.f.a. used for assembly + 1:employee on peak shift	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berth each additional 20,000 s.f. = 1 additional berth
31	Day-Care Center, Adult or Child	1:6 Patrons + 1:employee on peak shift	N/A
32	Distribution Center	1:1,000 s.f. of g.f.a.	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
33	Driving Range	1:2 tee stands	N/A
34	Emergency Services Facility	1: 250 s.f. of g.f.a.	N/A
35	Essential Services	1:employee on peak shift	N/A

FAYETTE COUNTY ZONING ORDINANCE

Table 6. Parking and loading (con't.)

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
36	Fairgrounds	1: 500 s.f. of g.f.a. of indoor/outdoor area	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berth each additional 20,000 s.f. = 1 additional berth
37	Flex Space	1:300 s.f. of g.f.a.	N/A
38	Food Service Facility	1:750 s.f. of g.f.a.	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
39	Forestry	1:employee + 1:1,000 s.f. of g.f.a. of office spaces	N/A
40	Freight Terminal	1: 500 s.f. of g.f.a. of office/admin.+ 1: employee on peak shift	0 - 19,999 s.f. = 1 berth 20,000 - 60,000 s.f. = 2 berths each additional 60,000 s.f. = 1 additional berth
41	Funeral Home	1:3 seats in viewing rooms	1 for every 4 viewing rooms
42	Gas Station	1:500 s.f. of g.f.a. + 1:employee on peak shift	N/A
43	Heliport	2:heliport	N/A
44	Hospital	1:2 beds + 1:employee on peak shift	0 - 19,999 s.f. = 1 berth 20,000 - 60,000 s.f. = 2 berths each additional 60,000 s.f. = 1 additional berth
45	Hotel	1:sleeping room + additional requirements for restaurant/bar if accessory use	0 - 19,999 s.f. = 1 berth 20,000 - 60,000 s.f. = 2 berths each additional 60,000 s.f. = 1 additional berth
46	Incinerator	1:1,000 s.f. of g.f.a. office space + 1:employee on peak shift	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
47	Junk Storage, Sales and Salvage Operation	1:1,000 s.f. + 1:employee on peak shift	N/A
48	Keeping of Horses	N/A	N/A
49	Kennel, Animal	1:employee on peak shift + 1:500 s.f. of g.f.a.	N/A
50	Landscaping Center/Nursery	1: 300 s.f. of g.f.a. (indoor) + 1: 500 s.f. of g.f.a. (outdoor) publicly accessible space+ 1: employee on peak shift	1 berth
51	Library	1:400 s.f. of g.f.a. public space + 1:employee on peak shift	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth
52	Lumber Mill	1: 300 s.f. of g.f.a. office space + 1:employee on peak shift	N/A
53	Manufacturing	1: 300 s.f. of g.f.a. of office space + 1: employee on peak shift	0 - 19,999 s.f. = 1 berth 20,000 - 39,999 s.f. = 2 berths 40,000 - 65,000 s.f. = 3 berths each additional berth 25,000 s.f. = 1 additional berth

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Table 6. Parking and loading (con't.)

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
54	Marina	1:4 slips + 1: 200 s.f. of g.f.a. of ship store, restaurant and/or club space	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth
55	Massage Therapy Establishment	1:table + 1:employee on peak shift	N/A
56	Methadone Treatment Facility	2:each on-duty doctor/practitioner + 1:employee on peak shift+ 3 visitor spaces	N/A
57	Military Related Facilities	1: 300 s.f. of g.f.a.	N/A
58	Mining, Deep	1:employee on peak shift	N/A
59	Mining, Surface	1:employee on peak shift	N/A
60	Motel	1:sleeping room + 1:employee on peak shift	1 berth
61	Neighborhood Convenience Store	1: 250 s.f	0 - 9,999 s.f. = 1 berth 10,000 - 19,999 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
62	Office, Business, < 5,000 s.f. of g.f.a.	1: 200 s.f. of g.f.a.	N/A
63	Office, Business, >5,000 s.f. of g.f.a. and <40,000 s.f. of g.f.a.	1: 400 s.f. of g.f.a.	1 berth
64	Office, Business, >40,000 s.f. of g.f.a.	1: 200 s.f. of g.f.a.	1 berth + each additional 50,000 s.f. = 1 berth
65	Office, Medical	1: 200 s.f. of g.f.a.	0 - 20,000 s.f. = 1 berth Each additional 50,000 s.f. = 1 additional berth
66	Oil or Gas Well	1:employee on peak shift	N/A
67	Other Non-Communication Towers	2: tower	N/A
68	Park/Playground/Playfield	As determined by Planning Commission prior to preliminary land development approval	N/A
69	Personal Services (inc. pers. improve. estab)	1: 400 s.f. of g.f.a. + 1:2 employees on peak shift	0 - 29,999 s.f. = 1 berth 30,000 - 59,999 s.f. = 2 berths each additional 30,000 s.f. = 1 additional berth
70	Pet Cemetery	1: 500 s.f. of g.f.a. of office/admin. + 1:employee on peak shift	N/A
71	Petroleum, tar and bitumen processing, storage and sales	1:1,000 s.f. of g.f.a. of office space + 1:employee on peak shift	0 - 5,000 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional berth 40,000 s.f. = 1 additional berth
72	Pharmacy	1:100 s.f. of g.f.a.	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth

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Table 6. Parking and loading (con't.)

	Authorized Land Uses	Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
73	Place of Assembly	1:4 seats	1 berth:500 seats
74	Place of Worship	1:4 seats	1 berth:500 seats
75	Post Office	1: 200 s.f. of g.f.a. of public area + 1:employee on peak shift	1 berth
76	Power Plant	1:500 s.f. of g.f.a. of office space +	1 berth
77	Public Building	1:300 s.f. of g.f.a.	1 berth
78	Public/Private Works Facility	1: 500 s.f. of g.f.a. + 1:employee on	1 berth
79	Pylon	N/A	N/A
80	Quarry	1:1,000 s.f. of g.f.a. of office space + 1:employee on peak shift	N/A
81	Rail Yard	1:1,000 s.f. of g.f.a. of office space + 1:employee on peak shift	N/A
82	Recreation Facility	As determined by Planning Commission prior to preliminary land development approval	N/A
83	Research, Testing & Development Facility	1:400 s.f. of g.f.a.	1 berth
84	Resort	As determined by Planning Commission prior to preliminary land development approval	As determined by Planning Commission prior to preliminary land development
85	Restaurant, High Turn-over with Drive-Thru	1: 125 s.f. of g.f.a. + 7 stacking spaces	0 - 59,999 s.f. = 1 berth 60,000 - 99,999 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths each additional berth 60,000 s.f. = 1 additional berth
86	Restaurant, High Turn-over without Drive-Thru	1: 125 s.f. of g.f.a.	0 - 59,999 s.f. = 1 berth 60,000 - 99,999 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths each additional berth 60,000 s.f. = 1 additional berth
87	Restaurant, Low Turn-over	1: 200 s.f. of g.f.a.	0 - 59,999 s.f. = 1 berth 60,000 - 100,000 s.f. = 2 berths
88	Retail/ Business Store, <10,000 s.f. of g.f.a..	1: 300 s.f. of g.f.a.	1 berth
89	Retail/ Business Store >10,000 s.f. of g.f.a.. and <40,000 s.f. of g.f.a..	1: 250 s.f. of g.f.a.	10,000 - 25,000 s.f. = 1 berth 25,000 - 40,000 s.f. = 2 berths
90	Retail/ Business Store > 40,000 s.f. of g.f.a.	1: 200 s.f. of g.f.a.	40,000 - 100,000 s.f. = 3 berths each additional berth 50,000 s.f. = 1 additional berth
91	Rifle Range, Outdoor	1:1.5 bench seats + 1:employee on peak shift	N/A
92	Sanitary Landfill	1:1,000 s.f. of g.f.a. of office space + 1:employee on peak shift	N/A

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Table 6. Parking and loading (con't.)

Authorized Land Uses		Minimum Off-Street Parking Requirements (# of spaces)	Minimum Loading Areas
B. Non-Residential			
93	School, Public or Private	1:employee on peak shift + 1:classroom for K-8th grade or 1:employee on peak shift + 10:classroom for 9th - 12th grade	0 - 59,999 s.f. = 1 berth 60,000 - 99,999 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths each additional berth 60,000 s.f. = 1 additional berth
94	Self-Service Storage Facility (mini-warehouse)	1:employee on peak shift + 1:10 storage spaces	1: each exterior door 1: five interior doors
95	Senior Center	1:400 s.f. of g.f.a. of public space	N/A
96	Social Service Agency	1:300 s.f. of g.f.a.	N/A
97	Stable	1: 4 stalls	N/A
98	Tavern/Bar	1: 200 s.f. of g.f.a.	0 - 59,999 s.f. = 1 berth 60,000 - 100,000 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths
99	Temporary Structure	N/A	N/A
100	Terminal, Bus/Train	1:1,000 s.f. of g.f.a. of public space	N/A
101	Truck Stop	4:1 gas pump	N/A
102	University/College	1: 200 s.f. of g.f.a. used for assembly	As Determined by Planning Commission
103	Veterinary Services	1: 200 s.f. of g.f.a.	0 - 19,999 s.f. = 1 berth 20,000 - 50,000 s.f. = 2 berths each additional space 50,000 s.f. = 1 additional berth
104	Warehouse	1 per employee on manufacturing shift + 1 per each company vehicle parked on site	0 - 19,999 s.f. = 1 berth 20,000 - 39,999 s.f. = 2 berths 40,000 - 65,000 s.f. = 3 berths each additional berth 25,000 s.f. = 1 additional berth
105	Water Tank/Tower	2: tower	N/A
106	Wholesale Business	1: 500 s.f. of g.f.a.	1 berth
107	Windmill/Wind Turbine	N/A	N/A
108	Woodshop/Millwork	1:750 s.f. of g.f.a.	0 - 9,999 s.f. = 1 berth 10,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
109	All Other Uses	As Determined by Planning Commission	As Determined by Planning Commission

B. Handicapped-accessible parking space requirements.

1. Handicapped-accessible parking spaces shall be provided in accordance with the following ratios.
2. Accessible spaces shall be twelve (12) feet in width and nineteen (19) feet in length and shall be located the shortest practical distance to an accessible entrance to the building.
3. Except as provided in Subsection B (4), access aisles adjacent to accessible spaces shall be sixty (60) inches minimum.

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4. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated as “van accessible.”
5. All signage designating accessible spaces shall be in accordance with the Americans with Disabilities Act (ADA) requirements and the Pennsylvania Vehicle Code.

Table 7. Handicapped-accessible parking requirements.

Total Number of Spaces in Parking Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of total
1,001 and over	20 + 1 for each 100 over 1,000

C. Surface parking area specifications.

1. Off-street parking spaces provided in surface parking areas shall not be located any closer than ten (10) feet to the right-of-way line of a public or private roadway. The area between the right-of-way and off-street parking spaces shall be seeded and planted with shrubbery, hedges, trees or other landscaped barrier which will prevent the shining of lights from the parking area onto the roadway.

§1000-304. Loading requirements.

Off-street loading shall be provided in accordance with the specifications of this Section and Table 6: Parking and loading requirements. Off-street loading requirements shall apply to any zoning district wherever any new use is established or, as to the new portion, wherever any existing use is enlarged. The phrase “off-street loading” shall include both loading and unloading.

- A. Off-street loading spaces in conjunction with warehousing or other industrial uses shall have minimum rectangular dimensions of twelve (12) feet in width and fifty-five (55) feet in length. Off-street loading spaces in conjunction with offices, retail or service uses shall have minimum rectangular dimensions of twelve (12) feet in width and thirty (30) feet in length. A land development plan which proposes off-street loading facilities shall provide

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verification that adequate turning radii are provided within the parking/driveway areas where trucks and/or delivery vehicles will be traversing.

- B. Off-street loading spaces shall be located in areas that will not impede traffic on public streets. At no time may loading vehicles obstruct traffic on a public thoroughfare.

§1000-305. Signs--Restricted signs.

- A. Restricted signs shall not be permitted in any zoning district because the Board of County Commissioners have provided for multiple advertising alternatives which are as cost-effective as the restricted signage and which do not have the drawbacks (interference with traffic and pedestrian safety; tendency to depress property values; negative impact upon long-fostered commercial and residential environments; and the creation of litter) associated with the restricted signs.
- B. The following devices and locations shall be specifically prohibited:
 - 1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic.
 - 2. Except as provided for elsewhere in this Chapter, signs encroaching upon or overhanging a public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 - 3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights or municipal vehicle warnings from a distance.
 - 4. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
 - 5. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

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6. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event.
7. Banners and pennants or temporary special event displays unless authorized by §1000-306 of this Chapter.

§1000-306. Signs--Temporary signs.

- A. All landowners and/or developers seeking to erect a temporary sign shall apply for a temporary sign permit. Any fees associated with such cost shall be established from time to time by the Board of County Commissioners.
- B. Special promotions, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for non-residential uses.
- C. Temporary special event display signs shall be permitted to be erected on the face of a public building, place of worship, place of assembly or building housing a private non-profit organization.
- D. Limitations on temporary signs.
 1. Such signs shall be limited to one (1) sign per street front.
 2. Such signs may be displayed for less than thirty (30) consecutive days in any three (3) month period, and less than ninety (90) days in any calendar year. The signs shall be erected less than thirty (30) days prior to the event or grand opening and shall be removed less than five (5) day after the event or grand opening. At no time shall these periods be exceeded unless otherwise authorized by law.
 3. The total area of all such signs shall not exceed sixty (60) square feet.
 4. Signs shall be non-illuminated.

§1000-307. Signs--Permitted signs.

- A. Conformance. Any sign hereafter erected shall conform to the provisions of this Chapter and the provisions of the International Building Code and of any other ordinance or regulations within this jurisdiction.
- B. Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within thirty (30) days after the use ceases operation; Upon failure of the landowner and/or developer to comply with notification as distributed by the Zoning Officer, the Zoning Officer is hereby authorized to cause removal of such sign copy, and any expense incident

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thereto shall be paid by the owner of the building, structure or lot on which the sign is located.

- C. Sign location. See § 315.
- D. Signs authorized in all zoning districts. The following signs are authorized in all zoning districts. The limitations and regulations detailed below exist for the purpose of permitting reasonable advertising space while maintaining property values, maintaining appropriate commercial and residential atmospheres and avoiding advertising wars based on sign size or some other sign attribute other than the sign message.
1. Bulletin board. One (1) bulletin board/announcement sign which is indirectly illuminated and which does not exceed twenty five (25) square feet in surface area shall be permitted in connection with any place of assembly, place of worship, school, day care center, senior center, funeral home or public building.
 2. Identification signs. Identification signs shall be permitted in any district in accordance with the following requirements:
 - a. Small announcement or professional signs for home occupations, where permitted, shall not exceed two (2) square feet in area and shall not be illuminated.
 - b. All identification signs shall be set back from the established right-of-way line of any street or highway at least fifteen (15) feet and shall not be located closer than six (6) feet to any other lot line.
 3. Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
 - a. Real estate signs, advertising the sale, rental or lease of the premises on which they are maintained and not over twelve (12) square feet in aggregate area shall be permitted in any district on any lot fifty (50) feet or less in width.
 - b. For two (2) or more lots in single ownership or for properties with frontages in excess of one hundred (100) feet such signs shall not exceed a maximum area of two hundred fifty (250) square feet, and such signs shall be set back from all public right-of-ways a minimum of fifty (50) feet.
 - c. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be limited to one (1) sign per street front.
 - d. Real estate signs shall be removed promptly after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

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4. Contractor or artisan signs.
 - a. One (1) non-illuminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided that the sign shall not exceed twelve (12) square feet in area, and shall be removed immediately upon completion of the work.
 - b. Such signs shall not be placed in any public right-of-way.
 5. Political signs. Political signs shall be permitted in all zoning districts and shall not require a sign permit or fee. All political signs shall be subject to the following limitations.
 - a. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.
 6. Advertising Signs. Advertising signs shall be permitted in the B-1, B-2, M-1, and M-2 districts only if in accordance with the following requirements.
 - a. Advertising signs, where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such district, provided that for every square foot by which such signs exceed eighty (80) square feet, such setback shall be increased by one-half foot but need not exceed one hundred (100) feet from the established right-of-way line, except that at any State or Federal Highway intersection. The setback of any outdoor advertising sign shall not be less than one hundred (100) feet from the established right-of-way line of each intersecting highway or street.
- E. Signs authorized in the A-1, R-A, R-1, and R-2 zoning districts include the following:
1. One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground identification sign containing only the street address and/or name of a residential development or multi-family building or development which shall not exceed fifty (50) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall rather than to a building wall, provided that the decorative wall meets all applicable Chapter requirements and does not obstruct visibility for traffic entering or leaving the plan.
 2. One (1) non-illuminated or indirectly illuminated freestanding ground business identification sign for a lawfully maintained non-conforming use in a residential zoning district shall not exceed twelve (12) square feet in area.
 3. Signs displaying the name and address of the occupant of the premises provided that the area of any such sign shall not exceed one (1) square foot and that not more than one (1) such sign shall be erected or displayed for each occupant of a premises, unless such premises fronts on more than one (1) street in which one (1) such sign be permitted on each separate street frontage.

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4. A wall identification sign shall not have a surface area greater than two and a half (2.5) square feet for each linear foot of the wall upon which the sign shall be erected in the R-2 district.
- F. Signs authorized in the B-1, B-2, M-1 and M-2 zoning districts include the following:
1. Directional signs.
 - a. On lots less than or equal to one (1) acre, a maximum of six (6) non-illuminated, indirectly illuminated or internally illuminated directional signs, each of which shall not exceed eight (8) square feet in area, shall be permitted. For each additional acre or fraction thereof, two (2) additional directional signs shall be permitted.
 - b. Directional signs shall not be located on the right-of-way of a public street. Directional signs shall not be placed in a location which inhibits clear sight distance for motorists or pedestrians and shall be placed on the premises no further than twenty-five (25) feet from the entrance to the property that they are intended to identify or, if an interior directional sign, no more than ten (10) feet from the parking area, driveway or other facility they are intended to identify.
 2. Changeable copy sign.
 - a. On a lot less than three (3) acres. In addition to the authorized business identification signs, one (1) non-illuminated, indirectly illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed fifty (50) square feet in area and which shall be permanently affixed to the wall of the building or to an authorized freestanding sign on the lot.
 - b. On a lot greater than or equal to three (3) acres. In addition to the authorized business identification signs, one (1) non-illuminated, indirectly illuminated or internally illuminated changeable copy sign shall be permitted per publicly accessible driveway entrance, which shall not exceed seventy-five (75) square feet in area and which shall be permanently affixed to the wall of the building or to an authorized freestanding sign on the lot.
 3. Wall identification sign.
 - a. For buildings less than or equal to two hundred (200) feet in length, one (1) non-illuminated, indirectly illuminated or internally illuminated wall identification sign shall be permitted on a building wall that adjoins or faces a public or private right-of-way. A wall identification sign shall not have a surface area greater than three (3) square feet for each linear foot of the wall upon which the sign shall be erected.
 - b. For buildings greater than two hundred (200) feet in length, a wall identification sign shall not have a surface area greater than three (3) square feet for each linear foot of the wall upon which the sign shall be erected. A maximum of three (3)

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additional wall signs, not to exceed thirty (30) square feet each, may be permitted to be displayed on the building.

- c. The wall identification sign shall not be located on the roof nor extend above the height of the building.
 - d. Where the building fronts on two (2) streets, one (1) wall identification sign shall be permitted per street.
 - e. Where more than one (1) business is located in a building, more than one (1) wall identification sign shall be permitted, provided that each wall identification sign shall not exceed three (3) square feet per linear foot of the store frontage for which each sign is intended. When more than one (1) sign will be erected on a single building, all these signs shall be located on the front of the building.
 - f. Wall identification signs shall not be permitted in conjunction with non-conforming uses or authorized conditional uses or uses by special exception in residential zoning districts.
4. Freestanding ground or pole sign. In addition to a wall identification sign(s), one (1) single or double-faced, non-illuminated, indirectly illuminated or internally illuminated freestanding ground or pole sign may be erected on a lot zoned B-1, B-2, M-1, or M-2, subject to the following requirements:
- a. Lots with an area of less than twenty thousand (20,000) square feet and/or less than one hundred (100) feet in frontage shall be permitted to erect one (1) freestanding pole sign or freestanding ground sign. The height shall not exceed eighteen (18) feet. The total area shall not exceed sixty (60) square feet. If a ground sign exists or is proposed, a pole sign shall not be permitted. If a pole sign exists or is proposed, a ground sign shall not be permitted. The bottom edge of any freestanding pole sign shall be a minimum of ten (10) feet above the normal ground level.
 - b. Lots with an area greater than or equal to twenty thousand (20,000) square feet and greater than one hundred (100) feet in frontage shall be permitted to erect a maximum of one (1) freestanding pole sign or freestanding ground sign. The maximum height of a pole sign shall be twenty five (25) feet. The maximum size shall be one hundred (100) square feet. The sign shall be set back in accordance with the requirements of §1000-210 and §1000-211. The bottom edge of any freestanding pole sign shall be a minimum of ten (10) feet above the normal ground level.
 - c. Lots with multiple tenant buildings shall be permitted to construct a maximum of one (1) freestanding directory sign per public entrance from the right-of-way.
 - d. The sign shall contain only the logo, trademark and/or name and address of the company or commercial or industrial center on the property.

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- e. The maximum height of a freestanding ground sign shall be eight (8) feet above the adjacent ground level. All freestanding ground signs shall be located at least ten (10) feet from any property line, except that where the property abuts on a public right-of-way, the freestanding ground sign shall be set back at least ten (10) feet from the right-of-way.
 - f. On a lot abutting the Mon Fayette Expressway, no freestanding ground or pole sign shall be erected between a building face, whether front, side or rear, and the Mon Fayette Expressway right-of-way.
5. Awning signs.
- a. The copy area of awning signs shall not exceed an area equal to twenty-five percent (25%) of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of the gross sign area.
 - c. Awning signs and wall signs are mutually exclusive, and a business may erect either one (1) or the other, but not both.

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6. Pylon signs.

- a. See Article VIII.

§1000-308. Signs--Billboards.

- A. 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.
- B. 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.
- C. See §1000-818.

§1000-309. Signs--Sign exemptions.

- A. The following signs shall be exempt from the provisions of this Chapter:
1. Official notices authorized by a court, public body or public safety official.
 2. Directional, warning or information signs authorized by federal, state or municipal governments.
 3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
 4. The flag of a government or non-commercial institution, such as a school.
 5. Religious symbols and seasonal decorations within the appropriate public holiday season.
 6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial or economic benefit.
 7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed six (6) square feet in area.
 8. A sign authorized by the County to be located on public facilities and parks and fields and related to private, non-profit organizations.

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§1000-310. Signs--Sign permit required.

- A. No sign except a temporary real estate sign; a contractor's sign or political sign as authorized by this Chapter shall thereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. Applications for sign permits shall include detailed drawings of the construction and the design of the sign(s) and a plan indicating the location of the sign(s) on the property and shall be accompanied by such fee as may be required by resolution of the Board of County Commissioners.
- B. A detailed plan shall be submitted which indicated billboard size, number of faces, landscaping, construction types and site plan illustrating compliance with applicable setbacks and right-of-way locations.

§1000-311. Signs--Multiple street frontages.

- A. In the B-1, B-2, M-1 and M-2 districts, lots having a total lot area greater than one (1) acre which front on more than one (1) street shall be permitted to have one (1) authorized freestanding sign on each street frontage. Any lot in a B-1, B-2, M-1 or M-2 district shall be permitted to have one (1) authorized wall identification sign on each side of the building which faces the street.

§1000-312. Signs--Sign area.

- A. The area of a sign shall include that area enclosed by one (1) continuous line connecting the extreme points or edges of a sign face. The area includes all lettering, wording and accompanying designs or symbols, together with the background (whether open or enclosed) on which they are displayed. On a two (2) sided sign, only one (1) face is counted in computing the sign's area. The area of the sign does not include minimal supporting framework or bracing, but all other ornamental attachments or decorative structures shall be included in determining the area of a sign.

§1000-313. Signs--Illumination and animation.

- A. Unless otherwise noted, all signs referred to in this Article may be illuminated, provided this source of light is not visible and is arranged to reflect away from adjoining lots. No illumination shall be placed so as to cause confusion or conflict with traffic control signs, lights or driver safety. All illumination, when authorized, shall be directed upon the sign face and not towards adjoining properties or roadways. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as not to create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

§1000-314. Signs--Nuisance prohibited.

- A. No sign shall be constructed, located or illuminated in any manner which causes the sign or its illumination to be a nuisance, to reflect undue glare or to create distraction, confusion,

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visual difficulties or any other hazardous condition for drivers of vehicles, pedestrians or operators of aircraft.

§1000-315. Signs--Visibility restrictions.

- A. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- B. Signs in right-of-ways. No sign other than an official traffic sign or similar sign shall be erected within ten (10) feet of the right-of-ways lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of the municipality in which it is situated or by specific authorization of the Zoning Officer.

§1000-317. Signs--Holiday decorations.

- A. Holiday decorations displayed for recognized federal or state holidays shall be exempted from the provisions of this Article, except those that may produce glare, interference with traffic safety or in any other way become a public nuisance or public safety hazard. Holiday decorations shall not include banners or special event displays which are regulated by this Chapter.
- B. The Board of County Commissioners believes that the public's familiarity with such decorations causes them not to produce the potential confusion or unsafe distraction which might otherwise be the case and such decorations enhance rather than detract from property values and an appropriate commercial and residential environment.

§1000-318. Signs--Satellite dish antennas.

- A. Parabolic or satellite dish antennas shall be permitted as accessory structures, provided that:
 - 1. No such antenna shall be located in any front yard, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence establishing that the placement of the antenna in the front yard is the only feasible method of obtaining reception because of the physical characteristics of the property and the location of existing structures on the property.
 - 2. No more than one (1) antenna shall be located on any one (1) lot in a residential district.
 - 3. The maximum diameter of any antenna shall be twelve (12) feet.
 - 4. The maximum height of any freestanding antenna shall be fifteen (15) feet.
 - 5. No part of any freestanding antenna shall be located any closer than ten (10) feet to any property line.

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6. Roof-mounted dish/ antennas greater than thirty-six (36") in diameter shall not be permitted in a A-1, R-A, R-1, or R-2 zoning district, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that a roof-mounted antenna is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot. As part of such variance, the size of such antennae shall also be subject to review.
 7. For a ground-mounted antenna with a diameter greater than thirty-six (36) inches, the base of the antenna shall be screened with landscaping or one hundred percent (100%) opaque fencing.
- B. A zoning permit shall be required for the installation of any antenna greater than thirty six (36) inches in diameter. The permit shall be subject to payment of the current fee as established by the Board of County Commissioners.

§1000-319. Signs--Other antennas.

Other radio and television antennas which are subject to licensing and/or regulation by the Federal Communications Commission (FCC) are permitted accessory uses, subject to the following:

- A. Any freestanding antenna which is not attached to a dwelling or other principal structure shall be located at least fifteen (15) feet from any dwelling unit or principal structure on the lot.
- B. Antennas and associated structures which do not exceed thirty (30) feet in height shall be located at least fifteen (15) feet from any property line. Antennas which exceed thirty (30) feet in height shall provide an additional one (1) foot of clearance from the property line for every one (1) foot of height in excess of thirty (30) feet.
- C. Antennas shall not be permitted in any front yard.
- D. The antenna and associated structures shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.
- E. The antenna and its associated supports, such as guide wires, or the yard area containing the structure shall be protected and secured to guarantee the safety of the general public. Associated supports, including guide wires, shall not be located closer than five (5) feet to any property line.
- F. In granting the use, the Zoning Officer may attach reasonable conditions warranted to protect the public health, safety and welfare, including but not limited to fencing, screening and increased setbacks.
- G. The base of any such antenna shall be screened with landscaping or one hundred percent (100%) opaque fencing.

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- H. Communication antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts, subject to the following criteria:
1. The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
 2. The applicant shall provide detailed construction drawings indicating how the communications antennas will be mounted for review by the County Engineer.
 3. There shall be no minimum building setback requirements for the antenna.
 4. The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
 5. All communications antennas shall be operated so that they will not cause interference with other communications antennas.
 6. If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall apply:
 - a. The communications equipment building/cabinets and associated equipment may be located at or near the base of the antenna. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or other structure, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
 - b. For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way.
 - c. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for an accessory structure. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for a principal building or structure.

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§1000-320. Signs--Allowable yard projections.

- A. General. Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than twelve (12) inches. Chimneys shall be permitted to project no more than two (2) feet, provided the width of any side yard is not reduced to less than ten (10) feet.
- B. Front yards. Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than six (6) feet into the required front yard, provided such porch does not extend above the first level and is no more than six (6) feet above grade at any point.
- C. Rear yards. Windows shall be permitted to project into a required rear yard no more than six (6) inches.
- D. Separation between buildings. There shall be at least ten (10) feet clear space between every main building and accessory building on a lot. There shall be at least twenty (20) feet of clear space between every residential building and another principal building on the same lot.

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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.
 - 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.

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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 twenty-three (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).

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- 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 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:

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Table 8. Floodway area.

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."

- 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 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.

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- 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:.

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

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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.
 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.

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ARTICLE V

Performance Standards

§1000-500. Compliance required.

- A. All uses must comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to permitted uses by the Zoning Hearing Board with respect to special exceptions and by the Board of County Commissioners with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Article, the County may obtain a qualified consultant's report whose credentials are acceptable to the Board of County Commissioners to testify and whose cost for services shall be borne by the applicant.
- B. General. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be considered grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be constructed at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- C. The County may assign a private third party agency to provide measurements for the respective performance standards from §1000-501 through §1000-507. Any associated testing fees must be paid by the applicant ("complainant") to the County (or designee). Any subsequent reimbursement for spent fees would be between the parties involved in the dispute.

§1000-501. Fire protection.

- A. Fire protection and fire-fighting equipment acceptable to the National Fire Protection Association shall be readily available where there is any activity involving the handling or storage of flammable or explosive material.
- B. Fire and explosive hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate UL-approved safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Pennsylvania Department of Labor and Industry and other regulators other the Laws of the Commonwealth. All buildings, structures and activities within such buildings and structures shall conform to the General Fire Regulations of Pennsylvania and the International Building Code's Fire Prevention Code.

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§1000-502. Radioactivity; electrical disturbances.

- A. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of television and radio broadcasting transmissions or other equipment in the vicinity or to the extent that the operator of any equipment not owned and/or operated by the creator of such disturbance is adversely affected.
- B. There shall be no activities that emit radioactivity at any point, excepting where strict compliance with the Rules and Regulations of the National Bureau of Standards of the United States Department of Commerce and similar regulations of the Commonwealth of Pennsylvania are adhered to.

§1000-503. Noise.

- A. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.
- B. Noise resulting from alarms, sirens, emergency work, normal lawn and landscaping care, traffic and agricultural use shall be exempt from the requirements of this section. Noise from the operation of heavy construction/excavation equipment shall be permitted as defined in §1000-513.
- C. No noise from recordings, loudspeakers or public address systems shall be allowed which interferes with the reasonable enjoyment or use of adjacent residential properties.
- D. Sound levels shall be measured with a sound level meter or sound level octave band analyzer that conforms to the standards and specifications published by the American Standards Association. Noise incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. (American Standard Sound Levels for Measurement of Noise and Other Sounds, 224, 3-1944, American Standards Association, Inc., New York, New York, shall be used.)

§1000-504. Vibrations.

- A. Vibrations detectable without instruments on neighboring property in any district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted.
- B. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

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§1000-505. Odors.

- A. For purposes of this section, the “odor threshold” is defined as the minimum concentration in air of a gas, vapor or particulate matter that can be detected.
- B. No use other than agricultural in any zoning district may generate any odor that reaches the odor threshold measured at:
 - 1. The outside boundary of the immediate space occupied by the enterprise generating the odor.
 - 2. The lot line if the enterprise generating the odor is the only enterprise located on a lot.
- C. The release of odorous matter from any zoning district across residential, commercial, or industrial district boundary lines shall be so controlled that at ground level or at habitable elevation, the concentration shall not exceed the odor threshold. As a guide in determining qualities of offensive odors, Table III (Odor Threshold), Chapter 5, Air Pollution Abatement Manual, by Manufacturing Chemists Association, Inc. (as amended), may be used.

§1000-506. Smoke.

- A. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

§1000-507. Air pollution.

- A. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.
- B. No zoning certificate, building permit, conditional use or use by special exception approval that has the potential to generate air pollution may be issued by the Office of Planning, Zoning & Community Development until the appropriate permits from the Pennsylvania Department of Environmental Protection’s Air Quality Program have been obtained and the land development is otherwise in compliance with applicable air pollution laws.

§1000-508. Glare.

- A. Lighting devices that produce greater than one and one-half (1.5) foot-candles of direct or reflected glare at the property line of a lot or adjoining public-right-of-way shall not be permitted. Proposed photometrics shall be defined and illustrated as part of a land development plan application.

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- B. The average intensity of outdoor lighting on a lot shall be twenty-five (25) foot-candles, whereas the maximum intensity of direct or reflected glare on the ground at any given point on the lot shall be eighty (80) foot-candles, unless otherwise approved by the Zoning Hearing Board. Uses existing prior to the date of this ordinance shall be exempt from said maximum intensity. In such cases, the maximum foot-candles intensity found on the said lot shall not exceed their current intensity.
- C. The height of a lighting device from the ground to the top of the device shall not exceed twenty-five (25) feet for residential development outside of the public right-of-way. The height of a lighting device from the ground to the top of the device shall not exceed thirty-five (35) feet for non-residential development outside of the public right-of-way with the exception of such devices for stadiums, driving range, golf courses, ski slopes, amphitheaters, facilities, public parks or playgrounds or unless approved by the Zoning Hearing Board.
- D. The height of a lighting device situated within the airport hazard overlay may be restricted based on the review and recommendation of the governing airport authority.

§1000-509. Erosion.

- A. Impacts of erosion shall be determined by the Fayette County Conservation District or equivalent authorizing authority.

§1000-510. Water pollution.

- A. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP), the United States Environmental Protection Agency (US EPA) and the Pennsylvania Fish and Boat Commission. No land development shall be approved by the Planning Commission until the necessary permits from the Pennsylvania Department of Environmental Protection's (DEP) State Water Pollution Control Program have been obtained.
- B. Upon notification by an individual or party of a possible water pollution discharge, the Zoning Officer will contact the DEP. DEP will conduct all necessary testing and will make recommendations.
- C. No use in any zoning district may discharge any waste contrary to the provision of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.
- D. No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

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§1000-511. Excavation, filling and grading.

- A. Cut and fill slopes shall comply with the requirements of this Chapter. All finished cut and fill slopes shall be subject to approval by Fayette County's Soil Conservation District and shall have a grade of not more than two (2) feet horizontal for every one (1) foot vertical. All cut and fill slopes greater than twenty (20) feet in elevation or depression must be designed by a certified soils engineer or a certified geologic engineer. The engineer who designs the slope must certify that it is stable upon completion. The Fayette County Office of Planning, Zoning and Community Development may require that a fence or other barrier be placed in a location which will prevent anyone from nearby properties access to a cut or fill slope.
- B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a time period of November 1 and April 1. In such case, the required sodding or seeding shall occur within two (2) weeks of April 1. This shall be applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. During non-growing seasons, appropriate measures shall be taken, such as but not limited to siltation dams, to prevent erosion by wind or water. In addition to the measures stated above, the landowner and/or developer shall provide assurances that all requirements will be complied with at the beginning of the next growing season.
- C. If a geotechnical report with final design certification is included with the development submission, then the standard grading and slope requirements may be modified.

§1000-512. Disturbance near water courses.

- A. No cutting, filling or other disturbing of land or natural vegetation is permissible within fifty (50) feet from the top of the bank of the perennial or intermittent streams, except as permitted by action of the Zoning Hearing Board and/or federal, state, county or local agencies having jurisdiction over such matters. In cases where the Zoning Hearing Board determines that a hardship running with the land exists as a result of this requirement, a variance may be granted, provided that special precautions can be and are ordered to be taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

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§1000-513. Permitted hours.

- A. The operation of heavy construction/excavation machinery (including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jack hammers) and the use of construction equipment such as saws, drills or other types of machinery used outside a structure in conjunction with major commercial, industrial and/or residential development shall be prohibited when it is determined the noise is sufficient to disturb the peace and tranquility of the general public. These provisions shall be applicable throughout the entire County between the hours of 10:00 p.m. to 5:00 a.m., Monday through Saturday and all day Sunday and on Federally designated legal holidays, except in cases of emergencies involving life or property as designated by emergency personnel.

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ARTICLE VI

Non-Conforming Uses, Structures and Lots

§1000-600. Procedure.

A. Residential uses and accessory uses to residential development.

1. The Chief of Zoning, Zoning Officer or other appointee recognized by the Zoning Office shall review, evaluate and approve application for modification related to the following non-conforming uses.
 - a. Non-conforming residential uses existing prior to the date of the ordinances.
 - b. Accessory uses to a residential lot prior to the date of this ordinance.
 - c. Those uses legally existing, approved and recognized by the Zoning Hearing Board based on applicable County documents dated 1968 or before.
2. The landowner and/or developer shall present legal documentation such as tax records or a recorded plot at the time of application.
3. If approval for said application for modifications is denied by the Zoning Officer or said appointee, the landowner and/or developer shall present said application in to the Zoning Hearing Board for review and approval.

B. All other uses:

1. The Zoning Hearing Board shall review, evaluate and approve or deny all applications for modification to non-conforming uses not identified by §1000-600.A.

§1000-601. Non-conforming uses.

The following provisions shall apply to all non-conforming uses.

- A. Continuation and change. A non-conforming use may be sold or otherwise transferred to other owners and may be continued, but shall not be changed in use unless to a conforming use.
- B. The non-conforming use must be legally existing, approved and recognized by the Zoning Hearing Board based on applicable County documents dated 1968 or before.
- C. Enlargement or expansion.
 1. Where a non-conforming use is conducted inside a building or structure, the floor area of the structure and the non-conforming use within it may be enlarged when permitted by the Zoning Hearing Board in accordance with Article VIII of this Chapter.

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2. Any non-conforming use may be extended throughout any part of a structure which was designed for such use at the time the use became non-conforming; however, a non-conforming use shall not be extended to occupy any structure or portion of a lot, except on a lot or portion of a lot owned at the time the use became non-conforming. This shall be approved by the Zoning Hearing Board according to this Chapter.
 3. This Subsection shall not apply to signs.
- D. **Damage and reconstruction.** Any structure which houses an officially recognized non-conforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within twelve (12) months of such casualty and if the restored structure has no greater lot coverage and contains no greater volume than before such casualty.
- E. **Abandonment.** In the event that any non-conforming use conducted in a structure or on a lot is abandoned for a period of twelve (12) consecutive months or longer, such non-conforming use shall be deemed to be abandoned and shall not be resumed. Once the non-conforming use is abandoned, the building or structure and-or lot shall not be used except in conformance with the regulations of the zoning district in which it is located.

§1000-602. Non-conforming structures.

The following provisions shall apply to all legally existing non-conforming structures, as defined by this Chapter, in all zoning districts:

- A. **Structural alteration.** No such structure may be enlarged or structurally altered in a way that increases its non-conformity, except when the Zoning Hearing Board, after a public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- B. **Damage or destruction.** Any non-conforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within two (2) years of the date that the original structure was damaged or destroyed.
- C. **Moving.** Should a non-conforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. **Legally recognized signs.**
 1. Non-conforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, non-conforming signs which are damaged or destroyed to an extent of more than seventy-

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five percent (75%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter.

2. Non-conforming signs may not be enlarged, added to or replaced by another non-conforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- E. Repair or maintenance. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety.
- F. If a subdivision or land development plan is proposed with a legally existing structure(s), which encroaches upon the existing lot line (within the setback regulations) of the ordinance, the county planning staff may grant relief from said encroachment, provided the structure(s) can be documented to have existed prior to October 16, 1968.
 - a. The existing lot line can't be changed due to the subdivision and/or land development plan.
 - b. If relief is granted, it shall only apply to existing lot lines of the subdivision or land development; whereas, the subdivision or land development is not requesting any other variance from the provisions of the ordinance.
 - c. A notation on the subdivision or land development shall be indicated on the plan, prior to recording, indicating the relief from the setback requirements. Clearly stated on the plan " the relief of the setback requirements is only approved to the existing structure prior to 1968; whereas, any future replacement/additions to the structure(s) shall comply with the regulations of the zoning ordinance.
 - d. In the event the county planning staff does not agree with the documentation submitted for relief, the applicant may petition the Fayette County Zoning Hearing Board for a variance from the setback requirements.

§1000-603. Non-conforming lots.

The following regulations shall apply to all non-conforming lots, as defined by this Chapter, in any zoning district:

- A. Any legally recorded lot or subdivision existing at the effective date of this Chapter may be developed in accordance with the requirements of Article II.
- B. No division of any lot shall be made which does not comply with the requirements of this Chapter. Any change in lot lines necessary to meet the minimum requirements of this Chapter shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Fayette County Subdivision and Land Development Plan..
- C. Any legally recorded lot or subdivision existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of Article II.

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- D. For residential uses within a Residential or Conservation or Agriculture Zoning District on a lot legally existing before 1968, where structures exist on adjacent non-conforming lots which have front yards less than the minimum depth required, the minimum side and/or rear yard for an adjacent undeveloped non-conforming lot shall be in accordance with Table 2.
- E. When the side and/or rear yards of any developed legally existing non-conforming lot(s) are less than the minimum depth required, any adjacent undeveloped non-conforming lot shall have the average depth of the non-conforming side and/or yards.

§1000-604. Continuation.

- A. Subject to the provisions of this section, any legally existing non-conforming lot, non-conforming building or structure or non-conforming use may be continued even though such lot, building, structure or use does not conform with the provisions of these regulations for the district in which it is located.

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ARTICLE VII

Conditional Uses

§1000-700. Application.

- A. All applications for conditional use approval 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. In case of conflicting requirements, the following express standards and criteria shall take precedence.
- B. All applications for conditional use 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.

§1000-701. Procedure.

- A. Applications for conditional uses shall be filed with the Zoning Officer. The Zoning Officer shall forward copies of the application to the Planning Commission and to the Board of County Commissioners for review and approval.
- B. The Planning Commission shall forward its recommendation to the Board of County Commissioners within forty-five (45) days of the regular meeting at which the application is accepted as complete and is first considered unless the petitioner agrees, in writing, to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.
- C. In considering an application for conditional use approval, the Board of County Commissioners shall hold a public hearing thereon, pursuant to public notice, provided that the Board of County Commissioners act on the application within sixty (60) days of the date of the meeting at which the hearing on the application is closed. The Board of County Commissioners may attach such conditions as they deem necessary to the approval of any conditional use.
- 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 Board of County Commissioners, and conditions attached by the Board of County Commissioners which, taken together, shall be known as the "approved plan." Any development contrary to the approved plan shall constitute a violation of this Chapter.

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- E. Any conditional use which is approved by the Board of County Commissioners shall be valid for a period not to exceed one (1) year. Any conditional use approval which 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.

§1000-702. General standards.

In addition to the express standards and criteria established by the Planning Commission, the Board of County Commissioners shall consider the following general standards in reviewing all conditional uses:

- A. Whether the establishment, maintenance, location and operation of the proposed use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. Whether the proposed use will be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes permitted.
- C. Whether the establishment and proposed use will impede the normal and orderly development and improvements of surrounding properties for uses permitted in that zoning district.
- D. Whether adequate facilities, access roads, drainage or other necessary facilities have been or will be provided.
- E. Whether adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- F. Whether the proposed use will, in all other respects, conform to the applicable regulations or to the district in which it is located.

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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.

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- 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.

§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 runaway facility of an airport.

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- 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.
- 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

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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 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

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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

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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%).
- 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.

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§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 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:

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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 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

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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.

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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 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.

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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 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

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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.

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§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 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.

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- 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.

§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.

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- 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.

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

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- 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

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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 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.

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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.
- 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.

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§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.

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- 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 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.

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- 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 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.

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- 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 hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- 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 interference with other existing equipment on existing communications towers or other tall structures.

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- 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.

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- 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 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.

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- 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.
- 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.

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- 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.
- 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.

§1000-826. 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.

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- 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%)

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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 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.

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- 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.

§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.

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§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.

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- 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 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.

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- 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 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 within 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.

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- 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.

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- 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.

§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.

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§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 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.

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- M. The owner(s) and operator(s) of a junkyard 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.
- 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.

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

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- 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 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 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.
- 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.

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§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 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.

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- 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.

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- 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 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.

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- 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.
- 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.

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§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.

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- H. A non-communication tower may not be located within 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 non-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 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.

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- 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.
- 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.

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- 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.

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- 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.

§1000-857. 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.

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§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 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.

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

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- 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.

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- 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.
- 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.

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- 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.
- 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.

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- 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 ¹.

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.

¹. Not considered a convenience store

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- 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.
- 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

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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 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.

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- 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.

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- 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 semi-public 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 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.

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§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 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.

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- 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.

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.

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- 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 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.

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- 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.

- 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.

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ARTICLE IX

Rezoning

§1000-900. Rezoning application requirements.

- A. To protect the safety, capacity and efficiency of the County's and/or a Municipality's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Comprehensive Development Plan for Fayette County, all rezoning applications may be required to demonstrate the compatibility of a rezoning proposal.
- B. All rezoning applications shall be completed on the official forms provided by the Office of Planning, Zoning and Community Development. Each plan, analyses and report shall be completed in accordance with the requirements defined in this Chapter, unless otherwise specified by the Planning Director.
- C. The Planning Commission and Board of County Commissioners as part of the rezoning approval process will consider the conclusions of each plan, analysis and report.
- D. Types of Rezoning Applications.
 - 1. An application for a change of district to A-1 (Agriculture Rural), R-A (Low Density Residential), R-1 (Moderate Density Residential), R-2 (High Density Residential), or C (Conservation) shall:
 - a. Contain a minimum of five (5) acres. The area, should more than one (1) parcel of land be involved, shall be contiguous exclusive of streets or easements; or
 - b. If requesting an extension, be contiguous exclusive of any streets or easements, with the minimum lot size requested (proposed) zoning district as identified in Table 2 or Table 4. For example, a petition of R-A required one (1) acre; or
 - c. If requesting an extension with a lot (one parcel of land) existing prior to the adoption of said Ordinance that is legally recognized under the 1968 Fayette County Subdivision and Land Development Ordinance, be contiguous exclusive of any streets or easements.
 - 2. An application for a change of district to M-1 (Light Industrial) or M-2 (Heavy Industrial) shall:
 - a. Contain a minimum of ten (10) acres. The area, should more than one (1) parcel of land be involved, shall be contiguous exclusive of any streets or easements; or
 - b. If requesting an extension, be contiguous exclusive of any streets or easements, with the minimum lot size of five (5) acres; or

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- c. If requesting an extension with a lot (one parcel of land) existing prior to the adoption of said Ordinance that is legally recognized under the 1968 Fayette County Subdivision and Land Development Ordinance, be contiguous exclusive of any streets or easements.
 3. An application for a change of district to B-1 or B-2 (Business/Commercial) shall:
 - a. Contain a minimum of five (5) acres. The area should more than one parcel of land be involved, shall be contiguous exclusive of any streets or easements; or
 - b. If requesting an extension, be contiguous exclusive of any streets or easements with the minimum lot size of 21,780 square feet;
 - c. If requesting an extension with a lot (one parcel of land) existing prior to the adoption of said Ordinance that is legally recognized under the 1968 Fayette County Subdivision and Land Development Ordinance, be contiguous exclusive of any streets or easements.
- E. The plans, analyses and reports to be submitted as part of a rezoning application shall include the following:
 1. Proposed land development program (narrative);
 2. Sketch plan illustrating roads, major parking areas and development parcels, housing units and recreation facilities (if appropriate);
 3. A copy of the property deed from the County Recorders' Office;
 4. Sewage disposal report (see Subdivision and Land Development Ordinance);
 5. A copy of a percolation test if the lot is not served by public sanitary sewer;
 6. Calculation of estimated average daily traffic demand based on proposed land development program;
 7. Environmental Assessment/Analysis, if applicable;
 8. Documentation on the structures and use of the parcel(s);
 9. Documentation on the impact of the local school district as a result of the proposed development; and
 10. The Planning Commission and Board of County Commissioners reserve the right to require additional information as part of the review and approval processes.

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- F. Applications for rezoning shall not be accepted for any property (or part thereof) for which an application had been heard and the decision for denial by the Board of County Commissioners within the preceding twelve (12) months.
- G. The foregoing requirements shall not limit the introduction of amendments on their initiative by the Board of County Commissioners.

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ARTICLE X

Administration and Enforcement

§1000-1000. Planning Director.

- A. The Planning Director shall be appointed by the Board of County Commissioners and shall hold no elective office in the municipalities under governance of Fayette County. The Planning Director shall meet the qualifications established by the County and shall be able to demonstrate, to the satisfaction of the County, a working knowledge of planning and development. The Planning Director shall have the following powers and duties:
1. To be the administrator of the Office of Planning, Zoning and Community Development.
 2. To advise county, municipal officials and the public on:
 - a. Modifications to the Comprehensive Development Plan for Fayette County.
 - b. Traffic problems.
 - c. Preparation and modification of maps and ordinances.
 3. To review plan submissions with subdivision and land development applications.
 4. To advise landowners, developers and municipal officials in regard to the County's planning practices and procedures.
 5. To encourage sound planning practices in accordance with the Comprehensive Development Plan for Fayette County.
 6. To create an annual report of County sponsored planning activities and present the information to the Planning Commission and Board of County Commissioners each year.

§1000-1001. Zoning Officer.

- A. The Zoning Officer shall be appointed or assigned by the Board of County Commissioners or approved designee. The Zoning Officer shall hold no elective position in the Municipalities under the governance of Fayette County. The Zoning Officer shall meet the qualifications established by the County and shall be able to demonstrate, to the satisfaction of the County, a working knowledge of planning and development. The Zoning Officer shall have the following powers and duties:
1. To administer and enforce the provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

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2. To refer applications for conditional use to the Planning Commission in accordance with Article VII of this Chapter and to refer applications for uses by special exception and variances to the Zoning Hearing Board in accordance with Article VIII of this Chapter.
 3. To issue zoning certificates in accordance with §1000-1004.
 4. To maintain a permanent file with all zoning certificates and applications as public records.
 5. Enter upon any land with the consent of the landowner, to make examinations and surveys in the performance of its functions.
 6. To receive applications for registration of non-conforming uses and, upon presentation of acceptable documentation that the use or structure was legally in existence prior to the effective date of this Chapter or any amendment thereto, shall register all non-conforming uses and structures as required by law. A certificate setting forth the existing zoning shall then be issued to the owner of said use or structure. The Zoning Hearing Board is the body to approve or decline non-conforming uses.
 7. To review applications for Subdivision and Land Development in accordance with the County's Subdivision and Land Development Ordinance.
- B. The Zoning Officer shall be empowered to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

§1000-1002. Planning Commission.

- A. The Planning Commission members shall be appointed by the Board of County Commissioners and shall be a resident of Fayette County.
- B. The Planning Commission shall consist of not less than three (3) members nor more than nine (9) members. The term of each of the members shall be for four (4) years, or until his successor is appointed and qualified.
- C. The Planning Commission shall at the request of the Board of County Commissioners have the power and shall be required to:
 1. Prepare the Comprehensive Plan for the development of the County as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 302 and present it for the consideration of the Board of County Commissioners.
 2. Maintain records of its actions. All records and files of the Planning Commission shall be in the possession of the Office of Planning, Zoning and Community Development.
- D. The Planning Commission may at the request of the Board of County Commissioners:

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1. Make recommendations to the Board of County Commissioners concerning the adoption or amendment of the Fayette County Official Zoning Map.
2. Prepare and present to the Board of County Commissioners a Fayette County Zoning Ordinance and make recommendations to the Board of County Commissioners on proposed amendments to the Fayette County Zoning Ordinance as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 609.
3. Prepare, recommend and administer subdivision and land development as set forth in this Chapter.
4. Review the Fayette County Zoning Ordinance, and Official Zoning Map and such other ordinances and regulations governing the use and development of land no less frequently than it reviews the Comprehensive Development Plan for Fayette County.
5. Prepare and present to the Board of County Commissioners a building code and a housing code and to make recommendations concerning amendments thereto. The International Building Code will be used as a basis for making recommendations.
6. Prepare and present to the Board of County Commissioners a study regarding the feasibility and practicality of using renewable energy sources in specific areas within the County.
7. Prepare and present to the Board of County Commissioners an environmental study.
8. Perform studies and analyses as may be necessary to fulfill the duties and obligations imposed by this Chapter.
9. Promote public interest in and understanding of the Comprehensive Development Plan for Fayette County.
10. Hold public hearings and meetings.
11. Present testimony before any board or authority of the County.
12. Require from other departments, agencies or authorities of the County such available information as it relates to the work of the Planning Commission.
13. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by Act 247, the Pennsylvania Municipalities Planning Code.
14. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

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§1000-1003. Board of County Commissioners.

- A. Under this Chapter, the Board of County Commissioners shall have the duties of:
1. Appointing and hiring the Planning Director.
 2. Appointing and hiring the Zoning Officer.
 3. Considering and adopting or rejecting proposed amendments or the repeal of this Chapter, as provided by law; and of establishing a schedule of fees and charges.
 4. Organizing and appointing a Zoning Hearing Board of at least three (3) members but no more than five (5) members.
 5. Organizing and appointing a Planning Commission of three (3) to nine (9) members.
 6. Reviewing and rendering final adjudications regarding applications for conditional uses from the terms of this Chapter and other applicable ordinances.
 7. Amending this Chapter as proposed by a member of the Board of County Commissioners, by the Planning Commission or by petition of a person owning property within the County.
 8. Scheduling and holding public hearings.
 9. Under no circumstances shall the duties of the Board of County Commissioners include hearing and deciding questions of code enforcement that may arise from time to time.
 10. Reviewing and rendering final adjudications regarding applications for rezoning.

§1000-1004. Zoning certificate.

- A. A zoning certificate shall be issued upon a request to certify:
1. Correct zoning classification.
 2. Compatibility of existing land uses.
 3. Compatibility of proposed land uses.
 4. Legal status of a non-conforming use, structure or lot.
- B. Requests for a zoning certificate shall be accompanied by a land development plan, as defined by this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.

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§1000-1005. Occupancy permit.

- A. An occupancy permit, attesting that the use and structure is in compliance with this Chapter and all other ordinances of the County now or hereafter in effect, shall be obtained before any person may occupy or use any structure hereafter constructed, reconstructed, moved, structurally altered or enlarged. Permits will be issued after the standards of the International Building Code have been met and approved.
- B. An occupancy permit shall be required for any change in occupancy or use of any structure or lot in any district, whether or not there is any construction, reconstruction, structural alteration or movement of the structure, where such change will generate, on the average, an additional twenty (20) or more peak hour trips on any adjacent street.
- C. Upon inspection by the applicable County Official or assigned designee and a determination that all applicable regulations and any conditions attached to the issuance of any permits have been met, the Zoning Officer shall issue the occupancy permit.

§1000-1006. Permits for temporary structures.

- A. The Zoning Officer may issue permits for temporary structures concurrent with a valid building or grading permit, including and limited to construction trailers and sales offices for lots or other approved land developments. Permits for temporary structures related to construction work authorized by a valid building or grading permit shall be issued by the Zoning Officer only for that time that the work authorized under the permit is in progress and during the time that the permit remains otherwise valid. Temporary structures must be placed off of any public right-of-way. Any driveway or parking area for the temporary structure shall be constructed of gravel or other aggregate material. Any portable sanitary facility such as a port-o-john located on the lot are required to be maintained in a sanitary manner in accordance with the Pennsylvania Sewage Facilities Act.
- B. The permit for such temporary structure shall be valid for a period not to exceed six (6) months and may be renewed for an additional six (6) month period upon demonstration of continued need for the structure; however, all such temporary structures shall be removed immediately upon completion of construction and/or the complete sale of lots for which the temporary structure was authorized. Any revocation of the building or grading permit for the related construction or land development shall result in revocation of the temporary permit.

§1000-1007. Enforcement remedies.

- A. Except where a different penalty is provided, any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by Fayette County, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a

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violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the County may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the County.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this section.

§1000-1008. Enforcement notice.

The enforcement notice shall contain the following information:

- A. The name of the landowner and any other person against whom the County intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed. The County provides for a thirty (30) day compliance period upon receipt of the violation notice. Compliance shall be met by obtaining the proper zoning/building permit or by adherence to the section of the Ordinance violated.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the violation notice a prescribed period of time in accordance with procedures set forth in this Chapter.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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§1000-1009. Amendments.

The Board of County Commissioners may amend the text of this Chapter as proposed by a member of the Board of County Commissioners, by the Planning Commission or by a petition of a landowner within the County in accordance with the following provisions:

- A. Petitions for amendment, other than curative amendments, shall be filed with the County Office of Planning, Zoning and Community Development and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with the schedule fixed by resolution. A proposed amendment by a petitioner, other than a curative amendment, shall be introduced before the Board of County Commissioners following notice of receipt by the Planning Commission at which time a public hearing shall be scheduled by the Board of County Commissioners to consider the proposed amendment. A curative amendment shall be acted upon in accordance with the procedures specified in Act 247, the Pennsylvania Municipalities Planning Code § 609.
- B. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review at least thirty (30) days prior to public hearing by the Board of County Commissioners. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Board of County Commissioners.
- C. In the case where a proposed amendment involves the rezoning of property, one (1) public notice shall be posted on and around the affected property for a minimum of seven (7) days prior to the date of the public hearing.
- D. Before voting on the enactment of an amendment and within sixty (60) days of the public meeting at which the application is officially received and referred to the Planning Commission, the Board of County Commissioners shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment, the proposed amendment is substantively revised or further revised to include land previously not affected by it, the Board of County Commissioners shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
- E. The petitioner shall submit the amendment to the Fayette County Office of Planning, Zoning and Community Development or its designee for review and comment at least thirty (30) days prior to the public hearing.
- F. The Board of County Commissioners shall act on a proposed text amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the Board of County Commissioners does not act on the proposed text amendment within ninety (90) days of the date of the public hearing on the amendment, the amendment shall immediately become effective.

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- G. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the Fayette County Office of Planning, Zoning and Community Development or its designee.
- H. The Board of County Commissioners may offer mediation, as defined by this Chapter, as an aid in completing the proceedings authorized by this section. The County and the mediating parties shall meet the stipulations of §1000-1107 of this Chapter governing mediation.

§1000-1010. Landowner curative amendments.

Any landowner and/or developer who wishes to challenge, on substantive grounds, the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Board of County Commissioners, in the form the landowner and/or developer proposes it be adopted, together with a written request that his/her challenge and proposed amendment be heard. The Board of County Commissioners shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving the request at a regular monthly meeting.

- A. Referral to Planning Commission. The curative amendment and challenge shall be referred to the Planning Commission and the Fayette County Office of Planning, Zoning and Community Development or its designee at least thirty (30) days prior to the public hearing for review and comment. The Board of County Commissioners shall conduct the hearing in accordance with regulations governing a hearing before the Zoning Hearing Board as stipulated in §1000-1104 of this Chapter.
- B. Declaration of invalidity by the court. If the County does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. Evaluation of merits of curative amendment. If the Board of County Commissioners determine that a validity challenge has merit, the Board of County Commissioners may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of County Commissioners shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Fayette County Zoning Map.

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ARTICLE XI

Appeals

§1000-1100. Zoning Hearing Board.

The Board of County Commissioners shall appoint a Zoning Hearing Board, which the Zoning Hearing Board shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings and keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule fixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and duties specifically granted by the Pennsylvania Municipalities Planning Code.

- A. **Membership.** The membership of the Zoning Hearing Board shall consist of at least three (3) but no more than five (5) residents of the County appointed by the Board of County Commissioners. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of County Commissioners when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the County, including membership on the Planning Commission, as the Planning Director, or as a Zoning Officer.
- B. **Appointment of alternate members.** The Board of County Commissioners may appoint by resolution at least one (1), but no more than three (3) residents of the County to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection C, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the County, including membership on the Planning Commission, as the Planning Director, or as a Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to Subsection C.
- C. **Participation by alternate members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an

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alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- D. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of County Commissioners.
 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of this Chapter.
 3. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot. The Zoning Hearing Board shall have the final determination pursuant to this chapter.
 4. Appeals from a determination by the Office of Planning, Zoning and Community Development with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 5. Applications for variances from the terms of this Chapter or such provisions within a land use ordinance pursuant to §1000-1102.
 6. Applications for use by special exception under this Chapter or such provisions within a land use ordinance pursuant to §1000-1103.
 7. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
 8. Appeals from the determination of the Fayette County Fayette County Office of Planning, Zoning and Community Development in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development.
- E. The Zoning Hearing Board may reverse, affirm, or modify the order, requirement or decision or determination appealed and to that end shall have all powers granted to the role of the Zoning Officer position.

§1000-1101. Procedure.

- A. Any person or County official aggrieved or affected by any provision of this Chapter or by any decision of the Zoning Officer or other County official may file an appeal in a timely fashion as provided for by the rules of the Zoning Hearing Board.

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B. Challenges to the validity of this Chapter or the Official Zoning Map.

1. Any person aggrieved by a use or land development of another person which is authorized by this Chapter or the Official Zoning Map or any amendment thereto shall submit his/her challenge, in writing, to the Zoning Hearing Board under Section 909.1 of the Pennsylvania Municipalities Planning Code, stating the substantive grounds for the challenge.
2. Any landowner and/or developer who, on substantive grounds, desires to challenge the validity of this Chapter or the Official Zoning Map or any amendment thereto under § 916.1 of the Pennsylvania Municipalities Planning Code shall submit a written request to the Zoning Hearing Board containing all of the information required by §916.1(c) of the Pennsylvania Municipalities Planning Code.

§1000-1102. Variances.

A. The applicant must provide evidence to the Zoning Hearing Board regarding the need for the variance based upon the following criteria:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is not financial and is due to such unique physical conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the zoning district in which the lot is located.
2. That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.
3. That such unnecessary hardship relating to unique physical circumstances of the property has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. The grant of a variance will expire six (6) months after the date of the Board's written decision unless:

1. The applicant has applied for and obtained a building permit and commenced construction, or

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2. In a case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.
- C. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.

§1000-1103. Special exceptions.

- A. The Zoning Hearing Board shall have the power to decide applications for use by special exception as specified in this Chapter in harmony with its general purpose and intent and in accordance with the standards set forth. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Article VIII of this Chapter. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to properly implement this Chapter and to protect the public's health, safety and welfare.
- B. Applicants for a use by special exception shall submit a land development plan, as defined by Article VIII of this Chapter, and a fee as established from time to time by resolution of the Board of County Commissioners. The land development plan shall be accompanied by a written application in a form prescribed by the County, including an indication of compliance with the express standards and criteria specified in Article VIII of this Chapter.

§1000-1104. Hearings.

- A. The public hearing shall be held within sixty (60) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Chapter. In addition to public notice, as defined herein, the Zoning Hearing Board shall post at least one (1) copy of the notice on the affected property and shall mail a copy of the notice by regular US Mail.

§1000-1105. Decisions.

- A. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Chapter or any other land use ordinance, rule or regulation or any provision of the Pennsylvania Municipalities Planning Code shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his/her decision or findings are final, the Zoning Hearing Board shall report and make recommendations available to the parties within forty-

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five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

B. Deemed decisions.

1. Where the Zoning Hearing Board fails to render the decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
2. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to the Fayette County Court of Common Pleas.

- C. Eligibility of Applications, Petitions and Appeals- Applications, petitions and appeals shall not be accepted on any matter for which an application, petition or appeal has been heard and decided by the Board within the preceding twelve (12) months.

§1000-1106. Fees and expenditures.

- A. Within the limits of funds appropriated by the Board of County Commissioners, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
- B. The Board of County Commissioners may, from time to time, establish reasonable fees by resolution for hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. Stenographer's appearance fee and transcripts. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

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§1000-1107. Mediation option.

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Prior to initiating a mediation proceeding, the County and the affected parties shall develop terms and conditions for:
 - 1. Funding mediation.
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - 3. Completing mediation, including time limits for such completion.
 - 4. Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, provided that there is written consent by the mediating parties and by an applicant or County decision making body, if either is not a party to the mediation.
 - 5. Identifying all parties and affording them the opportunity to participate.
 - 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - 7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this Chapter.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§1000-1108. Time limitations.

- A. No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate County officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given. If

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such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.

- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or planned non-residential development or from an adverse decision by a Zoning Officer on a challenge to the validity of a Chapter or map filed pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days from the date of the official written findings (entry of decision) of the Zoning Hearing Boarding.

§1000-1109. Stay of proceedings.

- A. Upon the filing and pending of any proceeding before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order of approval of the Zoning Officer or of any agency or body and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- B. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Fayette County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by this Chapter.

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ARTICLE XII

Heritage Preservation

The purpose of this Article is for future amendments that will address economic development through tourism, and put in place appropriate code language to protect, enhance and develop Fayette County's natural, cultural, historic and heritage assets in accordance with the Pennsylvania Municipalities Planning Code, citations for which are included below.

Municipalities Planning Code

Section 603. Ordinance Provisions.

(g) (2) zoning ordinances shall provide for protection of natural and historic features and resources.

Section 604. Zoning Purposes. The provisions of zoning ordinances shall be designed:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and property density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

Section 605. Classifications.

- (2) For the regulation, restriction or prohibition of uses and structures at, along or near:
 - (vi) places having unique historical, architectural or patriotic interest of value; or
 - (vii) flood plain areas, agricultural areas, sanitary landfills, and other places having special character or use affecting and affected by their surroundings.

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APPENDICES

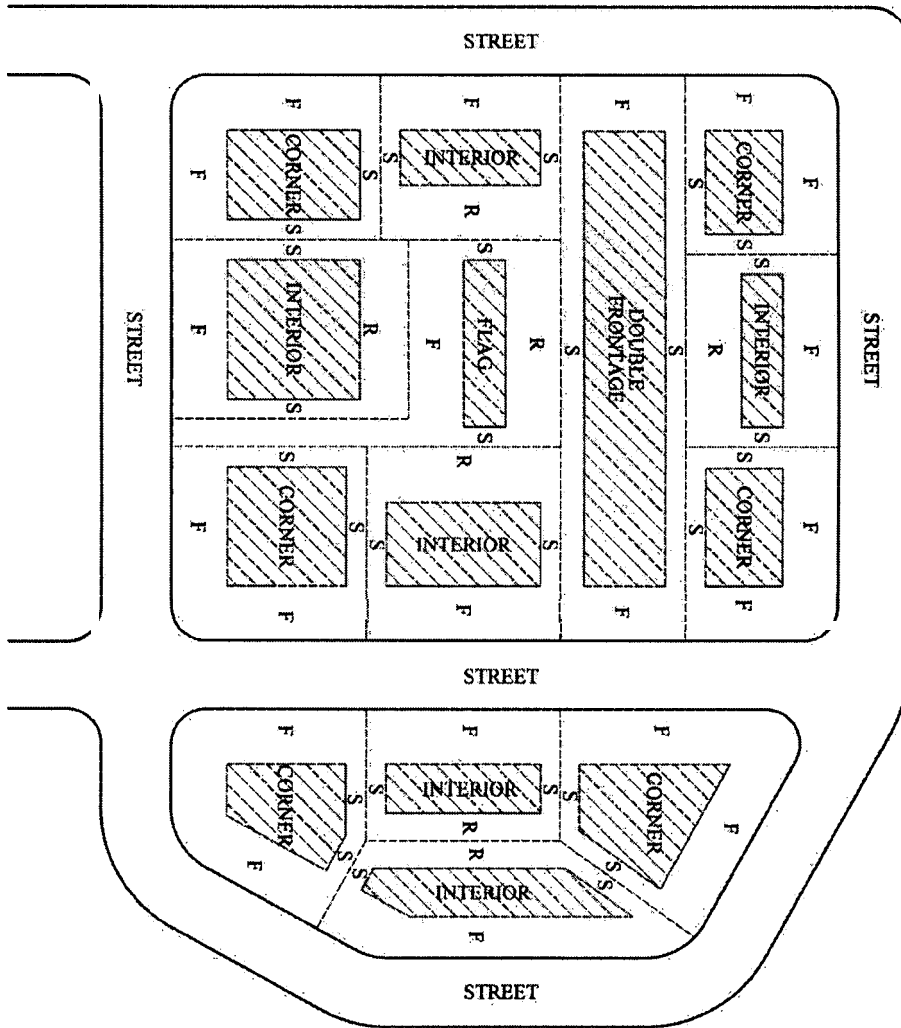
Appendix 1	Lot Types and Yard Definitions
Appendix 2	Yard and Lot Coverage
Appendix 3	Building Heights
Appendix 4	Clear Sight Triangle Criteria
Appendix 5	Bufferyards

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APPENDIX 1

Lot Types and Yard Definitions

S - SIDE YARD
F - FRONT YARD
R - REAR YARD

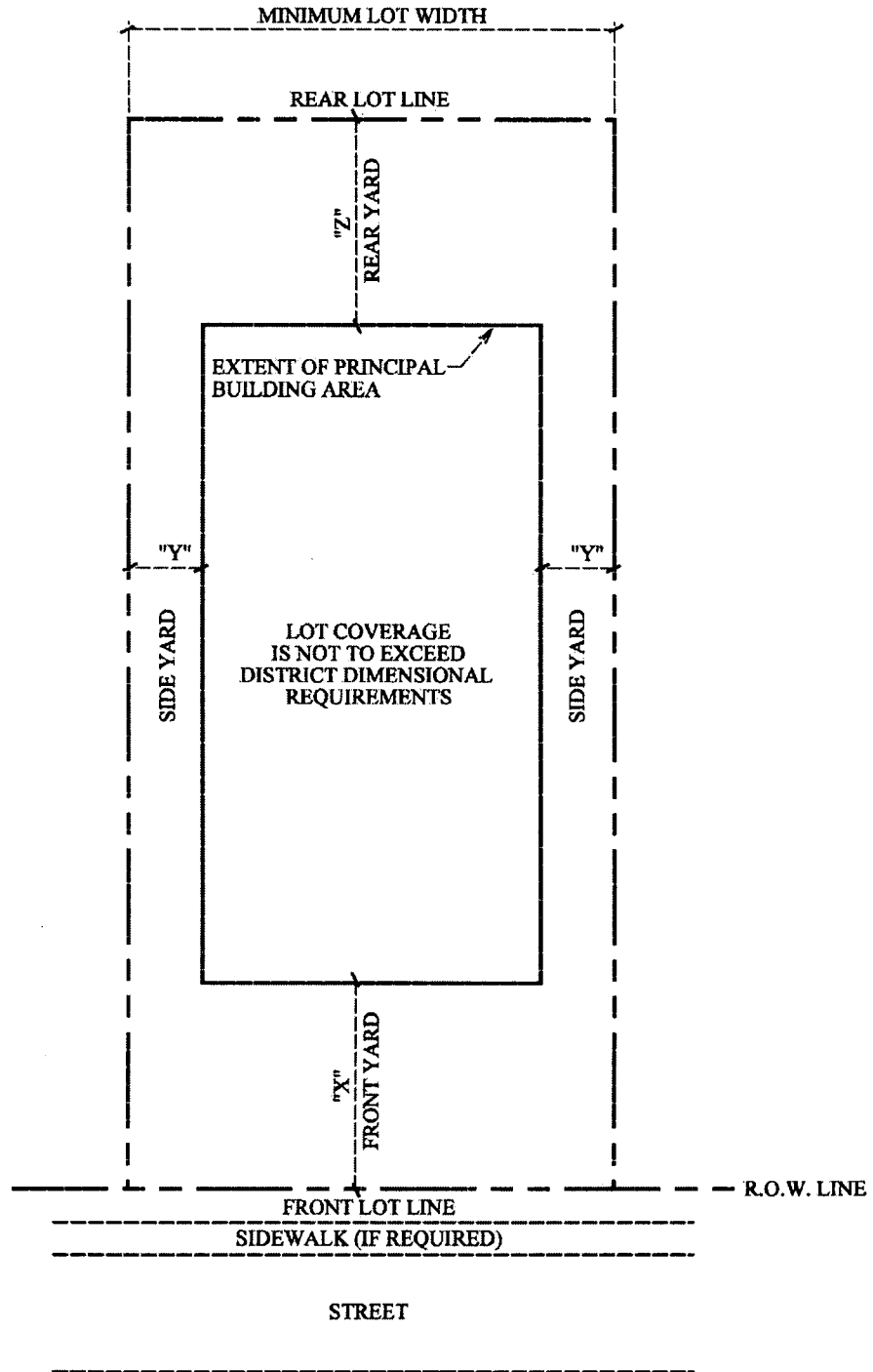


LOT TYPES & YARD DEFINITIONS

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APPENDIX 2

Yard and Lot Coverage

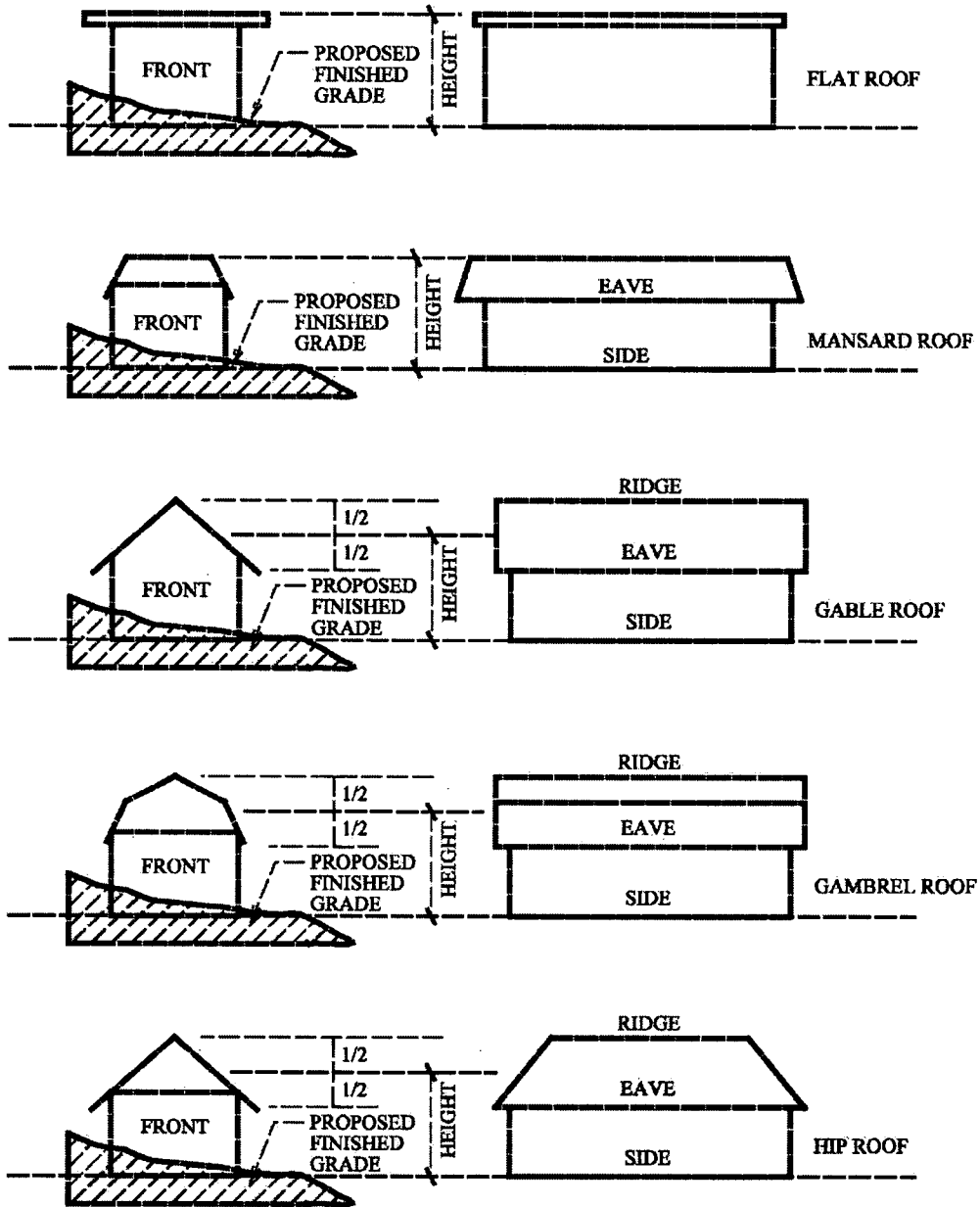


YARD AND LOT COVERAGE

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APPENDIX 3

Building Heights

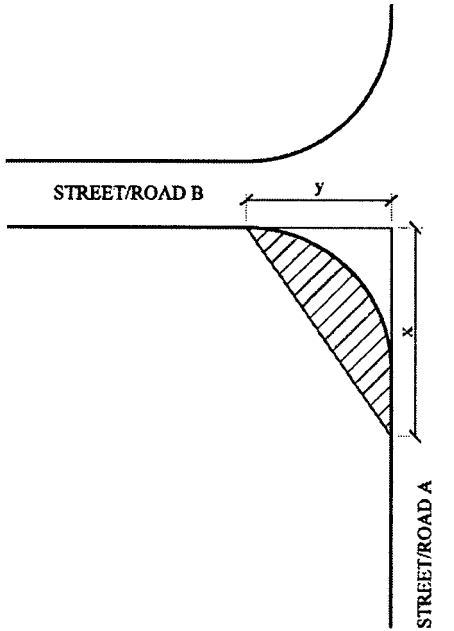


BUILDING HEIGHTS

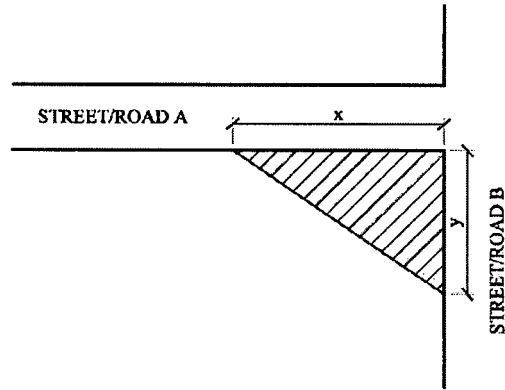
FAYETTE COUNTY ZONING ORDINANCE

APPENDIX 4

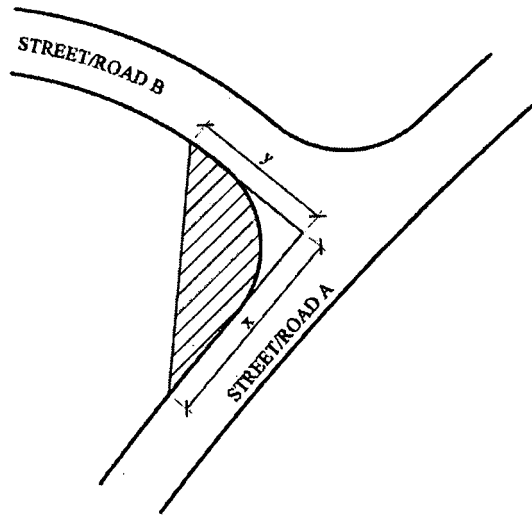
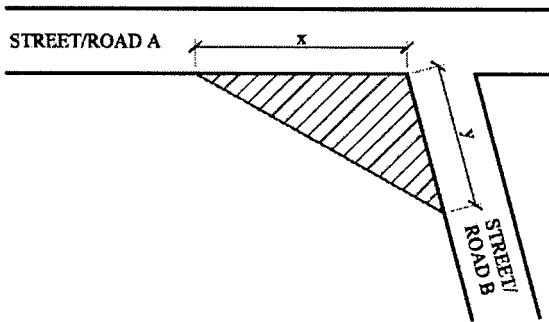
Clear Sight Triangle Criteria



Example C



Example D



	Sight Distance	
	x	y
A/Collector	150'	150'
L/Service	90'	90'

 CLEAR SIGHT AREA

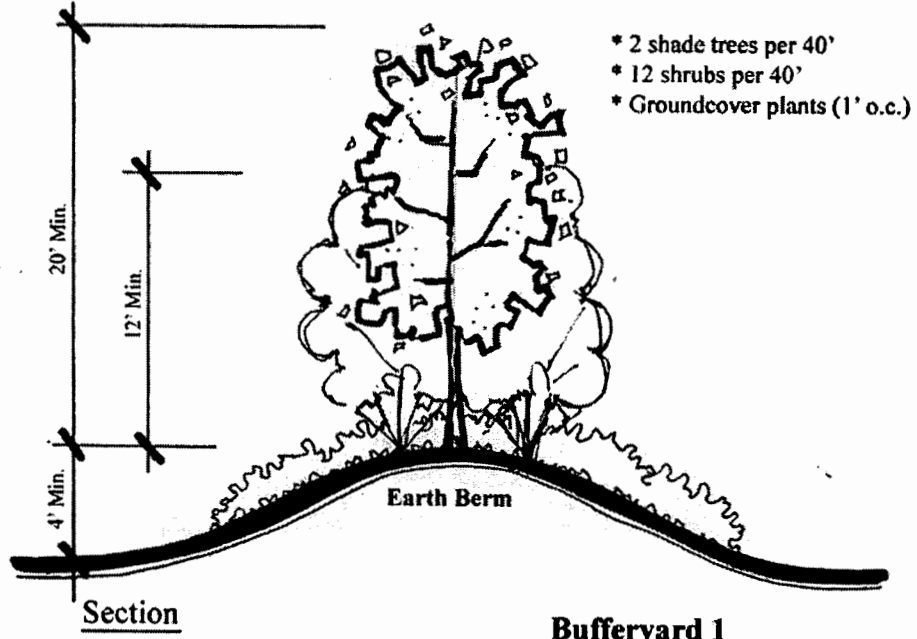
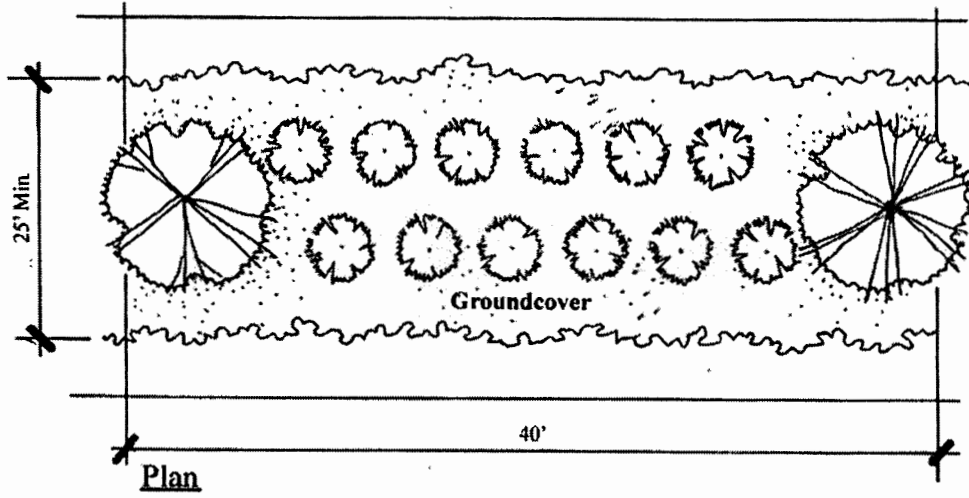
Appendix 4

CLEAR SIGHT TRIANGLES

FAYETTE COUNTY ZONING ORDINANCE

APPENDIX 5

Bufferyards

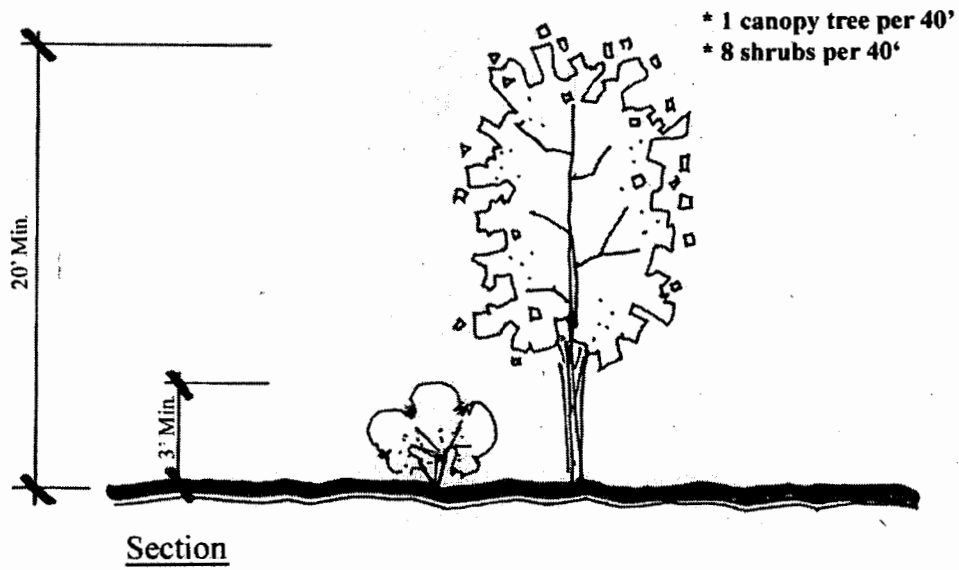
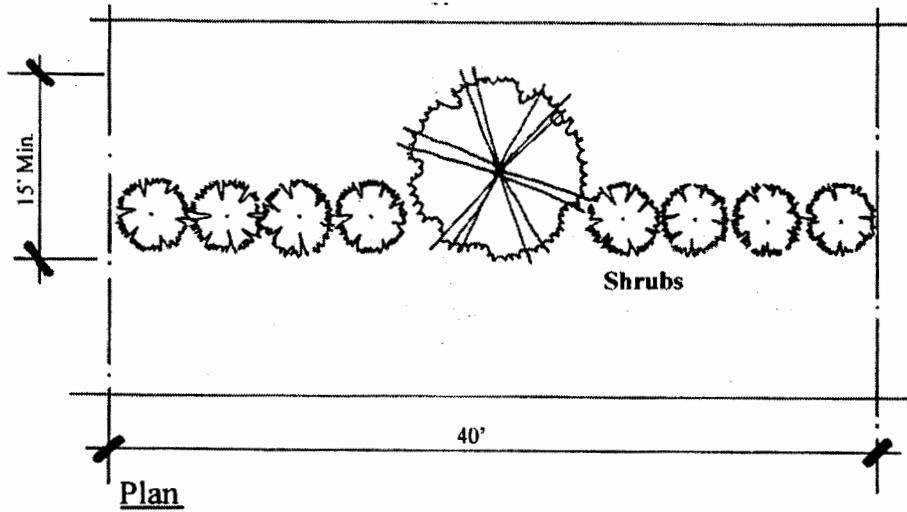


**Bufferyard 1
Example**

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APPENDIX 5

Bufferyards

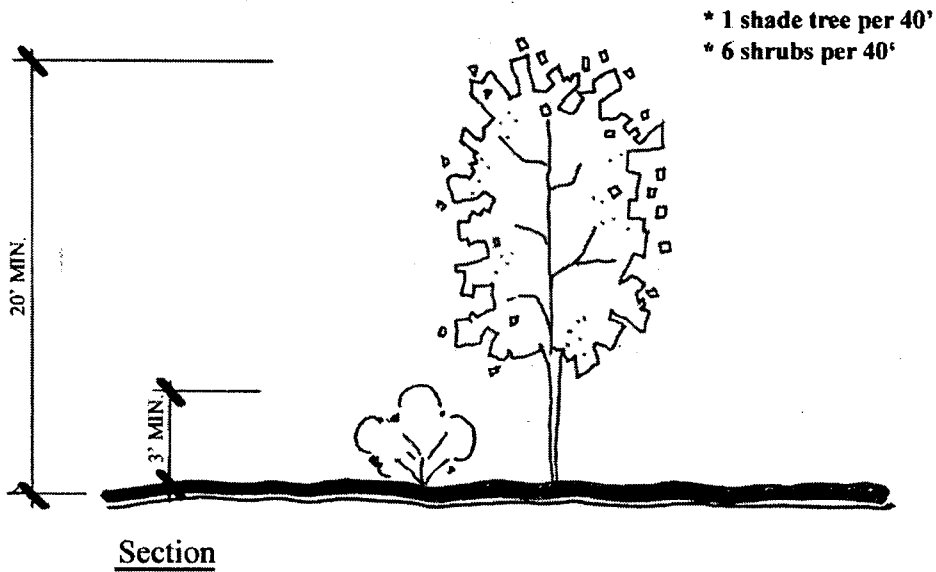
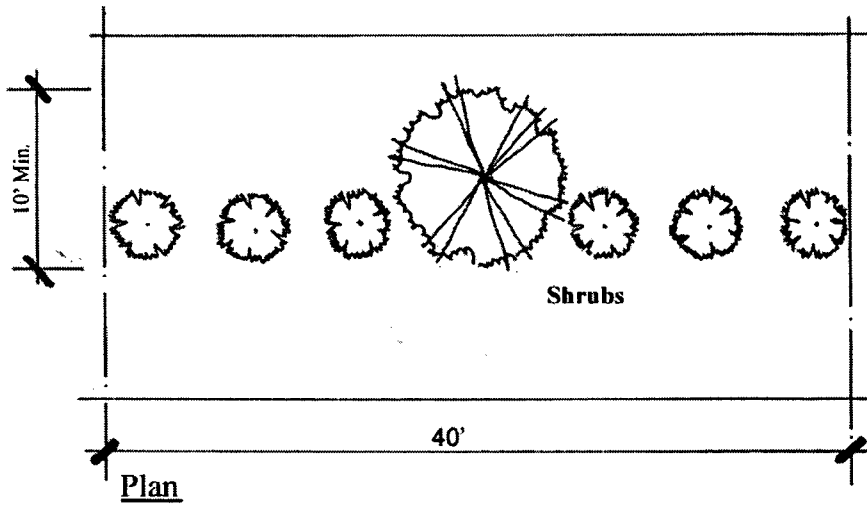


**Bufferyard 2
Example**

FAYETTE COUNTY ZONING ORDINANCE

APPENDIX 5

Bufferyard



**Bufferyard 3
Example**

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