

ARTICLE I
General Provisions

§1-100. Title.

This Chapter shall be known and may be cited as the “City of Connellsville Zoning Ordinance” and the zoning map attached and adopted as part of this ordinance shall be known as the “City of Connellsville Zoning Map.”

§1-101. Purpose.

The purpose of this ordinance is to promote, protect and facilitate the public health, safety, and general welfare of the residents of the City of Connellsville by:

- A. Encouraging and facilitating the orderly, coordinated and practical development of the area;
- B. Dividing the area into zones and districts regulating the location, construction, reconstruction, alteration and use of buildings and structures so as to preserve property values, protect the tax base, promote economy in government expenditures, and provide for variety and quality in land uses;
- C. Promoting the distribution of population and utilization of land so that transportation, water, drainage, sanitation, educational and other public facilities and services can be provided effectively and efficiently;
- D. Providing housing opportunities consistent with the area's population growth and housing demand, both present and future;
- E. Protecting natural and historic features and resources;
- F. Securing safety from fire, panic, flood and other dangers;
- G. Providing for adequate light and air; and
- H. Providing for the timely, equitable and efficient administration of the regulations established by this Chapter.

§1-102. Statement of Community Development Objectives.

This Chapter is adopted to guide future growth and development within the City so as to:

- A. Encourage residential, commercial, institutional and industrial uses in appropriate locations;
- B. Ensure that the scale, layout and design of new development minimize negative impacts on surrounding parcels and infrastructure;

- C. Maintain safe and affordable neighborhoods with a mix of housing types that meet the needs of residents;
- D. Remedy blight and promote rehabilitation of structures that is compatible with the region's historic and cultural heritage;
- E. Promote the establishment of new businesses to create jobs and increase the tax base;
- F. Support the revitalization of the downtown by establishing standards that encourage redevelopment and promote a pedestrian-oriented shopping and entertainment district;
- G. Maintain a safe and well-planned traffic circulation pattern that effectively facilitates the movement of goods and people;
- H. Provide adequate parking in appropriate locations for corresponding uses;
- I. Preserve and enhance recreational amenities including trails, neighborhood parks and riverfront green spaces;
- J. Prevent unsafe construction in floodplain areas;
- K. Minimize pollution or disruption of the environment by objectionable noise, vibrations, smoke, fumes, odors, or light;
- L. Provide for the regulation of nonconforming uses, buildings and structures; and
- M. Ensure general consistency of development with the goals of the City of Connellsville Comprehensive Plan, as amended.

§1-103. Conformance with requirements.

- A. 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 this Chapter.
- B. All development shall comply with the City's Subdivision and Land Development Ordinance, Storm Water Management Ordinance, Floodplain Ordinance and The Uniform Construction Code.
- C. 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.

- D. 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 the minimum requirements established by this Chapter.

§1-104. Conflict.

Whenever the regulations of this Chapter are in conflict 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; provided, however, that where this Chapter is pre-empted by State laws as provided in section 603(b) of the Pennsylvania Municipalities Planning Code (MPC), the provisions of such State law shall govern.

§1-105. Repealer.

The City of Connellsville Zoning Ordinance of 1954, Ordinance No. 736, as amended, is hereby repealed.

§1-106. Severability.

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.

ARTICLE II
District Regulations

§2-100. Districts.

For the purpose of carrying out the provisions of this Chapter, the City of Connellsville is divided into the following zoning districts, which are shown by the district boundaries on the Official Zoning Map:

- R-1 Low-to-Moderate Density Residential District
- R-2 High-Density Residential District
- C- 1 Downtown Commercial
- C-2 Highway Commercial
- C-3 Corridor Commercial
- M Mixed Use
- I Industrial

§2- 101. District Purposes.

- A. The Low-to-Moderate Density Residential (R-1) is established to preserve and enhance areas of primarily single-family and two-family housing in the City. These areas are primarily residential in nature and provide community facilities that serve residents such as schools, places of worship, and parks.
- B. The High-Density Residential District (R-2) is established to provide for a variety of housing types at high density. The district is predominantly residential and allows for both single- and multi-family dwellings.
- C. The Downtown Commercial District (C-1) is established to preserve and enhance the central business district along and surrounding Crawford Street. It permits a wide array of residential uses as well as retail, office, entertainment and service-oriented businesses and is more pedestrian-oriented than other commercial districts in the City. Multi-story buildings are situated close to sidewalks and parking is primarily on-street or to the rear of buildings.
- D. The Highway Commercial District (C-2) is established to provide for an area of automobile-oriented businesses surrounding portions of Route 119 and West Crawford Avenue. This district is characterized by larger lots containing businesses like gas stations, high-turnover restaurants, automobile repair and service, and shopping centers. Buildings may be set back from the highway and parking is permitted in the front and to the side of buildings.
- E. The Corridor Commercial District (C-3) encompasses transitional areas between the higher intensity commercial areas of C-1 and C-2 and adjoining residential neighborhoods. It is characterized by a mix of homes and small retail, restaurant and service businesses that occupy previously residential buildings.

- F. The Mixed-Use District (M) is established to promote a mix of residential, recreational and trail-serving uses in an area surrounding the Great Allegheny Passage Trail. This area presents opportunities for trailside and riverfront businesses like a boat rentals and docking facilities, bed & breakfasts, and restaurants. Redevelopment of older homes into new single- and multi-family units is also encouraged.
- G. The Industrial District (I) is established to support manufacturing and other high-impact businesses that require access to rail and highway transportation corridors. The District is characterized by a rail yard and a mix of businesses on larger lots. Buffers to protect adjacent residential, commercial and riverfront property from new higher intensity uses are required.

§2- 102. District boundaries.

District boundaries shown on the lines of roads, streams and transportation right-of-ways shall be deemed to follow their centerlines. The abandonment of roads shall not affect the location of such district boundaries. When the Zoning Officer 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 Zoning Officer 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.

§2-103. 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 for a use duly approved as a special exception under this Chapter.
- B. All uses by special exception shall conform to all applicable requirements and provisions defined by Article VI of this Chapter.

§2-104. Permitted uses and uses by special exception 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 permit has been issued in accordance with Article IX 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 VI of this Chapter.

Table 1: Permitted uses and uses by special exception].

RESIDENTIAL USES							
	R-1	R-2	C-1	C-2	C-3	M	I
Dwellings:							
Single-family detached	P	P	P		P	P	
Single-family attached	P	P	P		P	P	
Duplex	P	P	P		P	P	
Quadplex		P				P	
Townhouse		P	S			S	
Apartment Building		S	S				
Manufactured (Mobile) Home				S			
Manufactured (Mobile) Home Park				S			
Modular Home (Industrialized Housing)	P	P				S	
Other Residential Uses:							
Group Home	P	P	P		P	P	
Group Residence		S	S	S	S		
Halfway House				S			
Personal Care Home		S	S		S		
Assisted Living Facility		S		S	S		
Nursing/Convalescent Care Facility		S		S			

Table 1 (continued)

NON-RESIDENTIAL USES							
	R-1	R-2	C-1	C-2	C-3	M	I
Adult-Oriented Establishment							S
Automotive Repair and Service Station				S			
Automotive Sales or Rental				P			
Bank			P	P	P		
Bed & Breakfast	P	P	P	P	P	P	
Boarding House		S					
Business Services			P	P	P		
Car Wash				P			
Cemetery	P	P					
Club, Private			P	P	P		
Commercial School			P	P	P		
Communications Tower							S
Compressor Station**	S	S	S	S	S	S	P
Contractor's Yard							P
Convenience Store		S	P	P	P	S	
Crematorium							P
Day Care, Adult		P	P	P	P		
Day-Care Center			P	P			
Day Care, Family		S			P	P	
Emergency Services Facility			P	P	P		P
Essential Services	P	P	P	P	P	P	P
Forestry	P	P	P	P	P	P	P
Freight Terminal							P
Funeral Home			P	P	P		
Gas Station				S			
Hospital	P		P	P			
Hostel			P	P	P	P	
Hotel or Inn			P	P	P	P	
Impoundments*	P	P	P	P	P	P	P
Junk Storage, Sales and Salvage							S
Kennel				S			
Landscaping Center/Nursery			S	S			S
Library		P	P	P	P		
Manufacturing, Heavy							P
Manufacturing, Light			S	P	S		P
Marina/Docking Facility			S			S	

Table 1 (continued)

NON-RESIDENTIAL USES (continued)							
	R-1	R-2	C-1	C-2	C-3	M	I
Mineral Extraction							P
Motel				P			
Museum			P	P	P	P	P
Office, Business, Large			P	P			P
Office, Business, Small			P	P	P		
Office/Clinic, Medical			P	P	P		
Personal Services		S	P	P	P		
Pipe Line*	P	P	P	P	P	P	P
Place of Worship	P	P	P	P	P	P	
Processing Plant**							P
Public Building			P	P	P	P	P
Public/Private Works Facility	S	S	S	S	S	S	S
Rail Yard							P
Recreation, Indoor, Private			P	P	P	P	
Recreation, Indoor, Public		P	P	P	P	P	
Recreation, Outdoor, Private				P		P	
Recreation, Outdoor, Public	P	P	P	P	P	P	P
Research, Testing and Development							P
Restaurant, High-Turnover w/ Drive Thru				S			
Restaurant, High-Turnover no Drive Thru			P	P	P	S	
Restaurant, Low-Turnover			P	P	P	P	
Retail, Small			P	P	P	P	
Retail, Medium			S	P			
Retail, Large				S			
School	P	P	P	P		P	
Self-Service Storage				P			P
Social-Service Agency			P	P			
Tavern/Bar			S	S			
Terminal, Bus/Train			P	P			P
Theater			P	P			
Truck Stop				S			
University/College			P	P			
Veterinary Services			P	P	P		

Table 1 (continued)

NON-RESIDENTIAL USES (continued)							
	R-1	R-2	C-1	C-2	C-3	M	I
Wellhead*	P	P	P	P	P	P	P
Warehousing/ Distribution			S	S			P
Wholesale Business			S	P			P
Other Uses Not Listed				S			S

* The Well Pad must be at least 300 feet AND the Wellhead must be at least 500 Feet form an existing building; and Impoundments outer edge is at least 300 feet from nearest building.

** Must be at least 750 feet form the nearest existing building or 200 feet form the nearest lot line and the noise level at the nearest property line can not exceed 60dbA.

§2-105. Dimensional Standards for 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. All conventional residential developments shall comply with the dimensional requirements defined in Table 2, unless other dimensional requirements are established under Article VI, Uses by Special Exception.

Table 2. Conventional residential development dimensional requirements.							
			Minimum Building Setbacks (feet)			Maximum Lot Coverage (percent)	Maximum Building Height (feet)
	Min. Lot Area (Sq. Ft)	Min. Lot Width (feet)	Front	Side	Rear		
R-1 District							
Single-family detached or Duplex	4000	40	10*	4	4***	35	35
Single-family attached	4000/du	40	10*	4**	4***	35	35
R-2 District							
Single-family detached or Duplex	3000	30	10*	4	4***	35	35
Single-family attached	3000/du	30	10*	8**	4***	35	35
Quadplex	2400/du	120	10*	15**	15	35	35
Townhouse	2400/du	120	10*	15**	15	35	35
Apartment Building	9,000	90	20	15	30	35	40
Assisted Living or Personal Care Home	12,000	120	20	30	30	35	40
Nursing/Convalescent Care Facility	12,000	120	20	30	30	35	40
C-1 District							
Single-family detached or Duplex	2,400	24	5	0	10	90	35
Single-family attached	2,400	24	5	0	10	90	35
Townhouse	2400/du	100	5	10	15	90	35
Apartment Building	4,000	75	5	10	15	90	60
C-3 District							
Single-family detached or Duplex	3000	30	10*	4	4***	35	35
Single-family attached	3000/du	30	10*	8**	4***	35	35
Assisted Living or Personal Care Home	12,000	120	20	30	30	35	40
M District							
Single-family detached or Duplex	4000	40	10*	4	4***	35	35
Single-family attached	4000/du	40	10*	8**	4***	35	35
Quadplex	3600/du	120	10*	15**	15	35	35
Townhouse	3600/du	120	10*	15**	15	35	35

* Or average set back of two neighboring structures, but not exceeding 15 feet.

** Where attached residential units share a party wall, the side building setback shall be 0' at the party wall.

*** Shall be 1 foot if property abuts an alley.

§2-106. Dimensional Standards for 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 dimensional requirements defined in Table 3, unless other dimensional requirements are established under Article VI, Uses by Special Exception.

Table 3. Non-residential development dimensional requirements

District	Min. Lot Area (Sq. Ft)	Min. Lot Width (feet)	Minimum Building Setbacks (feet)*			Maximum Lot Coverage (percent)	Maximum Building Height (feet)
			Front	Side	Rear		
R-1	12,000	120	10*	30	15	35	35
R-2	12,000	120	10*	30	15	45	35
C-1	2400	24	0**	0	10	90	60***
C-2	4800	40	50	30	50	75	35
C-3	3000	30	10*	4	15	60	35
M	4000	40	10*	4	15	45	35
I	21,780	100	50	30	50	50	45

* Or average setback of two neighboring structures, but not to exceed 15 feet.

** In the C-1 district, the front setback shall be a **maximum** of 0 feet, but shall not prevent recessed entryways or architectural features so long as a majority of the front façade of the building meets the setback requirement.

***For buildings fronting Crawford Avenue in the C-1 district, the **minimum** building height shall be 24 feet (2 stories).

§2-107. Height regulations.

- A. Except as provided in subsections B and C, 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. Building height shall be measured in accordance with Appendix 2.
- B. The maximum height of a building or structure located in the I zoning district 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 building or structure exceed one hundred twenty-five (125) feet.
- C. Exceptions. The following shall not be considered buildings or 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, water and fire towers, smokestacks, and flagpoles. Communications Towers shall meet the height requirements established in Article VI.

§2-108. Minimum residential floor area requirements.

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

§2-109. Lot and yard requirements.

- A. The minimum lot area, lot width and setbacks for lots in each district shall be provided as shown on Tables 2 and 3, unless other dimensional requirements are established under Article VI, Uses by Special Exception.
- 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 City's permitted lots are illustrated in Appendix 1.
- C. All structures, whether or not attached to the principal building or structure and whether open or enclosed, including porches, carports, balconies, and decks, shall not project into any minimum required front, side or rear yard; provided however, that this restriction shall not apply to steps and handicapped-accessible ramps used for entry.
- 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 dimensional requirements of the district can be met.
- E. 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 V of this Chapter unless approved by the Zoning Hearing Board.
- F. Uses, structures or buildings per lot.
 - 1. Only one (1) single-family detached dwelling unit or one (1) duplex dwelling, together with its permitted accessory structures, shall be located on any single lot.
 - 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 lot coverage set forth in Table 2.
 - b. The land development shall conform to the minimum lot area and minimum lot width requirements of Table 2.
 - c. The land development shall conform to all of the yard, buffer yard 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 Zoning Officer in accordance with the City's land development application standards.

- e. An adequate, City-approved access shall be provided to a public road for public safety services such as fire, police emergency vehicles and other service vehicles.

ARTICLE III ADDITIONAL REQUIREMENTS

§3-100. Accessory uses and structures.

- A. General Requirements. All accessory uses and structures shall comply with the requirements of this Chapter.
1. Accessory buildings and structures shall occupy the same lot as the principal use or building.
 2. All accessory buildings and structures may be located in the rear yard or side yard and shall meet building setbacks unless otherwise provided in this section.
 3. No accessory buildings or structures, other than fences, screening walls or retaining walls, shall be located in the front yard.
 4. The footprint of any accessory building or structure shall not exceed the footprint of the principal building or use.
- B. Standards for Specific Accessory Uses and Structures
1. No-Impact Home-Based Business
No-impact home based businesses are permitted by right in the R-1, R-2, C-1, C-3 and M districts provided they meet the following requirements:
 - 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 one (1) square foot in 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 activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the gross floor area.
 - h. The business may not involve any illegal activity.
 - i. No more than two clients or customers shall be present on the premises at any one time. The City Engineer shall determine whether off-street parking spaces shall be provided.

2. Other Home-Based Business

A home-based business that does not meet the definition of a no-impact home-based business shall be permitted in the R-2, C-1, C-3 and M Zoning Districts as long as the business or commercial activity satisfies the following requirements:

- a. The home-based business 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-based business.
- 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 premises for delivery off the premises.
- e. Exterior displays or signs other than those permitted in the City of Connellsville Sign Ordinance, exterior storage of material and exterior indication of the home-based business or variation from the residential character of the principal structure shall not be permitted.
- f. The use shall comply with the performance standards of Article IV of this Ordinance.
- g. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood. The City Engineer shall determine the number of off-street parking spaces required, if any, to accommodate clients or customers.
- 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 home-based business 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.
- l. The following uses shall not be considered home-based businesses 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:
 - i. beauty salons or barber shops containing more than two (2) chairs;
 - ii. medical offices/clinics, hospitals or nursing homes;

- iii. kennels, veterinary offices and clinics;
- iv. funeral homes;
- v. private clubs;
- vi. private instruction to more than three (3) students at a time;
- vii. family day care, adult day care or day care center;
- viii. restaurants or tearooms;
- ix. boarding houses;
- x. automotive sales or rental; and
- xi. automotive repair and service.

3. Storage Shed

- a. Storage sheds shall be constructed of wood, masonry or metal and must be fastened or bolted to a concrete floor or fastened or bolted to a treated wood floor or fastened or bolted to piers so as to provide proper anchoring of such sheds.
- b. No more than one (1) storage shed shall be permitted on any lot in any residential or commercial zoning district. A maximum of three (3) storage sheds shall be permitted on a lot in the Industrial zoning district.
- c. Storage Sheds shall meet the setback and height requirements in Tables 2 and 3.
- d. Prior to the construction of a storage shed, a Zoning Permit shall be obtained from the Zoning Officer. The fee shall be set forth in a resolution duly adopted by the City Council.
- e. Shipping containers used for the delivery of goods or raw materials in commercial or industrial districts shall not constitute “storage sheds” provided that they do not remain on the lot for more than ten (10) days. Shipping containers shall be prohibited on residential lots.

4. Accessory Apartment

An accessory apartment shall be permitted as long as it meets the following conditions:

- a. The minimum gross floor area of an accessory apartment shall be seven hundred twenty (720) square feet.
- b. Accessory apartments in a residential dwelling shall only be permitted in single-family detached and single-family attached dwellings. No more than one (1) accessory apartment shall be permitted in a residential dwelling.
- c. Accessory apartments in non-residential buildings shall not be permitted on the building’s ground floor. Access to the accessory apartment(s) shall be through an entrance separate from that used by the principal use of the building.
- d. Parking spaces shall be located no more than three hundred (300) feet from the apartment’s primary entrance.

- e. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.

5. Swimming Pool

A swimming pool shall be a permitted accessory use to a residential structure as long as it meets the following conditions:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
- b. The pool, including any deck areas or accessory structures, must meet all building setback requirements of Table 2.
- c. The swimming pool shall be walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall meet the requirements of all applicable laws.

6. Satellite Dish Accessory to a Residential Use or Structure

A satellite dish shall be a permitted accessory use as long as it meets the following conditions:

- a. No more than one (1) satellite dish or antenna shall be located on any one (1) lot.
- b. The maximum diameter of any satellite dish shall be eight (8) feet.
- c. No part of any satellite dish shall be located any closer than ten (10) feet to any property line.
- d. Roof-mounted satellite dishes greater than thirty-six (36") in diameter shall not be permitted 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.
- e. A ground-mounted satellite dish with a diameter greater than thirty-six (36) inches shall be screened with landscaping or one hundred percent (100%) opaque fencing.
- f. A zoning permit shall be required for the installation of any satellite dish greater than thirty six (36) inches in diameter. The permit shall be subject to payment of the fee established by the City Council.

7. Communication Antenna

Communication antennae mounted or located on existing or newly constructed nonresidential 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:

- a. 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 communication antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communication antenna location.
- b. The applicant shall provide detailed construction drawings indicating how the communication antenna will be mounted for review by the County Engineer.
- c. The antenna shall be exempt from the height requirements in the underlying district but shall be no more than ten (10) feet higher than the structure on which it is to be mounted. It 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.
- d. A communication antenna shall be operated so that it will not cause interference with other communications facilities in the City.
- e. The applicant shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antenna and any associated communications equipment building can be accomplished.
- f. A communication antenna shall be licensed by the Federal Communications Commission and shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

8. Fence or screening wall

In lieu of the dimensional requirements established in Tables 2 and 3, all fences and screening walls shall meet the following height and setback requirements:

- a. Within any required front yard, fences and screening walls must not exceed 48 inches in height as measured from average grade level.
- b. Within any required rear or side yard, fences and screening walls must not exceed six (6) feet in height as measured from average grade level.
- c. Fences and screening walls shall be set back a minimum of five (5) feet from the cartway of any public right-of-way.
- d. Fences and screening walls along side and rear lot lines shall be permitted to have no setback.
- e. A fence not exceeding eight (8) feet in height may be built in any required yard for schools, playgrounds or parks; or in any required side or rear yard in commercial or industrial districts.

- f. Regardless of the height and setbacks established in this subsection, fences and screening walls must not interfere with the Clear Sight Triangle at any intersection of streets, driveways, access drives or the like.
- g. Any fence or wall shall be erected so that the finished side faces outward away from the lot or parcel of ground where the same is erected.
- h. Walls topped with or containing metal spikes, broken glass, or similar material shall be prohibited.

9. Retaining wall

Retaining walls and similar structures that are greater than eight (8) feet in length shall be considered accessory structures and shall comply with the following requirements:

- a. A building permit is required prior to construction.
- b. 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.
- c. Retaining walls shall not be required to meet applicable setbacks; provided, however, that they shall not be erected in any right-of-way or within five (5) feet of any lot line unless an engineer certifies the wall is needed to prevent a hazard.
- d. 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.
- e. Where a retaining wall in excess of thirty (30) inches is located adjacent to a walk, path, parking lot, driveway or any other location that may be hazardous to pedestrians, such retaining wall shall be provided with a guard that is constructed in accordance with the International Building Code or equivalent protective measures.

10. Day Care located in a church or school

A Day Care Center or Adult Day Care is permitted as an accessory use in a church or school in any district provided that:

- a. The facility is licensed by the appropriate State agency.
- b. The applicant can demonstrate to the City Engineer that the Day Care has suitable street access and drop-off and pick-up locations to avoid causing excessive traffic on local streets.
- c. Where a Day Care Center is located adjacent to a residential lot, all outdoor play areas shall:
 - i. Adjoin the building where the Day Care Center is located;
 - ii. Be located no closer than ten (10) feet from the lot line; and

- iii. Be completely enclosed by a fence or wall a minimum of four (4) feet in height.

§3-101. Temporary Uses.

- A. No person shall operate a Temporary Use unless it meets all of the following conditions:
 - 1. A permit is obtained from the Zoning Officer. The application shall contain the name and permanent address or headquarters of the person applying for the permit as well as a description of the use for which the permit is being sought.
 - 2. The applicant can demonstrate to the City's satisfaction that vehicles and pedestrians can safely enter and exit the location where the Temporary Use will be located.
 - 3. Adequate parking shall be provided in accordance with the standards for the most similar use provided for under Section 3-103.

§3-102. Clear sight triangle.

- A. A clear sight triangle shall be maintained at all intersections. Fences and walls or other obstructions, including signs, shall not be located within the right-of-way and no obstruction of view will be permitted at any intersection within the clear sight triangle 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 3.

§3-103. Parking and Loading

- A. General 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.
 - 2. Parking areas shall meet the following requirements:
 - 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 City 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, except as provided in subsection B of this section.
 - e. For uses where truck parking will be required in the normal course of business (such as truck stops or manufacturing businesses), the applicant shall demonstrate to the City Engineer that adequate parking facilities have been provided.
3. 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.
 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, bituminous seal coat or a permeable paving material approved by the City Engineer. The 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 yard in any Residential District.
 7. Except for those uses specified in subsection B of this section, off-street parking shall be provided in accordance with the ratios specified in Table 4, Off-Street Parking Requirements.

Table 4. Off-Street Parking Requirements

RESIDENTIAL USES	
Use	Minimum Off-Street Parking (# Spaces)
Single-family detached	1 per dwelling unit
Single-family attached	1 per dwelling unit
Duplex	1 per dwelling unit
Quadplex	1 per dwelling unit
Townhouse	1 per dwelling unit
Apartment	1 per first bedroom; .5 per each additional bedroom
Mobile Home	2 per dwelling unit
Mobile Home Park	2 per dwelling unit
Group Home or Residence	1 per 4 residents + 1 per employee at peak shift
Halfway House	1 per 4 residents + 1 per employee at peak shift
Personal Care Home	1 per 2 residents + 1 per employee at peak shift
Assisted Living Facility	1 per 2 residents + 1 per employee at peak shift
Nursing/Convalescent Care Facility	1 per 5 residents + 1 per employee at peak shift
NON-RESIDENTIAL USES	
Use	Minimum Off-Street Parking (# Spaces)
Adult-Oriented Establishment	1 per 125 sf GFA
Automotive Repair and Service Station	1 per 1,000 sf GFA + 1 per employee on peak shift
Automotive Sales or Rental	1 per 400 sf GFA showroom + 1 per 2,500 sf GFA outdoor display
Bank	1 per 300 sf GFA + 1 per employee on peak shift
Bed & Breakfast	1 per guest room
Boarding House	1 per bedroom
Business Services	1 per 300 sf GFA
Car Wash	1 per 500 sf GFA & 5 spaces for stacking
Cemetery	1 per 500 sf GFA of office + 1 per employee on peak shift
Club, Private	1 per 3 members + 1 per employee on peak shift
Commercial School	1 per 2 students + 1 per employee on peak shift
Communications Tower	1 per tower
Contractor's Yard	1 per 500 sf GFA of office + 1 per employee on peak shift
Convenience Store	1 per 250 sf GFA
Crematorium	1 per 500 sf GFA of office + 1 per employee on peak shift
Day Care, Adult & Day-Care Center	1 per 6 participants + 1 per employee on peak shift
Day Care, Family	NA
Emergency Services Facility	1 per 250 sf GFA
Essential Services	1 per employee on peak shift
Forestry	NA
Freight Terminal	1 per 500 sf GFA office + 1 per employee on peak shift
Funeral Home	1 per 3 seats in viewing rooms
Gas Station	1 per 500 sf GFA office + 1 per employee on peak shift
Hospital	1 per 2 beds + 1 per employee on peak shift
Hostel	1 per 2 beds

Table 4 (continued)

NON-RESIDENTIAL USES (continued)	
Use	Minimum Off-Street Parking (# Spaces)
Hotel or Inn	1 per guest room + required parking for restaurant/bar
Junk Storage, Sales and Salvage	1 per 1,000 sf + 1 per employee on peak shift
Kennel	1 per 500 sf GFA + 1 per employee on peak shift
Landscaping Center/Nursery	1 per 300 sf GFA indoor sales + 1 per 500 sf outdoor sales + 1 per employee on peak shift
Library	1 per 400 sf GFA public space + 1 per employee on peak shift
Manufacturing	1 per 300 sf GFA office + 1 per employee on peak shift
Marina/Docking Facility	1 per 4 slips + 1 per 250 sf GFA office/club
Mineral Extraction	1 per employee on peak shift
Motel	1 per guest room + 1 per employee on peak shift
Museum	1 per 400 sf GFA public space + 1 per employee on peak shift
Office, Business, Large	1 per 400 sf GFA
Office, Business, Small	1 per 200 sf GFA
Office/Clinic, Medical	1 per 200 sf GFA
Personal Services	1 per 400 sf GFA + 1 per 2 employees on peak shift
Place of Worship	1 per 4 seats
Public Building	1 per 300 sf GFA
Public/Private Works Facility	1 per 500 sf GFA + 1 per employee on peak shift
Rail Yard	1 per 1,000 sf GFA.office + 1 per employee on peak shift
Recreation, Indoor, Private or Public	1 per 250 sf GFA + 1 per employee on peak shift
Recreation, Outdoor, Private or Public	1 per 500 sf publicly accessible space
Research, Testing and Development	1 per 400 sf GFA
Restaurant, High-Turnover w/ Drive Thru	1 per 125 sf GFA + 7 stacking spaces
Restaurant, High-Turnover no Drive Thru	1 per 125 sf GFA
Restaurant, Low-Turnover	1 per 200 sf GFA
Retail, Small	1 per 300 sf GFA
Retail, Medium	1 per 250 sf GFA
Retail, Large	1 per 200 sf GFA
School	1 per K-8 classroom +1 per employee on peak shift OR 10 per 9 – 12 classroom + 1per employee on peak shift
Self-Service Storage	1 per 10 storage spaces + 1 per employee on peak shift
Social-Service Agency	1 per 300 sf GFA
Tavern/Bar	1 per 200 sf GFA
Terminal, Bus/Train	1 per 1,000 sf GFA public space
Theater	1 per 4 seats
Truck Stop	4 per gas pump
University/College	1 per 200 sf GFA classroom or other assembly space
Veterinary Services	1 per 200 sf GFA

Table 4 (continued)

NON-RESIDENTIAL USES (continued)	
Use	Minimum Off-Street Parking (# Spaces)
Warehousing/ Distribution	1 per employee on peak shift + 1 per company vehicle parked on site
Wholesale Business	1 per 500 sf GFA
Other Uses Not Listed	As determined by the City Engineer based on a parking demand study prepared by the applicant

B. Special Parking Requirements for the Downtown and Corridor Commercial Districts.

1. Any non-residential use in the C-1 or C-3 districts occupying 3,000 square feet of gross floor area (GFA) or less shall be exempt from off-street parking and loading requirements.
2. All residential uses and non-residential uses of more than 3,000 square feet of GFA in the C-1 and C-3 districts shall comply with the off-street parking requirements in Table 5:

Table 5. Parking Requirements in the C-1 and C-3 Districts

Type of Use*	Minimum Off-Street Parking (# Spaces)	Maximum Allowed for Surface Parking Lots
Residential	1 per dwelling unit	2 per dwelling unit
Office**	2 per 1,000 sf GFA**	4 per 1,000 sf GFA**
Retail**	2 per 1,000 sf GFA**	4 per 1,000 sf GFA**
Restaurant**	.5 per 4 seats	1 per 4 seats

* Parking requirements for any use not listed shall be established by the City Engineer based on a parking demand study prepared by a qualified professional engaged by the applicant.

** Exceeding 3,000 sf GFA.

3. Required off-street parking may be located off-site provided that all of the following conditions are met:
 - a. the parking space(s) are located in the same zoning district as the use;
 - b. the spaces are within 1,000 feet of the use;
 - c. the spaces can be accessed from the use by public streets and or sidewalks; and
 - d. the applicant has entered into a contractual agreement with the owner of such spaces in a form that is acceptable to and approved by the City solicitor. Such agreement shall be filed with the City and the deed of record at the County.

C. Handicapped-accessible parking space requirements.

1. Handicapped-accessible parking spaces shall be provided as provided in Table 6:

Table 6. 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

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 C(3), access aisles adjacent to accessible spaces shall be sixty (60) inches minimum.
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 meet the Americans with Disabilities Act (ADA) requirements and the Pennsylvania Vehicle Code.

D. Loading requirements.

1. Except for nonresidential uses of 3,000 square feet or less in the C-1 and C-3 districts, off-street loading shall be provided in accordance with this Section and Table 7, 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. “Off-street loading” shall include both loading and unloading.

Table 7. Loading Requirements.

1Gross Floor Area (GFA) of Building (square feet)	Number of Spaces
21,000 to 19,999	1
320,000 to 79,999	2
480,000 to 127,999	3
5128,000 to 191,000	4
6192,000 to 255,999	5
7256,000 to 319,999	6
8320,000 to 391,999	7
9For each additional 72,000 square feet or fraction thereof	10Add 1 space

2. 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.
3. 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.
4. A land development plan which proposes off-street loading facilities shall provide verification that adequate turning radii are provided within the parking/driveway areas where trucks and/or delivery vehicles will be traversing.
5. Off-street loading spaces shall be located in areas that will not impede traffic on public streets.

§3-104. Buffer Yards

- A. Buffer yards shall be provided between specific uses of differing intensities and shall be installed by the property owner developing the use of greater intensity. Buffer yards shall be included 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 buffer yards 1, 2 and 3 are defined in Table 8: Required Buffer Yards, and Subsection C.

Table 8. Required Buffer Yards

Proposed Development	Abutting Land Use	Required Buffer Yard		
		1	2	3
Townhouse or Apartment Building	Single-family detached Single family attached Duplex	X		
Townhouse or Apartment Building	Quadplex Other residential use Recreation or public use		X	
Commercial Use in the C-2 District	Single-family detached Single family attached Duplex	X		
Commercial Use in the C-2 District	Quadplex Other residential use Recreation or public use		X	
Commercial Use in the C-2 District	Other commercial use			X

Table 8. (continued)

Proposed Development	Abutting Land Use	Required Buffer Yard		
		1	2	3
Industrial Use in the I District	Any residential use Recreation or public use	X		
Industrial Use in the I District	Any commercial use		X	
Industrial Use in the I District	Other industrial use			X

C. Buffer yard 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 buffer yard. Access drives may be located in the front buffer yard or other buffer yard if approved by the City.
2. Trees planted within a buffer yard shall be a minimum of two (2) inches diameter at breast height (d.b.h.).
3. Buffer yards shall meet the following width and minimum planting requirements:

Table 9. Buffer Yard Requirements.

Buffer Yard	Minimum Width	Minimum plantings required per 40 linear feet of property line or right-of-way
1	15	1 shade tree, 1 evergreen tree and 12 evergreen shrubs
2	10	1 shade tree and 8 evergreen shrubs
3	5	1 ornamental shade tree and 6 evergreen shrubs

4. If a fence, with an opacity of 80% or greater, is constructed within the buffer yard, the minimum plantings required within the buffer yard may be reduced with approval by the City Engineer.
5. When the buffer yard width specified in Table 9 is in conflict with any setbacks required by sections 2-105 or 2-106 of this ordinance, the greater distance shall apply.
6. When a wider buffer yard is established by a special exception standard is this ordinance, it shall supersede the buffer yard width established in this section.

- D. All trees and shrubs required to be planted within the buffer yard shall be planted in accordance with accepted conservation practices. All plantings shall be maintained in good condition and any that die shall be replaced within 6 months.
- E. Storm water management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the landscaping requirements.

§3-105. Landscaping.

Landscaping shall be provided in accordance with the following specifications:

- A. Landscaping required in buffer yards as outlined in §3-104 cannot be substituted for any required landscaping mandated in this section.
- B. A conceptual landscape plan, with appropriate details, shall be submitted at the time of site plan or subdivision and land development application. Said plan shall depict:
 - 1. All required buffer yards 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 plantings independent of any buffer yard 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. Except for developments in the C-1 and C-3 districts, lots shall be landscaped in accordance with the following 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.
- D. In every district, 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. If the development is completed between November 1 and April 1, the required sodding or seeding must occur within four (4) weeks of April 1.
- E. Landscaping of parking areas.
 - 1. Any parking area exceeding ten (10) spaces that abuts a public street or a residential property shall install a landscaped screen along such abutting side that meets the requirements of buffer yard 3, unless a more protective buffer yard is required under §3-104.

2. One (1) internal landscape island shall be provided for parking areas of twelve (12) parking spaces or more. No more than twelve (12) parking spaces shall be provided in an unbroken row without the provision of an island.
3. At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the island shall be landscaped with shrubs, perennials, or turf grass.

§3-106. Signs

The placement of any sign in the City shall comply with the requirement of Sign Ordinance of the City of Connellsville (May 2006), and all subsequent amendments thereto.

ARTICLE IV
Performance Standards

§ 4-100. 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 and by the Zoning Hearing Board with respect to special exceptions. In order to determine whether a proposed use will conform to the requirements of this Article, the City may obtain a qualified consultant's report whose credentials are acceptable to the City Council to testify and whose cost for services shall be borne by the applicant.
- B. 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 City 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 City agrees otherwise. All service extensions shall be designed and installed in full conformance with the City's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the City.
- C. The City may assign a private third party agency to provide measurements for the respective performance standards from §4-102 through §4-108. Any associated testing fees must be paid by the applicant to the City (or its designee).

§ 4-101. 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 under 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.

§ 4-102. 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.

§ 4-103. Noise.

- A. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be regulated by standards in Table 10.

Table 10. Sound Pressure Limits

Type of District	Sound Pressure Level Limits Measured in Decibels (dB(A))	
	7 a.m.-10 p.m.	10 p.m.-7 a.m.
C-1, C-2, C-3 or I District	68	55
R-1, R-2 or M District	55	45

- 1. Sound pressure levels shall be measured at all lot lines, at a height of at least four feet above the ground surface.
 - 2. The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one day.
- C. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.401961) "American Standard Specification for General Purpose Sound Level Meters" or any ANSI standard subsequently adopted for this purpose. The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound" or any ANSI procedure subsequently adopted for this purpose. 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.

- D. The following uses and activities shall be exempt from the sound pressure level regulations:
1. Noises created by construction and maintenance activities between 7 a.m. and 10 p.m.
 2. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 3. Traffic noise on existing public streets, railways or airports.
 4. Lawn care and landscaping activities between the hours of 7 a.m. and 10 p.m.

§ 4-104. Vibrations.

- A. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- 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.

§ 4-105. 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 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. Those standards for the control of odorous emissions established by the Department of Environmental Protection (DEP) shall be applied in all zoning districts. Where an odor is deemed offensive a duly authorized City representative shall refer the matter to the DEP where it has jurisdiction relative to an established airshed.

§ 4-106. Smoke.

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.

§ 4-107. 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, or use by special exception that has the potential to generate air pollution may be issued by the City 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.

§ 4-108. 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.
- 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, public parks or playgrounds or unless approved by the Zoning Hearing Board.

§ 4-109. Erosion.

No erosion by wind or water shall be permitted in excess of that permitted under an erosion and sedimentation control plan approved by the Fayette County Conservation District.

§ 4-110. 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 DEP's 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.
- C. No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

§ 4-111. 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 the City Engineer 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 Zoning Officer 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 to prevent erosion by wind or water, such as, but not limited to, siltation dams. 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.

§ 4-112. Disturbance near water courses.

No cutting, filling or other disturbing of land or natural vegetation is permissible within fifty (50) feet from the top of the bank of 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 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. If the activity that is subject to the variance request is located within the floodplain, all requirements and conditions of Article VII must be met.

ARTICLE V – NONCONFORMING USES, STRUCTURES AND LOTS

§ 5-100. Purpose.

- A. Within the districts established by this Chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures which were lawful before enactment of the City of Connellsville Zoning Ordinance of 1954, but which are prohibited, regulated or restricted under the terms of said Zoning Ordinance, subsequent amendments, and this ordinance, the City of Connellsville Zoning Ordinance of 2010.
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, unless all applicable provisions of this chapter pertaining to setbacks, parking and utilities, where applicable, are complied with.

§ 5-101. Nonconforming Uses.

The following provisions shall apply to all nonconforming uses as defined by this Chapter, in all zoning districts:

- A. Continuation.
Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as the use conforms to all other applicable regulations of the City, County, Commonwealth and federal government and the provisions of this Article governing nonconforming uses, structures and lots.
- B. Change of use.
A nonconforming use shall not be changed unless to a conforming use. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
- C. Enlargement or expansion.
 - 1. A nonconforming use may be expanded or enlarged upon approval as a special exception by the Zoning Hearing Board subject to the general criteria set forth in Article VI and upon a finding that the enlargement or extension is necessary to accommodate the natural expansion and growth of trade of the nonconforming use. In addition, any such expansion shall comply with the following criteria:
 - a. The expansion is conducted in part of the main structure or on land contiguous to the lot area currently occupied by the use and shall not require additional or adjoining land area outside the original parcel.

- b. The expansion meets the lot area requirements, the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.
 - c. It is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
 - d. Such expansion does not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming.
 - e. Adequate parking can be provided in conformance with this Chapter to serve both the original and expanded use.
 - f. Such expansion does not present a threat to the health or safety of the community or its residents.
2. Only one enlargement or expansion of a nonconforming use shall be permitted by the Zoning Hearing Board unless it determines that all expansions, in the aggregate, do not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as it existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming. Any subsequent enlargement or expansion shall comply with all other requirements of this section.
 3. This subsection shall not apply to signs.

D. Moving of nonconforming use.

A nonconforming use shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied at the time of enactment of this Chapter, unless approved by the Zoning Hearing Board under the special exception provisions of this chapter.

E. Damage and reconstruction.

Any structure which houses a nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and completed within one (1) year of such casualty and if the restored structure has no greater impervious surface coverage and no greater cubic volume than before such casualty.

F. Abandonment.

A nonconforming use of a structure or lot that has been abandoned or discontinued shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned when any of the following can be established:

1. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by

similar equipment within 90 days, unless other facts or circumstances show a clear intention to resume the nonconforming use.

2. The nonconforming use has been discontinued for a period of 12 months or for 18 months during any three-year period, except where the owner is attempting to actively sell or lease the lot or structure where the use was conducted.
3. It has been replaced by a conforming use.

§ 5-102. Nonconforming Structures.

The following provisions shall apply to all nonconforming structures, as defined by this Chapter, in all zoning districts:

A. Continuation.

Where, at the effective date of adoption or amendment of this Chapter, a lawful structure exists that is no longer permissible by the terms of this Chapter as enacted and amended, such structure may be sold or otherwise transferred to other owners and may continue to exist as long as the structure conforms to all other applicable regulations of the City, County, Commonwealth and federal government and the provisions of this article governing nonconforming uses, structures and lots.

B. Structural alteration.

1. Structures may be enlarged or structurally altered as long as the following criteria are met:
 - a. The expansion of the structure, as measured in square feet, cannot increase the footprint of the original structure by more than 25%.
 - b. The expansion cannot increase the already existing nonconformity, or create any other zoning problem.
2. If the above listed criteria cannot be met, an application may be filed with the Zoning Hearing Board. The Zoning Hearing Board may, after a public hearing, authorize a reasonable modification of such structure if it determines that denying the application would cause undue hardship to the applicant.
3. If the nonconforming structure also contains a nonconforming use, then any expansion shall be approved in accordance with the provisions of § 5-101, above.

C. Damage or destruction.

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God 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 is initiated and completed within one (1) year of the date of such casualty.

D. Moving.

Should a nonconforming 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.

§ 5-103. Nonconforming Lots.

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

- A. Any nonconforming lot of record 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 the zoning district of the lot of record.
- B. Where two or more adjacent lots of record with continuous frontage each have less than the required area and/or lot width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of City of Connellsville Ordinance 963, adopted July 13, 1964, Subdivision and Land Development and all subsequent amendments thereto.
- C. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot.

ARTICLE VI
Uses by Special Exception

§6-100. Application.

- A. All applications for a use by special exception shall demonstrate in writing 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 buffer yard 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, 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 City Council.

§6-101. 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 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. In additions to the conditions and standards enumerated for each of the special exception uses specified below, 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.
- E. 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.

- F 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.

§6-102. Apartment Building.

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

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment’s primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.
- C. All dumpsters and/or waste collection areas shall be located a minimum of two hundred (200) feet from any 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%).
- D. Apartment buildings in the C-1 District shall not be located on any lot directly abutting East or West Crawford Avenue.

§6-103. 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 Industrial (I) District.
- B. No adult-oriented establishment shall be permitted to operate if the establishment is within five hundred (500) feet of any of the following uses:
 - 1. day-care center;
 - 2. family day care;
 - 3. school
 - 4. hospital
 - 5. dwelling;
 - 6. nursing/convalescent facility
 - 7. group care residence
 - 8. place of worship;
 - 9. public park and playground; or

10. an establishment which is licensed to and does sell alcoholic beverages.
- C. No adult oriented establishment shall be permitted to operate within three thousand (3,000) feet of another adult-oriented establishment.
- D. An adult-oriented establishment must be registered and/or licensed by Fayette County in accordance with all applicable County requirements.

§6-104. Assisted living facility.

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

- A. Each living unit within an assisted living facility shall be a minimum of three hundred twenty five (325) square feet in size.
- B. The lot shall be served by frontage on a public street.
- C. Sidewalk gradients shall be constructed at five percent (5%) maximum.
- D. The facility shall be accessible for fire fighting purposes and evacuation at all levels and on all sides.
- E. The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.
- F. The assisted living facility shall provide an area of landscaped open space for residents that shall not face a street that includes benches, tables, walking paths and/or other recreational amenities.
- G. The facility shall meet all state requirements for assisted living facilities in addition to those defined in this Subsection.

§6-105. 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, 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.

§6-106. Boarding house.

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

- A. All rooms available for boarding shall be located within the lot's principal building.
- B. All required off-street parking shall be provided on the lot.
- C. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- D. Building height and setbacks shall be consistent with surrounding development.
- E. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

§6-107. 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 Zoning Officer 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 §3-100 (B)(7) 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 co-location 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 co-location 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.
 - 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, the City may deny the request for approval by special exception based on such inaction.
 4. If the applicant succeeds in co-locating 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 co-location 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 the City, provided that the applicant presents a certification from an engineer that the tower will withstand winds of one hundred (100) miles per hour. Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.
 - c. Towers shall be set back a distance equal to one hundred and ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis.
2. Under no circumstances shall a communications tower exceed two hundred-fifty (250) feet in height.
 3. Tower height shall be measured from the top of the foundation to the top point of the 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, 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 City Engineer. 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.

§6-108. Compressor Station.

A compressor station shall be a permitted special exception **in the R-1, R-2, C-1, C-2, C-3 and M Districts** subject to the following conditions and/or standards:

- A. Must be 750 feet from the the nearest existing building or 200 feet from the nearest lot line.
- B. The noise level can not exceed 60dbA at the nearest property line.
- C. All design, construction and operations must comply with all Federal , State and County regulations.
- D. When the compressor station is situated on a lot abutting a residential lot, the following conditions shall apply:
 1. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
 2. Outdoor storage of any goods or materials shall not be permitted for any period beyond twenty-four (24) hours.
 3. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
 4. 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.

§6-109. Convenience Store.

A convenience store shall be a permitted special exception **in the R-2 and M Districts** subject to the following conditions and/or standards:

- A. Hours of operation shall be limited to between 8 A.M. and 9 P.M.
- B. No deliveries shall occur before 7 A.M. or after 10 P.M.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. Parking of vehicles shall be to the side or rear of the store. There shall be no parking areas in the front yard.
- D. Vehicle access to the convenience store shall be provided by no more than one (1) entrance driveway and one (1) exit driveway, both of which shall connect to a public street.
- 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) car trips to the adjacent roadway's peak hour volumes.

§6-110. Gas station.

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

- A. The minimum lot area for a gas station shall be twenty-one thousand seven hundred eighty (21,780) square feet.
- B. The gas station shall have direct ingress/egress to an arterial road.
- 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.

§6-111. Group Residence.

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

- A. All rooms for residents shall be located within the lot's principal building.
- B. All required off-street parking shall be provided on the lot.
- C. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- D. Building height and setbacks shall be consistent with surrounding development.
- E. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

§6-112. Halfway house.

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

- A. The halfway house must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the City prior to beginning the use.
- B. A halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

- D. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- E. The halfway house shall not be located within five hundred (500) feet of any the following uses:
 - 1. Family day care
 - 2. Day-care center
 - 3. Place of worship;
 - 4. Community center;
 - 5. Library;
 - 6. Museum;
 - 7. Park;
 - 8. Playground;
 - 9. School;
 - 10. Other uses where minors congregate; or
 - 11. Another halfway house.
- F. Each application shall be accompanied by a statement describing the following:
 - 1. The character of the halfway house;
 - 2. The policies and goals of the halfway house, and the means proposed to accomplish those goals;
 - 3. The characteristics of the residents and number of residents to be served;
 - 4. The operating methods and procedures to be used; and
 - 5. Any other facts relevant to the proposed operation of the halfway house.
- G. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application.

§6-113. 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 five (5) acres.
- B. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- C. 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.
- D. Junkyards shall comply with the performance standards of this Chapter.

- E. 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.
- F. 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 a twenty five (25) foot wide landscaped buffer yard. The buffer yard shall be planted with screening material that creates a visual barrier that is one hundred percent (100%) opaque consisting of a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- G. The operator shall obtain a permit from Fayette County prior to initiating operation. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer may inspect the property at any time and shall notify the operator forty-eight (48) hours before such inspection shall take place.
- H. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the required fence.
- I. The owner(s) and operator(s) of a junkyard shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

§6-114. Kennel.

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 one (1) acre.
- C. Outdoor runs and similar facilities shall be 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 kennel shall be soundproofed to minimize noise impact on adjacent properties.

- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Fayette County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the lot other than in a completely 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.

§6-115. Landscaping center/nursery.

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

- A. When the landscaping center/nursery abuts a residential lot, side and rear buffer yards 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 ground-covers.
- B. 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.
- C. The owner(s) and operator(s) of a landscaping center/nursery 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.
- D. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 7:00 A.M. and 10:00 P.M.
- E. The storage of combustible materials, such as mulch and manure, shall be limited to fifteen (15) feet in height.
- F. 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 fences or walls with minimum opacity of eighty (80%) percent. Fences or walls shall be in addition to any required buffer yard.

§6-116. Manufactured (Mobile) Home.

A manufactured (mobile) home shall be a permitted special exception subject to the following conditions and/or standards:

- A. It meets the construction and safety standards adopted by the Department of Housing and Urban Development in the National Manufactured Housing and Construction and Safety Standards Act of 1974 (42 U.S.C.A §§ 5401-5426) and bears a label certifying that it complies with Pennsylvania Manufactured Housing standards (12 PA Code Chapter 143).
- B. If located within a floodplain, it meets the requirements of Article VII.
- C. The manufactured home shall be designed to look like a single-family detached dwelling with a pitched roof slope of at least 4:12.
- D. It will be placed on a permanent foundation.

§6-117. Manufactured (Mobile) Home Park.

A manufactured (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 two (2) 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. Minimum lot width shall be forty (40) feet for single unit mobile home and sixty five (65) feet for double mobile home units.
- D. 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%).
- E. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- F. All mobile home parks shall provide sidewalks on both sides of a street (both public and private right-of-ways).
- G. 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.
- H. 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.

- I. The minimum mobile home lot size shall be not less than five thousand (5,000) square feet of area.
- J. All mobile homes shall abut on a street of the mobile home park's internal street system.
- K. 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.
- L. 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.
- M. 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.
- 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.
- O. Mailboxes for all mobile homes on the lot shall be located in a single structure near the entrance to the mobile home park. A paved parking space shall be provided next to the structure to allow for the safe delivery of mail and pick-up by residents.

§6-118. Manufacturing, Light.

A light manufacturing facility shall be a permitted special exception **in the C-1 & C-3 Districts** subject to the following conditions and/or standards:

- A. Light manufacturing facilities shall be limited to a maximum gross floor area of forty thousand (40,000) square feet and twelve (12) employees. All operations must take place wholly within an enclosed building.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.
- C. No light manufacturing facility shall be located on any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M. Delivery trucks shall not idle for more than one continuous hour and may not idle between the hours of 10:00 P.M. and 7:00 A.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- F. Outdoor storage of any goods or materials shall not be permitted for any period beyond twenty-four (24) hours.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. 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.
- I. The light manufacturing facility shall meet all performance standards of this Chapter.

§6-119. Marina/Docking Facility.

A marina/docking facility shall be a permitted special exception subject to the following conditions and/or standards:

- A. The minimum lot area for a marina shall be one (1) acre.

- B. When adjacent to an existing residential lot, the marina/docking facility shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- C. All storage and repair of boats shall be conducted in an enclosed structure.
- D. 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.
- E. Hours of operation shall be limited to between 7:00 A.M. and 9:00 P.M.

§6-120. Modular Home (Industrialized Housing).

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

- A. It bears the insignia of certification demonstrating compliance with the standards established for industrial housing and components under 12 PA Code Chapter 145.
- B. It complies with City and/or County codes and ordinances for the design, installation and maintenance of waterline connections from the exterior walls to the main source of supply; sewer drainage connections from the exterior walls to the main sewers; and electrical line connections or other energy supply connections from the exterior walls to their main source of power.
- C. It meets all dimensional requirements for a single-family detached dwelling in the district.

§6-121. Nursing/convalescent care.

Nursing/convalescent care shall be a permitted special exception subject to the following conditions and/or standards:

- A. All nursing/convalescent care shall be licensed by the Commonwealth of Pennsylvania.
- B. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local Fire Company for review and comment.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.

- D. All property lines adjoining an existing residential use or residential district zoning classification shall meet the buffer yard requirements for apartments and townhouses established by Section 3-104 of this Chapter.

§6-122. Personal Care Home.

A personal care home shall be granted as a use by special exception subject to the following minimum conditions and/or standards:

- A. The personal care home shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- B. The personal care home shall be the sole occupant of the lot.
- C. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- D. The facility shall be accessible for fire fighting purposes and evacuation at all levels and on all sides.

§6-123. Public/Private Works Facility.

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

- A. If the Public/Private Works Facility is adjacent to a single-family residential lot, the following shall apply:
 - 1. An additional twenty (20) foot setback shall be established and a buffer yard with one and one-half times (1.5x) the required number of plants for screening and buffering activities shall be installed.
 - 2. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet.
 - 3. 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.

§6-124. High-Turnover Restaurant, no Drive-Through.

A high-turnover restaurant **in the M district** shall be permitted special exception subject to the following conditions and/or standards:

- A. The hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.
- B. Deliveries of food and other supplies to the restaurant shall occur only between the hours of 7:00 A.M. and 10. P.M.

- C. All off-street parking shall be provided on the lot and shall be located to the side or rear of the building. Parking lots shall be screened with a landscaped buffer yard a minimum of ten (10) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- 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. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).
- F. Mechanical equipment location(s) are subject to Zoning Hearing Board approval and shall be designed and screened so that visibility from an adjacent residential lot is minimized to the greatest extent possible.

§6-125. High-Turnover Restaurant, with Drive-Through.

A high-turnover restaurant with drive-thru shall be permitted special exception subject to the following conditions and/or standards:

- A. The high-turnover restaurant shall be located on a lot abutting Route 119 or within a shopping center.
- B. Vehicle access to the restaurant shall be provided by no more than one (1) entrance driveway and one (1) exit driveway, both of which shall connect to Route 119 or the main access road of the shopping center.
- 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. When the restaurant will be situated on a lot abutting a residential lot, the following conditions shall apply:
 - 1. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
 - 2. The landowner/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.
 - 3. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).

4. Mechanical equipment location(s) are subject to Zoning Hearing Board approval and shall be designed and screened so that visibility from an adjacent residential lot is minimized to the greatest extent possible.

§6-126. Retail, Large.

A retail store of more than 40,000 square feet shall be 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 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.
- B. 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.
- C. When the retail store will be situated on a lot abutting a residential lot, the following conditions shall apply:
 1. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
 2. The landowner/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.

§6-127. Retail, Medium.

A retail store of between 6,000 and 40,000 square feet shall be permitted special exception **in the C-1 district** subject to the following conditions and/or standards:

- A. All parking shall be provided on the lot and shall be located to the rear of the building. If the parking abuts a residential lot, it shall be screened with a landscaped buffer yard a minimum of ten (10) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- B. 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.

§6-128. 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. The owner(s) and operator(s) of a tavern/bar shall be responsible for the conduct and safety of the patrons.
- C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).

§6-129. Townhouse.

A townhouse shall be a permitted special exception **in the C-1 or M Districts** subject to the following conditions and/or standards:

- A. Parking spaces and garages for each townhouse unit shall be located at the rear of the building.
- B. All dumpsters and/or waste collection areas shall be located in the rear setback yard and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
- C. Townhouses in the C-1 District shall not be located on any lot directly abutting East or West Crawford Avenue.

§6-130. Truck Stop.

A truck stop shall be a permitted special exception subject to the following conditions and/or standards:

- A. The minimum lot size shall be three (3) acres.
- B. 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.
- C. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width on all side and rear lot lines planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.

- D. The landowner/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.

§6-131. Warehousing/Distribution Facility.

A warehousing/distribution facility shall be a permitted special exception **in the C-1 and C-2 Districts** subject to the following conditions and/or standards:

- A. It shall be limited to a maximum gross floor area of forty thousand (40,000) square feet.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.
- C. No warehousing/distribution facility shall be located on any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of fifteen (15) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- F. Outdoor storage of any goods or materials shall not be permitted.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. 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.

§6-132. Wholesale Business.

A wholesale business shall be a permitted special exception **in the C-1 District** subject to the following conditions and/or standards:

- A. It shall be limited to a maximum gross floor area of forty thousand (40,000) square feet.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.

- C. No wholesale business shall be located on the ground floor of any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of fifteen (15) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- F. Outdoor storage of any goods or materials shall not be permitted.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. 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.

§6-133. Other Uses Not Listed.

- A. Any use not listed in Table 1, Permitted Uses and Uses by Special Exception, may be authorized by Special Exception if the Zoning Hearing Board determines that the impact of the proposed use on the environment and the adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:
 1. The number of employees.
 2. The gross floor area of the building or gross area of the lot devoted to the proposed use.
 3. The type of products, materials, equipment and/or processes involved in the proposed use.
 4. The magnitude of walk-in trade.
 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of Article IV.
- B. The Zoning Hearing Board, in its sole discretion, shall determine whether the use not listed shall be approved as a special exception in either the C-2 or I District. This determination shall be based on whether the proposed use is more similar in character to the uses specifically listed in the C-2 or the I District. The Zoning Hearing Board shall use the criteria listed in subsection (A) above in making such determination.

- C. The proposed use shall comply with all applicable area and bulk regulations and standards and criteria for the most nearly comparable use in the zoning district.
- D. The use shall comply with the performance standards of Article IV of this Chapter.
- E. The use shall be consistent with the purpose statement and statement of community development objectives contained in §1-101 and §1-102 of this Chapter.

**ARTICLE VII
FLOODPLAIN MANAGEMENT**

§7-100. Defined in Ordinance No. _____

ARTICLE VIII
Amendments and Rezoning

§ 8-100. Procedure.

- A. The City Council may introduce and consider amendments to this Chapter and to the Zoning Map as proposed by a Council member, the Planning Commission or by a petition of a person or persons residing or owning property within the City.
- B. Before voting on the enactment of an amendment, the City Council shall hold a public hearing thereon, pursuant to public notice.
- C. If the proposed amendment involves a Zoning Map change, the City shall mail notice of the date, location and time of the public hearing by first class mail at least 30 days prior to the date of the hearing to all addressees to which real estate tax bills are sent for all real property located within the area being rezoned. In addition, the City shall conspicuously post notice of the public hearing on the tract(s) to be rezoned at least one week prior to the date of the hearing.
- D. At least 30 days prior to the public hearing, the City shall submit the proposed amendment to the Fayette County Planning Commission for recommendations.
- E. In the case of an amendment other than that prepared by the Planning Commission, the City Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearings on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- F. If, after the public hearing is held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the City shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- G. The City Council 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 City Council 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.
- H. 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.

§ 8-101. Rezoning application requirements.

- A. To protect the safety, capacity and efficiency of the City's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the

City's Comprehensive Plan, all rezoning applications shall be required to demonstrate the compatibility of a rezoning proposal with such objectives and the Community Development Objectives in Article I of this Chapter.

- B. The plans, analysis 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. Calculation of estimated average daily traffic demand based on proposed land development program;
 5. Documentation on the structures and use of the parcel(s);
 6. Documentation on the impact of the local school district as a result of the proposed development;
 7. Documentation of whether the parcel(s) are located within the 100-year floodplain and, if so, whether the proposed use(s) on the rezoned parcel(s) can comply with the floodplain management requirements of this Chapter; and
 8. Such additional information that may be required by the Planning Commission and/or City Council that is relevant to the review and approval processes.
- C. All rezoning applications shall be completed on the official forms provided by the City. Each plan, analysis and report shall be completed in accordance with the requirements defined in this Chapter, unless otherwise specified by the Zoning Officer.
- D. The Planning Commission and the City Council, as part of the rezoning approval process, will consider the conclusions of each plan, analysis and report.
- E. Applications for rezoning shall not be accepted for any property (or part thereof) for which an application has been heard and a decision for denial has been rendered by the City Council within the preceding twelve (12) months.

§ 8-102. 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 City Council, 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 City Council 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 at least thirty (30) days prior to the public hearing for review and comment. The City shall conduct the hearing in accordance with regulations governing a hearing before the Zoning Hearing Board as stipulated in §10-104 of this Chapter.
- B. Declaration of invalidity by the court. If the City 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 City Council determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The City Council 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 Zoning Map;
 - 3. The suitability of the site for the intensity of use proposed in light of the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

ARTICLE IX
Administration and Enforcement

§ 9-100. Zoning Officer.

- A. The Zoning Officer shall be appointed or assigned by the City Council. The Zoning Officer shall hold no elective position in the City, shall meet the qualifications established by the City, and shall be able to demonstrate, to the satisfaction of the City, a working knowledge of municipal zoning. 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.
 2. To refer applications for uses by special exception and variances to the Zoning Hearing Board in accordance with Articles VI and IX of this Chapter.
 3. To issue zoning permits in accordance with § 9-103 and occupancy permits in accordance with § 9-104.
 4. To maintain a permanent file with all zoning and occupancy permits and applications as public records.
 5. To enter upon any land with the consent of the landowner, to make examinations and surveys in the performance of his/her functions.
 6. To review applications for Subdivision and Land Development in accordance with the City'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.

§9-101. Planning Commission.

- A. The Planning Commission members shall be appointed by the City Council and shall be residents of the City.
- 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/her successor is appointed and qualified.
- C. The Planning Commission shall at the request of the City Council have the power and shall be required to:
1. Prepare the Comprehensive Plan for the development of the City as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 302 and present it for the consideration of the City Council.
 2. Maintain records of its actions. All records and files of the Planning Commission shall be in the possession of the City Council.

- D. The Planning Commission may at the request of the City Council:
1. Make recommendations to the City Council concerning the amendment of an official map.
 2. Prepare and present to the City Council a Zoning Ordinance and make recommendations to the City Council on proposed amendments to the Zoning Ordinance as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 609.
 3. Prepare, recommend and administer subdivision and land development.
 4. Review the Zoning Ordinance and the Zoning Map and such other ordinances and regulations governing the use and development of land no less frequently than it reviews the Comprehensive Plan.
 5. Prepare and present to the City Council a building code and a housing code and make recommendations concerning amendments thereto. The International Building Code will be used as a basis for making recommendations.
 6. Prepare and present to the City Council a study regarding the feasibility and practicality of using renewable energy sources in specific areas within the City.
 7. Prepare and present to the City Council an environmental study.
 8. Promote public interest in and understanding of the Comprehensive Plan.
 9. Hold public hearings and meetings.
 10. Present testimony before any board.
 11. Require from other departments, agencies or authorities of the City such available information as it relates to the work of the Planning Commission.
 12. 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.
 13. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

§ 9-102. City Council.

- A. Under this Chapter, the City Council shall have the duties of:
1. Appointing and hiring the Zoning Officer.
 2. Considering and adopting or rejecting amendments to this Chapter proposed by a member of the City Council, by the Planning Commission or by petition of a person or persons residing or owning property within the City, or the repeal of this Chapter, as provided by law; and of establishing a schedule of fees and charges.
 3. Organizing and appointing a Zoning Hearing Board of at least three (3) members but no more than five (5) members.
 4. Organizing and appointing a Planning Commission of at least three (3) but no more than nine (9) members.

5. Scheduling and holding public hearings.
6. Reviewing and rendering final adjudications regarding applications for rezoning.

B. Under no circumstances shall the duties of the City Council include hearing and deciding questions of code enforcement that may arise from time to time.

§ 9-103. Zoning permit.

- A. A zoning permit shall be issued upon a request to certify:
1. The 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 permit 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.

§ 9-104. Zoning Occupancy permit.

- A. An occupancy permit shall be issued by the Zoning Officer attesting that the use and structure is in compliance with this Chapter and all other ordinances of the City now or hereafter in effect. The occupancy permit shall not be issued until the standards of the Pennsylvania Uniform Construction 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 City Official 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.

§ 9-105. 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 is 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.

§ 9-106. Enforcement notice.

If it appears to the City that a violation of any requirement under this Chapter has occurred, the City shall initiate enforcement proceedings by sending an enforcement notice. The enforcement notice shall contain the following information:

- A. The name of the owner of record and any other person against whom the City 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.
- 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.
- 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.

§ 9-107. 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 the City, pay a judgment of not less than fifty dollars (\$50) and no more than one thousand dollars (\$1000), plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of

the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the City 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 City.

- 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 City the right to commence any action for enforcement pursuant to this section.

ARTICLE X
Zoning Hearing Board

§ 10-100. General.

The City Council shall appoint a Zoning Hearing Board, which 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 City appointed by the City Council. 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 City Council 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 City, including membership on the Planning Commission or as a Zoning Officer.
- B. Appointment of alternate members. The City Council may appoint by resolution at least one (1), but no more than three (3) residents of the City 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 City, including membership on the Planning Commission 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 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 City Council.
 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, or the issuance of any cease and desist order. The Zoning Hearing Board shall have the final determination pursuant to this chapter.
 4. Appeals from a determination of the City Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance of the flood plain management requirements under this Chapter.
 5. Applications for variances from the terms of this Chapter or such provisions within a land use ordinance pursuant to § 10-102.
 6. Applications for use by special exception under this Chapter or such provisions within a land use ordinance pursuant to § 10-103.
 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 City Engineer or Zoning officer 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.

§ 10-101. Procedure.

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

§ 10-102. Variances.

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
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 due to such 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(s), 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
 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.

§ 10-103. 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 VI 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 the Pennsylvania Municipalities Planning Code.
- B. Applicants for a use by special exception shall submit an application, land development plan and fee as required by section 6-100 of this Chapter.

§ 10-104. Hearings.

Public hearings before the Zoning Hearing Board shall be conducted in accordance with the requirements of Section 908 of the Pennsylvania Municipalities Planning Code. The public hearing shall be held within sixty (60) days of filing of a complete application 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.

§ 10-105. 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 make his report and recommendations available to the parties within forty five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
- 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.

§ 10-106. Fees and expenditures.

- A. Within the limits of funds appropriated by the City Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
- B. The City Council 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.

§ 10-107. 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 City 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 City 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.

§ 10-108. 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 City officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given. If 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 nonresidential 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.

§ 10-109. 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.
- B. 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.
- C. 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.

ARTICLE XI
Definitions

§11-100. Definitions and word usage.

- A. Certain words used in this Chapter are defined below, except where more specific definitions apply only for purposes of Floodplain Management, those definitions are set forth in Article VII.
- B. 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.
- C. For the purposes of this Chapter, the following words or terms shall have the specific meanings indicated:

ACCESSORY APARTMENT – see “DWELLING.”

ACCESSORY STRUCTURE -- A detached subordinate structure located on the same lot as a principal structure, whose use is clearly incidental to the principal structure or principal use of the land. No accessory structure 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 use permit will be issued prior to the establishment of the principal use.

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

APARTMENT BUILDING – see “DWELLING.”

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 City Council or the Zoning Hearing Board.

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

ASSISTED LIVING FACILITY -- Any premises in which food, shelter, personal care, assistance, or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration. For purposes of this definition, “supplemental health care services” shall mean the provision by an assisted living residence of any type of health care service, either directly or through contractors, subcontractors, agents, or designated providers, except for any service that is required by law to be provided by a health care facility pursuant to the act of July 19, 1979, (P.L.130, No.48) known as the “Health Care Facilities Act.”

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 OR RENTAL -- An establishment for the sale or rental of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles or boats. Typical uses include new and used car dealerships, car or truck rental establishments, motorcycle dealerships, boat, trailer and recreational vehicle dealerships with or without repair and/or maintenance services.

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.

BED AND BREAKFAST -- A detached dwelling owned and operated by an individual(s) in which a maximum of ten (10) 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, hostel, group home or residence, or hotel. The individual or assigned manager shall reside within the bed and breakfast during occupancy.

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.

BOARDING HOUSE -- A residence for the long-term housing for six (6) or more unrelated 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.

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.

BUFFER YARD -- 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 as depicted in Appendix 2.

BUILDING SETBACK LINE -- An established line within a lot that defines the minimum required distance between the face of the 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. Uncovered steps, stoops or ramps for the accessibility of persons with disabilities are exempt from building setback line requirements.

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.

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

CAR WASH -- An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants

are performed. A car wash facility may or may not include accessory uses such as auto detailing.

CEMETERY -- Any property used for interment of deceased humans, including mausoleums and columbaria, but not including crematoriums.

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

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 as depicted in Appendix 3.

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 -- a facility where individual classes are offered by a private or nonprofit institution, usually for a fee, to children or adults in a classroom or studio setting. Such facilities shall include, but not be limited to, music and dance schools, language schools, tutoring services, and technical schools.

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.

COMPREHENSIVE PLAN -- The Comprehensive Plan of the City Of Connellsville adopted in July 21, 2010, and as amended.

COMPRESSOR STATION -- The equipment necessary to transmit natural gas in association with Marcellus Shale and regulated by the Department of Environmental Protection.

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.

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.

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, ADULT -- A facility providing a program of health, social and support services in a protective setting during daytime hours for elderly persons, and which is licensed by the Pennsylvania Department of Aging.

DAY-CARE CENTER -- A facility provided for seven (7) or more children under the age of sixteen (16), 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 "child day-care center."

DAY-CARE, FAMILY -- A facility, which may or may not be within a residential dwelling unit, where day care is provided for no more than six (6) elderly persons or children under the age of sixteen (16), 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 “family day-care.”

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

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.

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 -- A building or portion thereof which is designed for and/or occupied in whole or in part as a residence for one (1) or more dwelling units, not including hotels, motels, bed & breakfasts, hostels, boarding houses, group homes or residences, or facilities for the elderly. The following are specific structural types of "dwellings":

(1) DWELLING, SINGLE-FAMILY DETACHED - A residential building containing one (1) dwelling unit only, which is located on an individual lot with yards on all sides.

(2) DWELLING, MULTI-FAMILY - A building containing two or more individual dwelling units. Multi-family dwellings shall include the following types:

(a) SINGLE-FAMILY ATTACHED - A building containing two (2) side-by-side dwelling units, each on its own lot and with direct access to the outside. The wall attaching the units shall be located on the side lot line separating the two lots.

(b) DUPLEX - A building, on a single lot, containing two (2) dwelling units, either side-by-side or over one another, with each having its own access directly to the outside.

(c) QUADPLEX - A residential building containing four (4) dwelling units, divided by party walls, each having its own access directly to the outside.

(d) TOWNHOUSE - A residential building containing at least three (3) but no more than six (6) dwelling units in a row connected by party

walls, each having its own access directly to the outside.

- (e) APARTMENT BUILDING- A residential building containing three (3) or more dwelling units, having access to the outside by way of a common entrance or entrances and a common interior hallway.
- (f) ACCESSORY APARTMENT – a dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit or primary use, either within the same structure or in a separate structure on the same lot.

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, which is used, or intended to be used, by one (1) family or person.

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.

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.

FAMILY -- One (1) or more persons related by blood, marriage or adoption or no more than five (5) unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity or hotel.

FENCE -- 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.

FLOODPLAIN -- Areas subject to inundation, at frequent or occasional intervals, as a result of storm water runoff or overflowing streams. More specific floodplain definitions are provided in Article VII, Floodplain Management.

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

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 store.

GOVERNING BODY -- The City Council of the City of Connellsville.

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.

GROUP HOME -- A dwelling where room and board are provided to five (5) or fewer unrelated persons of any age who are permanent residents, who are mentally 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 corporation meeting the minimum requirements of the sponsoring agency. This category shall not include a Halfway House.

GROUP RESIDENCE -- A dwelling where room and board are provided to six (6) or more unrelated persons of any age who are permanent residents, who are mentally 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 corporation meeting the minimum requirements of the sponsoring agency. This category shall not include a Halfway House.

HALFWAY HOUSE -- A residence for those who are undergoing or have completed treatment at a rehabilitation facility, whether criminal in nature or not, 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. This shall include residences for juvenile delinquents, sex offenders or others having a criminal record as well as those who currently use illegal drugs.

HOME-BASED BUSINESS, NO-IMPACT -- A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a residential dwelling, which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, and which meets all of the requirements set forth in Section 3-100 of this Ordinance.

HOME-BASED BUSINESS, OTHER -- A business or commercial activity administered or conducted as an accessory use that is secondary to the principal use of a dwelling 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 No-Impact Home-Based Business.

HOSPITAL -- An institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons on a primarily inpatient basis, and including, as an integral part of the institution, related facilities such as laboratories, staff offices, outpatient facilities and/or training facilities.

HOSTEL -- A transient lodging establishment that contains private sleeping units and common bathroom facilities and where meals are not provided but may be prepared by overnight guests using common kitchen facilities.

HOTEL OR INN -- An establishment which provides transient lodging accommodations to the general public in six (6) or more rooms 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.

IMPOUNDMENTS - - An earthen structure designed to retain the waste water associated with Marcellus Shale and regulated by the Department of Environmental Protection.

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

INDUSTRIALIZED HOUSING –

- (i) A structure designed primarily for residential occupancy and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.
- (ii) The term does not include a structure or building classified as an institutional building or manufactured home as defined by the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401-5426).
- (iii) The terms “industrialized housing” and “modular home” are synonymous and shall be used interchangeably in this ordinance.

JUNK STORAGE, SALES AND SALVAGE -- 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.

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

LAND DEVELOPMENT -- Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels 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.

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 City Engineer.

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

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

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

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

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.

MANUFACTURED HOME –

- (i) A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on a site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.
- (ii) The term includes any structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401-5426).
- (iii) The term does not include any self propelled vehicle.
- (iv) The terms “manufactured home” and “mobile home” are synonymous and are used interchangeably in this ordinance..

MANUFACTURING, HEAVY – The assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, which has the potential to produce noise, dust, glare, odors, vibration, smoke or other noxious emissions beyond its lot boundaries.

MANUFACTURING, LIGHT -- The assembly, fabrication, packaging or other industrial processing of finished parts or products to occur wholly within an enclosed building, where no process involved produces noise, dust, glare, odors, vibration, smoke or other noxious emissions will disturb or endanger neighboring properties.

MARINA -- A facility, commercial or non-commercial in nature, for the mooring, docking, storing, or servicing of boats and the occupants or owners thereof.

MINERAL – any aggregate or mass of mineral matter, whether or not coherent, including, but not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, crude oil and natural gas.

MINERAL EXTRACTION – the exploration for and extraction of minerals.

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

MIXED-USE DEVELOPMENT—A use that integrates residential and non-residential uses or combines various non-residential uses within a single building or land development plan.

MOBILE HOME -- See “Manufactured Home.”

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.

MODULAR HOME – See “Industrialized Housing.”

MOTEL -- An establishment which provides transient lodging accommodations to the general public in six (6) or more rooms 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.”

MUNICIPALITIES PLANNING CODE– Planning legislation adopted by the Commonwealth of Pennsylvania as the Act of July 31, 1968, P.L. 805, No. 247, and all subsequent amendments, 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 leasable 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 lot width requirements, by reasons of such adoption or amendments.

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

NURSING/CONVALESCENT CARE FACILITY -- A facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the nursing home administrator, for a period exceeding twenty-four (24) hours.

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. Business offices shall be classified as follows:

- a. **LARGE** – occupying more than 6,000 square feet of gross floor area.
- b. **SMALL** – occupying 6,000 square feet or less of gross floor area.

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

ORDINANCE -- All references to “Chapter” or “this Chapter” refer to the City of Connellsville 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.

PERMITTED USE -- An authorized use allowed by right that may be granted by the Zoning Officer upon compliance with the requirements of this Chapter.

PERSONAL CARE HOME – a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICES -- Any enterprise providing services and related products pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, dry cleaning, watch repairing, barbershops, beauty salons, licensed massage therapy establishments and spas, and similar activities.

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.

PLANNING COMMISSION -- Unless otherwise specified, the City of Connellsville Planning Commission.

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.

PROCESSING PLANT - - The equipment required to refine Marcellus Shale into the forms necessary for transmission and regulated by the Department of Environmental Protection.

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

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

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the City Council, 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 NOTICE -- Notice published once each week for two (2) successive weeks in a newspaper or newspaper(s) of general circulation within the City. 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 towers, 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."

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."

RECREATION, INDOOR, PRIVATE -- Recreational facilities within a building or structure that are operated by a private, for-profit entity and for which a fee is charged for their use. These facilities shall include, but not be limited to, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, and indoor sports facilities for the play of individual or team sports like tennis, soccer, or lacrosse.

RECREATION, INDOOR, PUBLIC -- Recreational facilities within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not be charged for their use. These facilities shall include, but not be limited to, community centers, senior centers, YMCAs, indoor pools, and ice rinks.

RECREATION, OUTDOOR, PRIVATE -- Recreational facilities, not housed within a building or structure, operated by a private, for-profit entity and for which a fee is charged for their use. These facilities shall include, but not be limited to batting cages, miniature golf courses, go-kart tracks, and boat liveries.

RECREATION, OUTDOOR, PUBLIC -- Recreational facilities not housed within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not be charged for their use. These facilities shall include parks, playgrounds, ball fields, and public swimming pools.

RESEARCH, TESTING AND DEVELOPMENT FACILITY -- a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for manufacture or sale of products, except as incidental to the main purpose of the facility.

RESTAURANT, HIGH TURN-OVER -- An eating establishment open to the general public where the customer turn-over time is generally less than one (1) hour, including drive-thru restaurants and take-out establishments, and where the principal use of the establishment is food service. A "high turn-over restaurant" does not include establishments where food service is subordinate or incidental to the consumption of

alcoholic beverages, to entertainment or to the sale of merchandise or non-food-related services in accordance with the requirements of the Pennsylvania Liquor Control Board.

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

RETAIL, SMALL– An establishment occupying 6,000 square feet or less of gross floor area located entirely within an enclosed building and which sells goods or merchandise directly to the general public for personal, household or office.

RETAIL, MEDIUM - An establishment occupying between 6,000 and 40,000 square feet of gross floor area located entirely within an enclosed building and which sells goods or merchandise directly to the general public for personal, household or office.

RETAIL, LARGE -- An establishment occupying 40,000 square feet or more of gross floor area located entirely within an enclosed building which sells goods or merchandise directly to the general public for personal, household or office consumption.

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.

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.

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

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

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

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

SETBACK -- SEE "BUILDING SETBACK LINE."

SIDE YARD -- SEE "YARD, SIDE."

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 such as counseling, referral, temporary or disaster relief, welfare service or similar human support services.

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.

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.

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, which shall include the following classifications:

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 the City, or which has been devoted to public use by legal mapping, use or other means.

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.

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, and similar structures.

TEMPORARY USE -- The sale of goods or services by a business or other entity for a period of not more than 14 consecutive days or a maximum of 28 days per calendar year, including but not limited to carnivals, Christmas tree sales, farm stands, or other seasonal businesses.

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

TOWNHOUSE -- SEE "DWELLING."

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

UNIVERSITY/COLLEGE -- An educational institution, authorized by the Commonwealth of Pennsylvania to award associate, baccalaureate or higher degrees, and including, some or all of the following principal uses: 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/DISTRIBUTION FACILITY -- An establishment used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuffs, and the like, 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.

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

WELLHEAD - - The visible top structure of an oil and gas operation associated with Marcellus Shale that is regulated by the Department of Environmental Protection.

WELL PAD - - The visible top of the well which represents the barrier between the underground portion of a well and the Wellhead which is regulated by the Department of Environmental Protection.

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

- a. Section 404 of the United States Clean Water Act, as may be amended from time to time.
- b. The Pennsylvania Department of Environmental Protection commonly known as hydrophytic vegetation.

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

YARD -- An open space adjacent to a lot line, unobstructed from the ground to the sky, except as otherwise provided herein. Typical configurations are shown 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 PERMIT -- 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.

ZONING HEARING BOARD -- The City of Connellsville Zoning Hearing Board.

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

ZONING OFFICER -- The Chief of Zoning, designated official, or an authorized representative, such as a zoning technician, appointed or assigned by the City Council, 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 City of Connellsville Zoning Ordinance No. 736, adopted on July 6, 1954, as amended by Ordinance No. 1167, adopted on February 27, 1978.