

DRAFT 2026 FAIRVIEW TOWNSHIP ZONING ORDINANCE

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Chapter I. General and Legal Provisions

§ 300-1. Authority

This chapter is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code (MPC).

§ 300-2 Title

This chapter shall be known as and may be cited as "The Township of Fairview Zoning Ordinance," "The Fairview Township Zoning Ordinance," or "Zoning Ordinance."

§ 300-3 Purpose of enactment.

The purpose of this chapter is to:

- A.** Promote, protect, and facilitate one or more of the following: the public health, safety, morals, or general welfare; the provision of adequate light and air; and other public requirements.
- B.** Prevent one or more of the following: overcrowding; blight; or loss of health, life or property from fire, flood, or other dangers.
- C.** Establish a Zoning Map dividing the Township of Fairview into zoning districts with varying regulations.
- D.** Permit, prohibit, regulate and determine the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, expansion, razing, removal, and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E.** Establish the requirements for density and intensity of uses.
- F.** Promote innovative design to preserve and enhance the established and important sense of community neighborhoods and areas.
- G.** Serve as a tool that is part of an overall plan for the orderly, appropriate and compatible preservation, growth, and development in the Township of Fairview, by incorporating the overall objectives and principles of, as well as seeking to implement portions of the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by the Township of Fairview.
- H.** Affect any additional purposes provided for in Articles I, VI, VII-A, and elsewhere in the Pennsylvania Municipalities Planning Code (MPC).

§ 300-4 Interpretation and uses otherwise not provided for.

- A.** Interpretation. In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township of Fairview. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations of the zoning district(s) in which it is located and elsewhere in this chapter, as well as with all other applicable regulations of this and other related chapters, ordinances, standards, and/or rules.

This chapter is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this chapter imposes more stringent restrictions upon the use of buildings, structures, land (which also includes water bodies/courses) than are elsewhere established, the provisions of this chapter shall prevail.

Unless otherwise specified elsewhere in this chapter, wherever and whenever the requirements of this chapter are not consistent with the requirements of any other legally adopted laws, rules, regulations, chapters, or ordinances, the most restrictive, or that imposing the higher standards, shall govern. In interpreting the language of this chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

- B.** Uses not otherwise provided for. Any use which clearly is not permitted by right, by special exception use, nor by conditional use by this chapter within any zoning district, or a use which is not defined by this chapter, then such use shall be prohibited, except that the Zoning Hearing Board of the Township of Fairview may permit such use by special exception if the applicant proves to the satisfaction of the Zoning Hearing Board of the Township of Fairview that all of the terms and conditions set forth below are satisfactorily addressed:

(1) The proposed use is in general conformity with the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by Fairview Township, and in harmony with the zoning district, neighborhood, and area in which it is proposed.

(2) The proposed use is:

(a) Similar to and compatible with the permitted uses in the zoning district in which the subject property is located;

(b) Not permitted in any other zoning district under the terms of this chapter; and

(c) In no way conflicting with the general purposes and intent of this chapter or the zoning district in which the subject property is located.

(3) The external impacts associated with the proposed use would be equal to or less intensive than external impacts associated with other uses that are permitted in the zoning district in which the subject property is located.

(4) The location of the proposed use would not endanger the public health and safety, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

(5) The proposed use shall comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

(6) The proposed use would meet the standards that apply under Chapter IX of this chapter relating to special exceptions.

(7) The applicant shall provide:

- (a) The information required in Chapter V of this chapter relating to hours of operation and management plan. This information is required for both residential and nonresidential uses.
- (b) A detailed description of how the proposed use and development complies with Subsection B(1) through (6) of this subsection.
- (c) Plot/site plans required in Chapter IX of this chapter relating to applications for zoning permits.
- (d) A schematic architectural drawing of the principal building(s) front facade(s).

§ 300-5 Applicability.

A. Within the Township of Fairview, York County, PA, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all regulations and procedures specified for in the zoning district in which such land, body of water, or structure is located, as well as with all other applicable provisions of this chapter and other applicable chapters of the Code of the Township of Fairview.

B. This chapter shall not apply to an existing or proposed building or structure or extensions thereof, that is used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Township of Fairview have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings. The exemptions and procedures shall be in accordance with the MPC.

§ 300-6 Municipality liability.

The granting of a zoning permit for the erection or use of a structure, building, or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the Township of Fairview, or an official or employee, thereof, of the safety of any structure, building, use, or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against the Township of Fairview or such public official or employee for any damage that may be pursuant thereto.

§ 300-7 Disclaimer.

It is recognized that the following acts preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of these acts. Nothing contrary to these acts shall be mandated by this chapter.

A. Act of June 22, 1937 (P.L. 1987, No. 394) known as "The Clean Streams Law";^[1]

[1]
Editor's Note: See 35 P.S. § 691.1 et seq.

B.

Act of May 31, 1945 (P.L. 1198, No 418) known as the "Surface Mining Conservation and Reclamation Act";^[2]

[2]
Editor's Note: See 52 P.S. § 1396.1 et seq.

C. Act of April 27, 1966 (first Special Session, P.L. 31, No. 1) known as "The Bituminous Mine Subsidence and Land Conservation Act";^[3]

[3]

Editor's Note: See 52 P.S. § 1406.1 et seq.

D. Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control Act";^[4]

[4]

Editor's Note: See 52 P.S. § 30.51 et seq.

E. Act of December 19, 1984 (P.L. 1093, No. 219) known as the "Noncoal Surface Mining Conservation and Reclamation Act";^[5]

[5]

Editor's Note: See 52 P.S. § 3301 et seq.

F. Act of December 19, 1984 (P.L. 1140, No. 223) known as the "Oil and Gas Act";^[6]

[6]

Editor's Note: Said Act was repealed 2-14-2012 by P.L. 87, No. 13; see now 58 Pa.C.S.A. § 3201 et seq.

G. Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law";^[7]

[7]

Editor's Note: See 3 P.S. § 901 et seq.

H. Act of June 10, 1982 (P.L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances";^[8] and

[8]

Editor's Note: See 3 P.S. § 951 et seq.

I. Act of May 20, 1993 (P.L. 12, No. 6) known as the "Nutrient Management Act."^[9]

[9]

Editor's Note: Said Act was repealed by 7-6-2005 by P.L. 112, No. 38; see now the Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq.

§ 300-8 Repealer.

The preexisting chapter or ordinance relating to zoning in the Township of Fairview, as amended, is hereby expressly repealed; provided, further that nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this chapter. All chapters and ordinances or parts of chapters and ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the preexisting chapter or ordinance relating to zoning in the Township of Fairview, as amended, shall, as nearly as possible, be construed to reference this chapter.

§ 300-9 Effective date.

This chapter shall take effect on the **XX** day of **XX month** 2026, as enacted and ordained by the Board of Supervisors of the Township of Fairview.

Chapter II. Terminology

§ 300-10 Word Usage

- A. The language and words set forth in this Chapter II of this chapter are defined in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning indicated in this article.

(1) Words used in the present tense shall include the future tense.

(2) Words used in the singular include the plural and vice versa.

(3) The words "should" and "may" are permissive; the words "shall" and "will" are mandatory.

(4) The words "person," "applicant," "subdivider," "developer" and "landowner" include a corporation, unincorporated association, a partnership, other legal entity, as well as an individual.

(5) The masculine gender includes the feminine and neuter. The feminine gender includes the neuter and masculine. The neuter gender includes both feminine and masculine.

(6) The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof."

(7) The word "used" or "occupied" as applied to any land, or structure shall be construed to include the phrase, "intended, arranged or designed to be used or occupied."

(8) The word "erected" shall be inclusive of the words "constructed, altered, or moved."

(9) Except as provided in Subsection A(11) of this subsection, for those terms used in this chapter but not defined in this Chapter II of this chapter or elsewhere in this chapter, the definitions found in the Pennsylvania Municipalities Planning Code (MPC)[1] or various chapters of the Code of the Township of Fairview specifically including but not limited to chapter(s): relating to code enforcement, uniform construction code;[2] relating to floodplains;[3] relating to streets and sidewalks;[4] relating to subdivision and land development (and also stormwater management);[5] and relating to trees;[6] shall apply.

[1]

Editor's Note: See 53 P.S. § 10101 et seq.

[2]

Editor's Note: See Ch. 113, Uniform Construction Code, and Ch. 215, Art. II, International Property Maintenance Code.

[3]

Editor's Note: See Ch. 151, Floodplain Management.

[4]

Editor's Note: See Ch. 255, Streets and Sidewalks.

[5]

Editor's Note: See Ch. 260, Subdivision and Land Development, and Ch. 252, Stormwater Management.

[6]

Editor's Note: See Ch. 273, Trees.

(10) For those words used in this chapter but also which are defined in various chapters of the Code of the Township of Fairview, wherever and whenever the terms and associated definitions are not consistent, the terms and associated definitions used in this chapter govern the regulations and standards in this chapter.

(11) For those words used in this chapter but not defined in this chapter or in the terms and associated definitions found in various chapters of the Code of the Township of Fairview, the definition of the term found in the most recent edition of Webster's Unabridged Dictionary shall apply.

B. Illustrations and tables. In instances of any differences of meanings or implications between the text of this chapter and any caption, illustration or table, the text shall control. No caption, illustration, or table shall be construed to limit the scope or intent of the text of this chapter.

§ 300-11 Definitions

For the purposes of this chapter, the following terms shall have the following meanings:

ABANDONMENT

The relinquishment of property, or a cessation of the use of the property, by the owner without the intention of transferring rights to the property to another owner, or of resuming the use of the property.

ABUT or ABUTTING

Areas of contiguous lots that share a common property line or lot line, or are separated by a common border including easements, but excluding lots entirely separated by a public right-of-way for a street or alley.

ACCESS DRIVE

See Chapter 260 relating to subdivision and land development. (A private drive providing vehicular access between a public or private street and a parking area within a land development.)

ACCESS AISLE

The traveled way by which automobiles and other similar motor vehicles enter and depart parking spaces.

ACCESSORY ALTERNATIVE ENERGY SYSTEM

An alternative energy system that supplies energy primarily for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. This definition shall not in any way limit or preclude those accessory alternative energy systems conducted pursuant to and part of power purchase agreements.

ACCESSORY APARTMENT

An individual independent dwelling unit, incorporated into the principal or accessory building or structure located on an owner occupied lot upon which the permitted principal use is a single-family detached dwelling, and which meets the requirements for such use in Chapter VII of this chapter relating to additional supplemental standards and requirements for specific accessory uses.

ACCESSORY DWELLING UNIT

A separate and accessory living space that is attached or detached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door.

ACTIVITY

The use of land, structure, or building for a specific purpose.

ADAPTIVE REUSE OF EXISTING AGRICULTURAL STRUCTURE

A use involving the process of converting an existing traditional farm building or structure, including but not limited to barns and silos, to a new use other than that for which it was originally designed and used, in a sympathetic, compatible, and context-sensitive manner.

ADDITION

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An extension or increase in floor area or height of a building or structure.)

ADJACENT

Two or more abutting lots or two or more lots separated only by a public street right-of-way, another lot, or as otherwise specified in this chapter.

AGRIBUSINESS

Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

A. CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.^[1]

B. CONCENTRATED ANIMAL OPERATION (CAO)

An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).

C. OTHER AGRIBUSINESS

Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding 10,000 square feet.

AGRI-TAINMENT/AGRI-TOURISM

An enterprise upon and accessory to a working farm or agricultural operation and offered to the public or to invited groups for the purpose of combining and providing the elements and characteristics of agriculture, entertainment, education, recreation, or active involvement in the farm operation.

AGRICULTURAL OPERATION

An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.) For purposes of this chapter, "agricultural operations" shall not be construed to be an agribusiness or forestry (timber harvesting) as defined in this Chapter II of this chapter.

AGRICULTURAL SUPPORT BUSINESS

An establishment directed at meeting the needs of those engaged in farming, agricultural operations, and agribusiness. Such activities shall be directed at providing goods, materials, and services needed to farm and for agricultural operations and agribusinesses, rather than the distribution of goods produced on the farm, agricultural operations and agribusinesses.

AIRPORT OVERLAY ZONING DISTRICT TERMS AND PHRASES

Unless specifically defined elsewhere in this chapter, the following words and phrases when used in Chapter IV of this chapter relating to the Airport Overlay Zoning District shall have the meaning given to them in this definition:

A. AIRPORT(S) CAPITAL CITY AIRPORT (CXY) AND HARRISBURG INTERNATIONAL AIRPORT (MDT)

Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon.

B. AIRPORT ELEVATION

The highest point of an airport's usable land area measured in feet above sea level. The airport elevation for Capital City Airport is 347 feet; and the Airport Elevation for Harrisburg International Airport is 310 feet.

C. AIRPORT HAZARD

Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.C.S.A. § 5102.

D. AIRPORT HAZARD AREA

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in Chapter IV of this chapter relating to Airport Overlay Zoning District (APO) and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).[2]

E. APPROACH SURFACE ZONE (ASZ)

An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone is derived from the approach surface.

F. CONICAL SURFACE ZONE (CSZ)

An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically (or 20:1) for a horizontal distance of 4,000 feet. The conical surface zone is based on the conical surface.

G. FAA

Federal Aviation Administration of the United States Department of Transportation.

H. HEIGHT

For the purpose of determining the height limits in all Airport Overlay Zoning District-related zones set forth in Chapter IV of this chapter relating to Airport Overlay Zoning District (APO) and shown on the on "Township of Fairview, York County, PA, Official Zoning Map" listed in Chapter III of this chapter relating to zoning districts and map, the datum shall be mean sea level elevation unless otherwise specified.

I. HORIZONTAL SURFACE ZONE (HSZ)

An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone is derived from the horizontal surface.

J. LARGER-THAN-UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

K. NON-PRECISION-INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision-instrument approach procedure has been approved or planned.

L. OBSTRUCTION

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by Chapter IV of this chapter relating to Airport Overlay Zoning District (APO).

M. PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

N. PRIMARY SURFACE ZONE (PSZ)

An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The primary surface zone is derived from the primary surface.

O. RUNWAY- A defined area of an airport prepared for landing and takeoff of aircraft along its length.

P. TRANSITIONAL SURFACE ZONE (TSZ)- An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven feet horizontally to one foot vertically. The transitional surface zone is derived from the transitional surface.

Q. TREE- Any vegetative object of natural growth.

R. UTILITY RUNWAY- A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

S. VISUAL RUNWAY- A runway intended solely for the operation of aircraft using visual approach procedures.

ALTERATION

Any change, addition, or modification in construction, occupancy, or use.

ALTERNATIVE ENERGY SYSTEM

Any one or more method and facilities used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities of renewable energy sources (including but not limited to sunlight, wind, rain, tides, and geothermal heat).

AMENDMENT

Revisions to the zoning text and/or the Official Zoning Map to depict a change in use in any regulations and/or change in zoning district location(s).

ANIMAL GROOMING FACILITY

A retail establishment that provides bathing, trimming, and grooming services for small domestic animals on a commercial basis. An animal grooming facility does not include medical or surgical treatment or overnight boarding facilities.

ANIMAL HOSPITAL

An establishment offering veterinary services to all types of animals, which also includes outdoor or overnight keeping or boarding of animals.

ANIMAL RESCUE SHELTER

An establishment in which three or more animals are housed or contained and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or any other such duly incorporated organization devoted to the welfare, protection, and humane treatment of animals.

ANTENNA HEIGHT

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE

Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

APARTMENT

An individual independent dwelling unit within a residential building.

APARTMENT CONVERSION

The creation of multifamily dwelling units or apartments by converting an existing single-family detached dwelling without substantially altering the exterior of the building.

APPLICANT

See MPC. (A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.)

APPLICATION FOR DEVELOPMENT

See MPC. (Every application, whether preliminary, tentative or final, required to be filed and approved prior to 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 or for the approval of a development plan.)

APPURTENANCES

The visible, functional, or ornamental objects accessory to and part of buildings.

ARCADE

An arched covered passageway or avenue; a series of arches with their columns or piers.

ARCH

A curved structure that spans an opening and is supported at both ends.

ASSISTED LIVING

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A building or part thereof housing persons, on a twenty-four-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted-living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse center and convalescent facilities.) For purposes of this chapter, assisted-living facilities shall not include halfway houses, group homes, social rehabilitation facilities, and alcohol and drug abuse centers. Assisted-living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

AUTHORITY

See "municipal authority."

AUTOMATED BANKING FACILITY

An establishment that contains automated devices performing banking or financial functions which are operated by the consumer or patron primarily for those who remain in their automobile, but may also be operated by those customers walking up to the device.

~~AUTOMOBILE AND OTHER SIMILAR LIGHT DUTY MOTOR AND PASSENGER VEHICLE RENTAL/SALES, REPAIR/SERVICE, WASHING, AND/OR FUEL/GAS SALES~~

~~An establishment involving the indoor and/or outdoor display, sale, or rental of new and used motor vehicles including cars, motorcycles, trailers, light trucks, other similar light-duty motor vehicles; and which may include: washing and polishing of vehicles; major and minor mechanical repairs and body work; state inspections; oil changes and lubrications; and tune-ups; conducted within a completely enclosed building or structure. Additionally, this use includes: the dispensing or sales of fuel/gas for motor vehicles; and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.~~

AUTOMOBILE WRECKING, JUNK AND SCRAP STORAGE AND SALES

An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as defined in this Chapter II of this chapter. In no zoning district shall this use be considered to be accessory or incidental to another use. This term includes "junkyards" as defined in Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards.

AWNING

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.)

BANK

An establishment, in which money is kept for savings or commercial purposes, investment purposes, supplied for loans, or exchanged, and that includes routine interactions with customers and/or patrons. A bank may also provide financial counseling, planning, and services related to money management, and includes those establishments considered savings and loans and credit unions.

BAR

See "tavern/bar."

BASEMENT

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A story that is not a story above grade plane.) For purposes of this chapter, "basement" does not apply to provisions for flood loads.

BED-AND-BREAKFAST

An owner-occupied or manager-occupied establishment within a single-family detached dwelling and/or the associated accessory structure, providing temporary, overnight lodging accommodations in sleeping rooms/units for transient guests and related meal service for compensation. Bed-and-breakfast may also host accommodations for private events (e.g., weddings and conferences). Temporary, overnight lodging occurs within individual sleeping rooms/units which do not contain cooking facilities.

BEDROCK

The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.

BEEKEEPING (APICULTURE)

The keeping, maintaining, housing, or management of honeybee colonies in hives or other approved structures for the purposes of pollination, honey production, education, or hobby activity. Beekeeping typically involves the placement of managed bee colonies on a property and includes associated equipment such as hives and protective enclosures.

BEER AND ALE WHOLESALE DISTRIBUTION

An establishment engaged in the sale and delivery of beer and ale, and similar alcoholic beverages, such as malt liquor and wine coolers, in wholesale quantities to retail sellers, as well as retail sales to the public.

BERM

A mound of soil, either natural or man-made, used to obstruct views and attenuate sound, among other purposes.

BEST MANAGEMENT PRACTICE (BMP)

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "nonstructural" or "structural."

A. NONSTRUCTURAL BMPs

Measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff.

B. STRUCTURAL BMPs

Includes, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or

forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

BLOCK

See Chapter 260 relating to subdivision and land development. (An area, divided into lots and bounded by three or more streets.)

BOARDING HOUSE (including ROOMING HOUSE)

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.) A boarding house shall not include a use that meets the definition of a treatment center, hotel, motel, personal care facility, bed-and-breakfast, group home, group care facility, long-term-care nursing facility, and/or similar type group living use. A boarding house may involve the provision of meals to residents, but shall not include a restaurant open to the public.

BOAT-LAUNCHING RAMP

A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

BOARD OF SUPERVISORS

The Board of Supervisors of the Township of Fairview also may be referenced as the Fairview Township Board of Supervisors. (See "governing body.")

BOULDER

Rock fragments larger than two feet in diameter.

BREWERY

A facility where beer, ale, malt beverages, or similar fermented products are produced, fermented, brewed, aged, filtered, packaged, or otherwise manufactured for distribution, wholesale, or retail sale. A brewery may include related accessory uses such as storage, bottling/canning, distribution, tasting rooms, taprooms, retail sales of beverages and merchandise, food service areas, and indoor or outdoor seating. All accessory uses shall meet all zoning requirements of that use. Breweries are distinct from microbreweries/brewpubs.

BUFFER

An open area of land that is located between two uses, and intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

BUFFER YARD

An open area of land that is located between two uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district, whose dimensions normally exceed, but may include where specified, the required building setback or yard requirements, and which is generally planted and may include required

screening, and within which no building structure, or otherwise shall be permitted except those used as part of required screening as otherwise provided for in this chapter.

BUILDING

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A structure used or intended for supporting or sheltering any use or occupancy.)

BUILDING, ACCESSORY

A detached, subordinate building or structure, the use of which is customarily incidental and subordinate to that of the principal building, structure, or otherwise principal use of the lot, and which is located on the same lot as that occupied by the principal building, structure, or otherwise principal use of the lot.

BUILDING, ATTACHED

A building connected to another building or structure via one or more common party wall(s).

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, PRINCIPAL

The main or primary building or structure, the use of which is primary and essential to that of any accessory building, structure, or other accessory use of the lot, and which is located on the same lot as any accessory building, structure, or other accessory use of the lot.

BUILDING CODE OFFICIAL

The administrative officer certified by the PA Department of Labor and Industry to manage, supervise, administer code enforcement activities, and issue building permits under the authority of the PA Uniform Construction Code pursuant to Chapter 113 relating to code enforcement, Uniform Construction Code, who is appointed by the Board of Supervisors of the Township of Fairview.

BUILDING FACADE

The front exterior face, elevation, or wall of a principal building, that is often facing street rights-of-way (excluding alleys).

BUILDING FOOTPRINT

The sum total of the ground area of a site occupied by any building measured from the exterior face of exterior walls; this includes courts and decks or porches when covered by a roof.

BUILDING HEIGHT

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The vertical distance from grade plane to the average height of the highest roof surface.)

BUILDING LINE

A line parallel to the front, side, and/or rear lot line, touching that part of the structure closest to said lot line.

BUILDING PERMIT

A document signed by the Building Code Official, as required in Chapter 113 relating to code enforcement, Uniform Construction Code, as a condition that shall be met prior to commencing with the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such building or structure complies with the provisions of Chapter 113 relating to code enforcement, Uniform Construction Code, and this chapter.

BUILDING SETBACK LINE

See "setback line."

BUSINESS PARK

An establishment containing a group of three or more businesses permitted in the applicable zoning district, but may also include other similar and related establishments; planned and designed for the site on which it is built and functioning as a unit on the parcel(s) on which it is located, with internal vehicle circulation (public or private) and off-street parking provided as an integral part of the park. This term shall not include shopping centers.

BUS/TRANSIT SHELTER

A structure providing temporary cover or protection, as from the weather, to riders waiting to board buses and other similar public transportation motor vehicles.

CALIPER, TREE

The diameter of a tree trunk measured at 4 1/2 feet from ground level.

CAMPER

Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMPGROUND OR RECREATIONAL VEHICLE PARK

A state-permitted establishment, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers, recreational vehicles, or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons in a calendar year.

CANOPY

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and shall be structurally independent or supported by attachment to a building on one end by not less than one stanchion on the outer end.)

CARPORT

A roofed structure that is enclosed on not more than two sides and provides space for the parking of motor vehicles, and is accessory to a principal or accessory structure (unless it is attached to the building or structure, in which case it shall comply with all applicable principal or accessory structure standards of this chapter).

CARTWAY

See Chapter 260 relating to subdivision and land development. (The portion of a street right-of-way, paved or unpaved, intended for vehicular use.)

CAR WASH

The carwash land use classification includes the related facilities and operations listed below.

CAR WASH TYPES:**AUTOMOBILE DETAIL**

Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as "Vehicle Repair."

CAR WASH, AUTOMATIC

A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

CAR WASH, SELF-SERVICE

A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

CATERING/EVENT VENUE

A facility that provides a location for a planned occasion or activity such as a wedding, reunion, graduation, or other social gathering. Event halls, when authorized, may sometimes include a catering use.

CATERING FACILITY

A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue. As a land use classification, catering only includes food preparation.

CEMETERY

An establishment involving the burial for and/or long-term internment of human or animal remains either in the ground or in structures such as columbariums, mausoleums, and entombments.

CERTIFICATE OF USE AND OCCUPANCY

The certificate issued by a duly authorized Township officer which permits the use of a building or structure in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit and/or zoning permit.

CHANGE OF USE

Any use that differs from the previous use of a structure, building, or land.

CLEAN WOOD

Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol. For the purposes of this chapter, the term shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt-offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets.

CLEAR SIGHT TRIANGLE

See Chapter 260 relating to subdivision and land development. [An area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.]

CLINIC, MEDICAL

An establishment where three or more full-time-equivalent licensed medical professionals, including physicians, dentists, opticians, psychologists, and other similar medical personnel and vocations, examine and treat patients on an outpatient basis. Such a facility may also include a pharmacy, provided that such use has access only from the interior of the building or structure. This use shall not include overnight accommodation of patients. This use shall also include those establishments commonly known as ambulatory surgical, urgent, and emergency centers without overnight accommodations.

CLUBHOUSE OR LODGE, PRIVATE

An establishment exclusively serving members and their guests, or premises or buildings that are used for social, recreational and administrative purposes, provided there are no vending stands, merchandising, or commercial activities except as required for the membership or fund-raising of such club. This use shall not include a bar, boarding house, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that zoning district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests. Private clubhouses or private lodges shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

CLUB, PRIVATE

An organization catering exclusively to members and their guests and not the general public. Private clubs shall include but not be limited to, educational, fraternal, service, and political organizations, labor unions, and social and athletic clubs. Private clubs shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

COLD-FRAME

An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

CO-WORK SPACE

A non-residential establishment that provides shared, flexible workspace for entrepreneurs, remote workers, and businesses. Co-work spaces may offer private offices, open desk areas, meeting or conference rooms, shared amenities, and related support services. Such facilities may operate under membership, rental, or lease agreements. Co-work spaces do not constitute traditional "office buildings" unless otherwise stated and may include limited accessory uses such as business support services and small meeting/event areas.

COLONNADE

A row of columns.

COMMERCIAL RECREATION

An establishment operated as a gainful business whose primary purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

A. COMMERCIAL RECREATION, INDOOR

An establishment operated as a gainful business, open to the public, for the purpose of leisure-time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, shooting range, swimming pool, tennis courts, etc., when operated within a completely enclosed building or structure.

B. COMMERCIAL RECREATION, OUTDOOR

An establishment operated as a gainful business and open to the public upon open land, wholly or partially outside of a building or structure, for the purpose of leisure-time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-cart track, and skating rinks, and that may also include amusement rides or regular live entertainment. This use excludes a park, golf course, and an outdoor shooting range.

COMMERCIAL TIMBER HARVESTING

That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Includes tree harvesting and logging. See "forestry."

COMMERCIAL VEHICLE

Any motor vehicle licensed by the Commonwealth of Pennsylvania as a commercial vehicle.

COMMON OPEN SPACE

See Chapter 260 relating to subdivision and land development. (A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.)

COMMUNITY CENTER

An establishment used for noncommercial recreational, social, educational, and cultural activities, open to the public or a designated part of the public, owned or operated by a public or nonprofit group or agency.

COMMUNITY GARDEN

An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or nonfood, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members.

COMPATIBLE

Capable of associating or blending with or being associated or blended because of sensitive, harmonious, agreeable, appropriate, or consistent combination with another or other.

COMPREHENSIVE PLAN

The most recent version of the official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of the Township of Fairview, as amended from time to time.

COMPOSTING

The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

CONDITIONAL USE

See MPC. (A use permitted in a particular zoning district pursuant to the provisions in Chapter V.)

CONDOMINIUM

A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980,^[3] which includes a multiple-unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities. (For purposes of this chapter, the specific uses associated with a condominium shall be regulated by the applicable standards of this chapter regardless of the form of ownership.)

CONSERVATION AREA

A voluntary agreement between a private landowner and a municipal agency or qualified nonprofit organization to permanently restrict the development or use of a parcel of land or part thereof; the

participating agency holds the interest in and is empowered to enforce restrictions against current and subsequent owners of the land.

A. EXISTING PROTECTED AREAS

Lands subject to conservation easements, state and federal forest and park lands, municipal parks and conservancy properties listed as "existing protected areas" of the most recent version of the Fairview Township Comprehensive Plan.

B. PRIMARY CONSERVATION AREAS

Lands containing natural features and areas deemed to be inherently unsuitable for development due to extremely severe environmental constraints including: floodplain, wetlands, streams, and steep slopes equal to or greater than 25% listed as "environmentally sensitive areas" in the most recent version of the Fairview Township Comprehensive Plan.

C. SECONDARY CONSERVATION AREAS

Lands containing natural and man-made features and areas that can be developed but are significant at some level worthy of consideration for conservation including: natural area inventory sites, stream buffers, moderately steep slopes, forested areas, greenways, Yellow Breeches Water Trail, or other important features as depicted in "Appendix 1: Existing Conditions Reports, Map 12: Environmentally Sensitive Areas" of the most recent version of the Fairview Township Comprehensive Plan.^[4]

CONSTRUCTION

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

CONTIGUOUS

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

CONTINUING CARE RETIREMENT COMMUNITY

An age-restricted development or establishment that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

CONTRACTOR – An individual or business engaged in or offering to perform construction, demolition, installation, repair, alteration, or maintenance of buildings, structures, or infrastructure. This includes, but is not limited to, those working as prime contractors, subcontractors, specialty trade contractors, developers, or builders. The term encompasses persons or firms obligated under contract to complete any part of a development project.

GENERAL CONTRACTOR – A contractor who enters into a principal contract with the property owner or developer to oversee and coordinate all aspects of a construction, demolition, or development project. The General Contractor is responsible for engaging and supervising subcontractors, securing necessary permits and inspections, adhering to applicable building codes (including the Pennsylvania Uniform Construction Code), and ensuring compliance with all contract terms and municipal regulations.

CONVENIENCE STORE

An establishment primarily engaged in the retail sale of frequently or reoccurring needed goods for household consumption prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware; as well as the rental of videotapes,

DVDs and videogames, provided that a sexually oriented business and/or related use are specifically prohibited. The use also may include the on-site consumption of food and beverages, as well as the retail sale of fuel/gas for passenger vehicles, oil, grease, automobile accessories, propane, and kerosene, and automatic motor vehicle washing facilities.

CONVENTION CENTER

A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.

COPY SHOP/BUSINESS SERVICE

An establishment primarily engaged in providing custom printing, photocopying, faxing, mailing, courier service and/or other similar business and office support services, along with accessory sales of materials and items related to copying and mailing.

CORNICE

The projecting horizontal element that tops a wall or flat roof.

CRAFTSMAN/ARTISAN STUDIO

An establishment primarily including the on-site production, display, and sale of goods created on-site by hand manufacturing generally involving only the use of hand tools and/or other domestic mechanical equipment. Typical uses include painting and other media art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production associated with this use shall occur within a completely enclosed building.

CREMATORIUM

Land and a building used for cremation services, which is the process of reducing dead human or animal bodies to basic chemical compounds in the form of gases and bone fragments, typically accomplished through high temperatures and vaporization. The term 'crematorium' may also apply to 'cremation.'"

CROP

A harvestable product including but not limited to herbs, fruits, flowers or vegetables, planted, grown, and cultivated in the soil.

CROPS/GARDENING

The use of land for the tilling of the soil; the raising, maintenance, and cultivation of crops, and also including horticulture, apiculture, floriculture, vitaculture, for personal and, generally noncommercial purposes.

CURB

A stone, concrete, or other improved boundary usually marking the edge of the roadway, access drive, or paved area.

CURB CUT

The opening along the curbline at which point vehicles may enter or leave the roadway.

DATA CENTER

A building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications, digital data, or storage systems.

DATA CENTER ACCESSORY USE

Any use complimentary to a data center, said use not connected physically to the data center building but on the same property as the data center including but not limited to electrical substations, water pump/cooling stations, back-up power supplies, water towers, mechanical equipment.

DAY CARE

An establishment offering care or supervision of persons under the age of 16, special-needs adults in lieu of care or supervision by family members, elderly persons (generally 62 years of age and older), mentally disabled, and/or physically handicapped persons who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of criminal and/or violent behavior. This use may involve occasional oversight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

A. DAY CARE, ACCESSORY

An accessory use to a residential dwelling unit, whereby care and supervision is offered to no more than three nonresidents of the site during any calendar day. An accessory day care does not require zoning approval.

B. DAY CARE, COMMERCIAL

An establishment operated as a gainful business that provides care and supervision to more than six nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial day care be considered an accessory use to an individual dwelling unit. Commercial day care facilities shall include group child day-care homes and child day-care centers, as defined and regulated by the Pennsylvania Department of Public Welfare.

C. DAY CARE, FAMILY

An accessory use to a residential dwelling unit, in which the care and supervision is offered to between four and six nonresidents of the site during any calendar day. Family day-care facilities shall be registered with the Pennsylvania Department of Public Welfare.

DECIDUOUS

Plants that drop their leaves before becoming dormant in winter.

DECK

An elevated, open, exterior structure, platform, or floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

DEED RESTRICTION

A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The municipality is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process, and in which the municipality is a party.

DENSITY

The number of dwelling units in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the ROW of any public road.

DEP

Pennsylvania Department of Environmental Protection.

DEVELOPABLE AREA

The total net tract area minus environmentally constrained land; this total amount of land is then used to calculate a development's overall allowable density.

DEVELOPER

See Chapter 260 relating to subdivision and land development. (Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.)

DEVELOPMENT

Includes the following:

- A.** Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement, of or extension (vertical or horizontal) of a structure, building or sign;
- B.** Change of the type of use or expansion of the use of a structure, building, or area of land;
- C.** Creation or establishment of a new use of a structure, building, and area of land;
- D.** Creation of a new lot or alteration of existing boundaries;
- E.** Alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities, provided the final grade is not altered;
- F.** Construction or installation of lakes, ponds, dams, or other water retention basins;
- G.** Land development as defined in this article shall be included in this definition;
- H.** Other activities required to have a permit and/or approval by this chapter relating to zoning.

DEVELOPMENT PLAN

See Chapter 260 relating to subdivision and land development. (The provisions for development including a planned residential development, a plat for subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.)

DIABASE

A dark-gray to black, fine-textured igneous rock composed mainly of feldspar and pyroxene and used for monuments and as crushed stone.

DISPLAY WINDOW

A glazed opening in a wall for the purpose of admitting light and/or display of merchandise associated with a retail establishment.

DISTILLERY

An establishment for distilling, especially for distilling alcoholic liquors. No products produced by the distillery shall be sold and/or consumed on the premise. See also "Micro-distillery."

DISTRIBUTION

A process whereby materials, goods, cargo, and products are received and stored by one entity and then delivered to another.

DISTRIBUTION CENTER

A facility designed to store products, goods, and/or packages that will be redistributed to wholesalers, retailers, or consumers. "Distribution centers" may also include "pick up" services available to the public. "Distribution centers" also includes "fulfillment centers" and "bulk mail centers."

DOMESTIC ANIMAL (PET)

Animals typically kept for companionship and not for commercial, agricultural, or food-producing purposes. Pets include, but are not limited to, dogs, cats, birds (non-poultry), hamsters, guinea pigs, ferrets, fish, and other small, domesticated animals customarily kept indoors or outdoors for personal enjoyment. The term "pet" does not include livestock, poultry, exotic or wild animals, or any animal kept primarily for breeding, commercial sale, food production, or agricultural use.

DORMITORY

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.)

DRIVE-IN

An establishment, including an eating establishment, that offers refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment, or services on the premises and outside of the building or structure, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

~~DRIVE-THROUGH~~

~~A structure designed for providing goods and services to drivers and patrons who remain in their vehicles before and during the on-site activity.~~

DRIVE-THROUGH FACILITIES

A business that primarily orients the sale of goods or services to those remaining in their vehicles. Drive-through facilities shall be considered accessory uses which are attached to another authorized principal use which involves a window, service lane, bay, or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to: drive-in or drive-through windows at fast-food restaurants, banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services, and other such facilities.

DRIVEWAY

See Chapter 260 relating to subdivision and land development. (A private drive providing access between a public or private street or access drive and the parking area for a single residential unit of occupancy.)

DUMPSTER

A container generally two or more cubic yards in capacity, for the disposing of refuse, whether generated by residential, nonresidential, or other use.

DWELLING, ATTACHED

A dwelling unit that is physically connected to another dwelling or principal structure, typically sharing a wall or being contained within or directly attached to the main building.

DWELLING, MULTIFAMILY

A building occupied and used by three or more families living independently of each other, wherein each dwelling unit shall contain private bath and kitchen facilities, includes apartment homes/houses. See Figure 2.1, Multifamily Dwelling Example - Plan View.

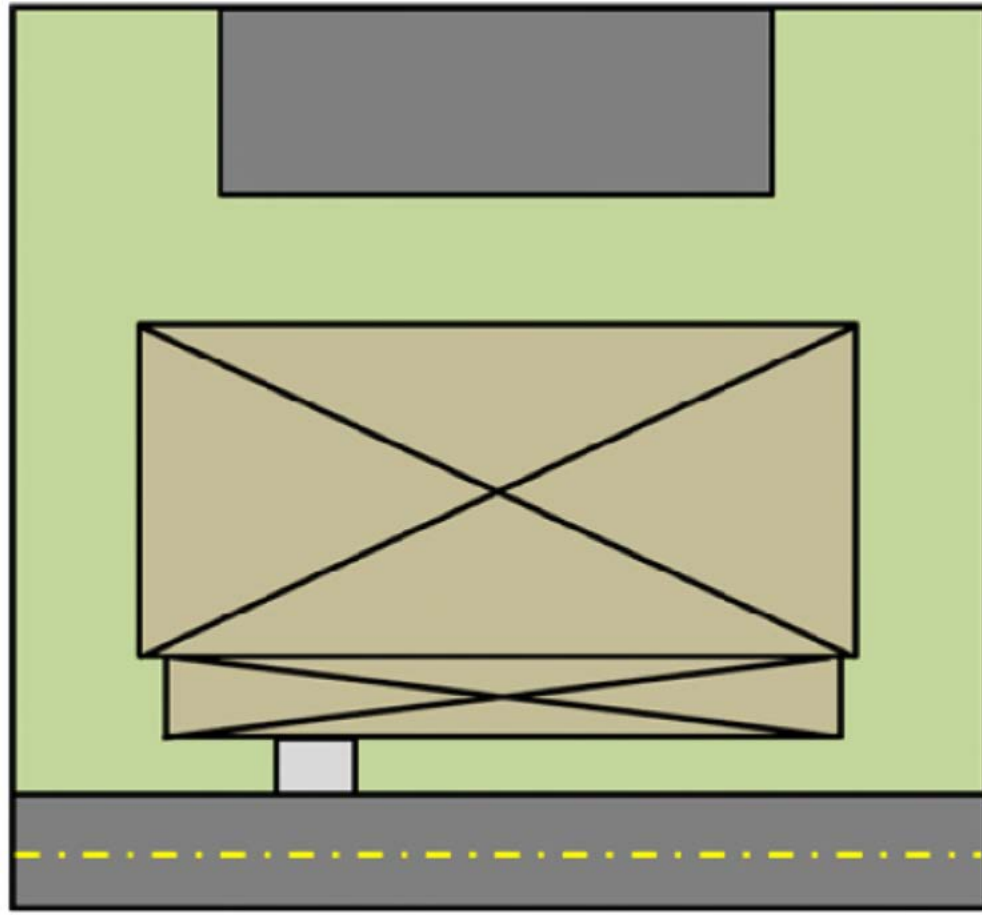


Figure 2.1 Multifamily Dwelling Example — Plan View

DWELLING, SINGLE-FAMILY ATTACHED

A building containing one dwelling unit, occupied and used by one family, having at least one party wall in common with other single-family attached dwelling building(s). For units having one party wall, there shall be one side yard, and for units having two party walls, there shall be no side yards (except on corner lots). Standards and regulations of this chapter shall apply to individual units, whether on a common lot or on individual lots. Includes town homes/houses and row homes/houses. See Figure 2.2, Single-Family Attached Dwellings Example — Plan View, and Figure 2.3, Single-Family Attached Dwellings (On One Lot) Example — Plan View.

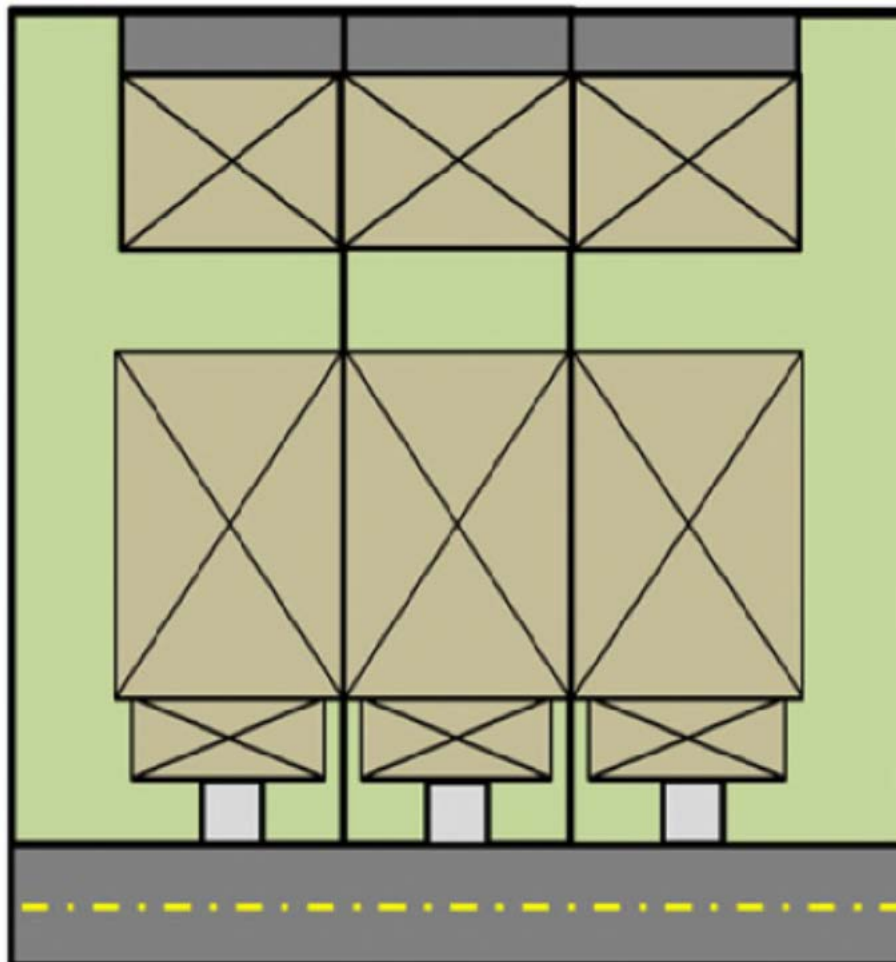


Figure 2.2 Single-Family Attached Dwellings Example — Plan View

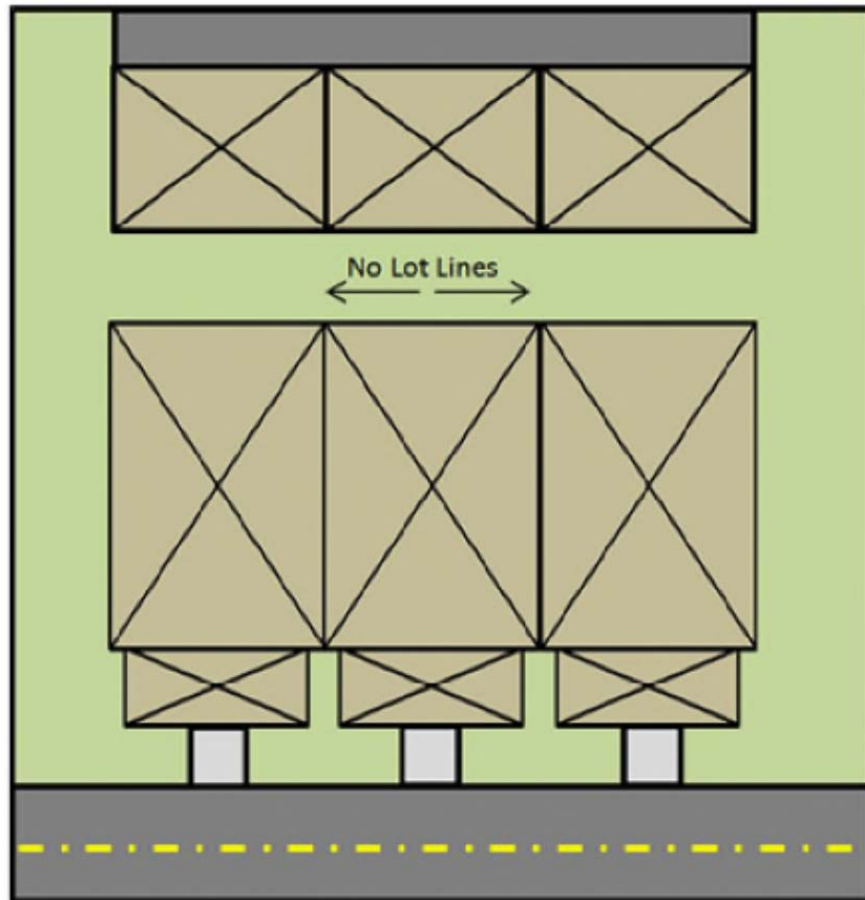


Figure 2.3 Single-Family Attached Dwellings (On One Lot) Example — Plan View

DWELLING, SINGLE-FAMILY DETACHED

A building containing one dwelling unit occupied and used by one family, and having two side yards (except on corner lots). See Figure 2.4, Single-Family Detached Dwelling Example — Plan View.

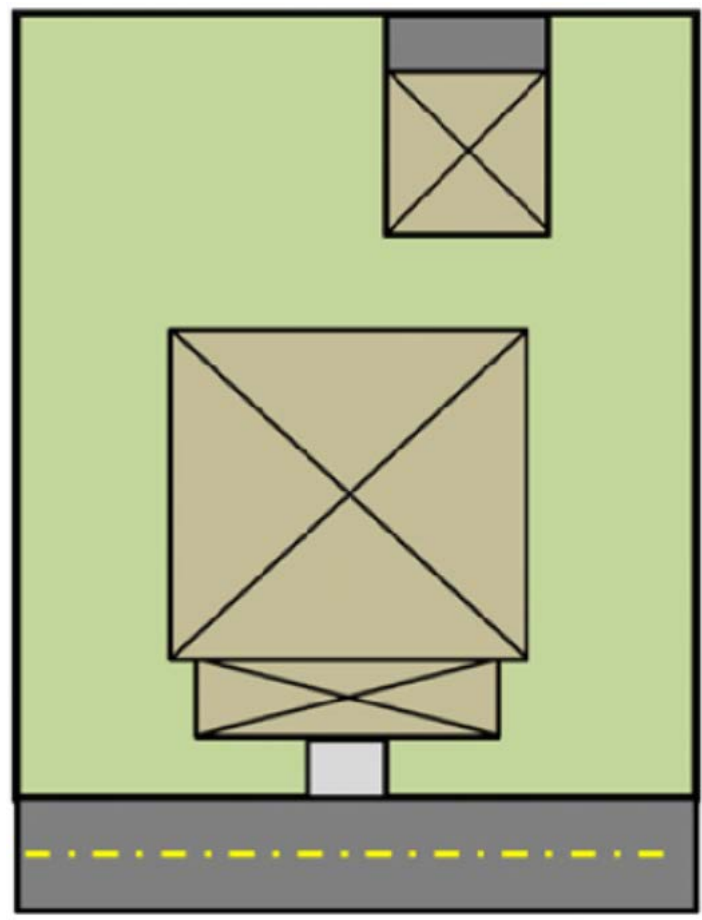


Figure 2.4 Single-Family Dwelling Example — Plan View

DWELLING, SINGLE-FAMILY SEMIDETACHED

A building containing one dwelling unit occupied and used by one family, and having one party wall in common with another single-family semidetached dwelling building and one side yard (except on corner lots). See Figure 2.5, Single-Family Semidetached Dwellings Example — Plan View.

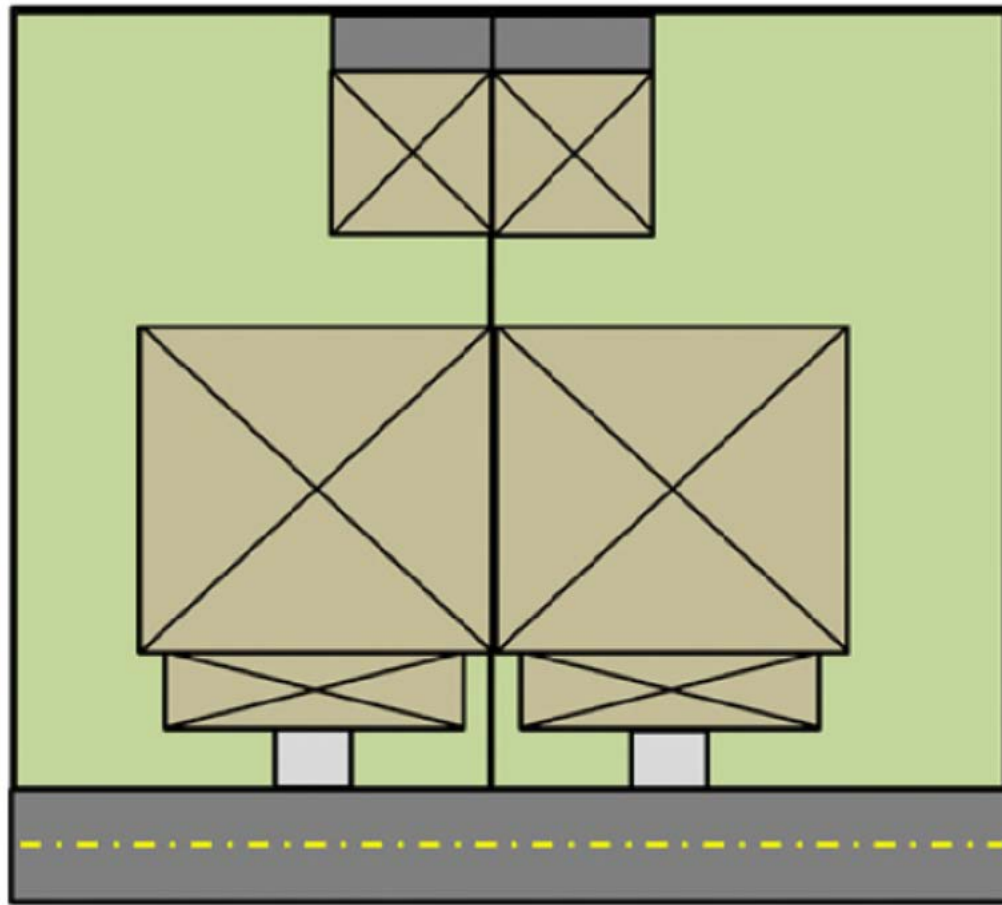


Figure 2.5 Single-Family Semidetached Dwellings Example — Plan View

DWELLING, TWO-FAMILY DETACHED

A building containing two dwelling units each occupied and used by one family, with one dwelling unit arranged over the other, in front of the other, or beside the other, and having two side yards (except on corner lots). See Figure 2.6, Two-Family Dwelling Example — Plan View.

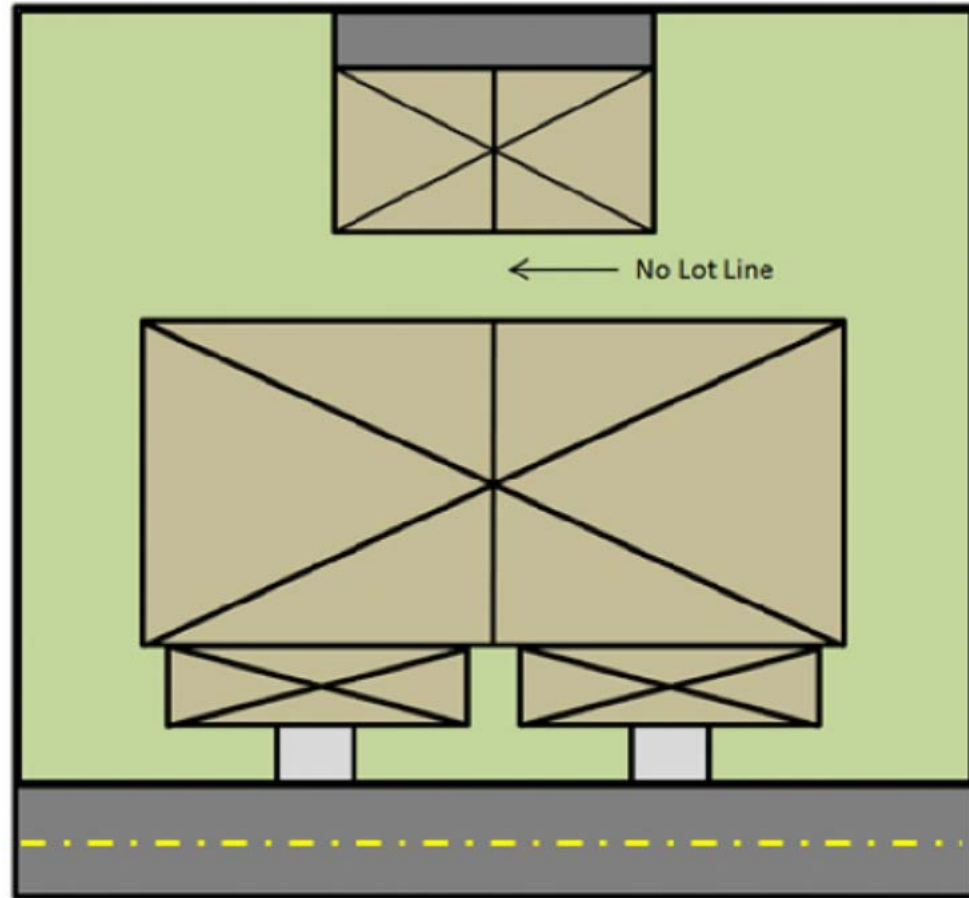


Figure 2.6 Two-Family Dwelling Example — Plan View

DWELLING UNIT

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation). For purposes of this chapter, "or more persons" shall specifically be limited to not more than one family.

EASEMENT

See Chapter 260 relating to subdivision and land development (a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.)

EAVE

Projecting overhang at the lower border of a roof and extending from a primary wall or support.

ELECTRIC VEHICLE CHARGING STATION (EVCS)

A facility or designated area equipped with electric vehicle supply equipment (EVSE) designed to deliver electrical energy for the recharging of plug-in electric vehicles. An EVCS may include charging pedestals, wall-mounted units, connectors, meters, signage, protective bollards, and associated infrastructure. EVCS may be publicly accessible or private and may function as a primary use (stand-alone charging site) or accessory use associated with another principal use.

EMERGENCY SERVICES

An establishment for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment utilized for fire, emergency medical, and ambulatory services and related activities, other than those owned and/or operated by Township of Fairview, and/or its authorized municipal authorities and/or agents. This use may include accessory housing for related personnel while on call.

EMERGENCY SHELTER – A facility, including rescue missions, for persons seeking temporary voluntary shelter for a duration not to exceed 60 days.

EMPLOYEES, NUMBER OF

The greatest number of workers (including both part-time and full-time), both compensated and volunteer, and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENLARGEMENT

An increase in the size of an existing structure or use, including physical size of the property, structure, building, parking, and other improvements.

ENROLLMENT

The largest number of students under educational supervision at any one time.

ENTRY AREA

The passageway into a building.

ENVIRONMENTAL CONSTRAINTS

Physical limitations of a site which restrict development; these include but are not limited to high water tables, water bodies, wetlands, floodplains, steep slopes, woodlands, bedrock close to the site's surface, and riparian corridors, some of which may end up designated as conservation areas.

ESSENTIAL SERVICES

The provision by public utilities, municipal, or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities, municipal, or governmental units or for the public health, safety or general welfare.

ESTABLISHMENT

Any organization, including a business, whether private, public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded for a specific purpose.

EVERGREEN

Plants having foliage that persists and remains green throughout the year.

EXCAVATION

Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING GRADE

The elevation of the land surface of a site prior to any earth disturbance for site preparation work.

EXISTING USE

An activity or use of land occurring on a lot or parcel as of the effective date of this chapter.

EXOTIC ANIMALS

Any animal that is not listed as a traditional domestic pet, livestock, or agricultural animal, and which is considered wild by nature. Exotic animals include but are not limited to:

- Large mammals: lions, tigers, bears, wolves, wolf-hybrids, primates, big cats, wild canids, wild felids, non-domesticated hoof stock.
- Reptiles: crocodilians, venomous snakes, large constrictor snakes (e.g., pythons, anacondas), venomous lizards.

A. Birds: large non-domesticated birds such as ostriches, emus, cassowaries, raptors (unless permitted).

- Other species requiring special state or federal permits.

Any species requiring a permit under the Pennsylvania Game and Wildlife Code, the PA Dangerous Wildlife regulations, or applicable federal law shall be classified as an exotic animal for zoning purposes.

FACADE

The face of a building; a nonstructural covering on the face of the building, such as brick or stone.

FAMILY

One or more persons related by blood, marriage, legal guardianship, licensed or court- appointed foster care or legal adoption who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. Persons possessing a handicap as set forth in "group home" and within the meaning of the Fair Housing Act [42 U.S.C. § 3602(h), or successor legislation], who reside in one dwelling unit and live and cook together as a single housekeeping unit, shall be considered a family. A roomer, boarder, or lodger is not considered a family member.

FARM

A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for the agricultural activities and the storage of equipment used for agricultural activities.

FARMERS MARKET

A seasonal or year-round indoor market where multiple independent vendors sell locally grown produce, agricultural products, prepared foods, plants, flowers, handmade goods, or other items directly to consumers. A farmers market may include temporary stands, tents, mobile carts, kiosks, and accessory food trucks.

FARM OCCUPATION

A business activity clearly conducted as a customary, incidental, and accessory use to a principal agricultural operation or farm use, but not necessarily directly related to the principal agricultural operation or farm use.

FENCE

Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry erected, intended and maintained; and/or hedges, "living fences" and other natural vegetation planted, intended and maintained; either, singularly, or in combination to provide screening or divide one property from another property or public street right-of-way; enclosing an area; helping assure privacy or protection; and/or to define and mark the property or lot line(s).

FENCE, LIVING

A continuous hedgerow of living plant material planted, intended, and maintained for the purpose of screening or dividing one property from another property or public street right-of-way; enclosing an area; helping assure privacy, or protection; and/or to define and mark the property or lot line(s).

FILL

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The amount of fill shall be considered the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINANCIAL SERVICE, OTHER

An establishment, excluding banks, savings and loans, and credit unions, where the principal business is the receipt, disbursement, or exchange of funds and currencies and includes those establishments considered pawn shops, payday lending, and check-cashing businesses.

FINISHED GRADE

The elevation of the land surface of a site after completion of all site preparation work.

FIRE ESCAPE

A structure, device, or appurtenance, including stairways, railings, ladders, etc. attached to the exterior of a building, erected for emergency exit in the event of fire.

FITNESS CENTER

An indoor facility for personal exercise and physical conditioning, which includes uses such as sports courts, exercise equipment, and/or locker rooms that may or may not include a Jacuzzi and/or sauna, and retail shops and accessory uses. This use may also be referred to as a health club.

FLEA MARKET

A business that sells new and used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

FLEX SPACE

An establishment which can include office, light manufacturing, and research and development, in addition to warehousing and associated administrative space.

FLOODPLAIN

See Chapter 151 relating to floodplains ("floodplain area"). (A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.)

FLOODWAY

See Chapter 151 relating to floodplains. (The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.)

FLOOR AREA, GROSS

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.)

FLOOR AREA, HABITABLE

See Chapter 113 relating to code enforcement, Uniform Construction Code ("habitable space"). (A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.)

FLOOR AREA, NET

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.)

FLOOR AREA, RETAIL, NET

The sum total of all floor area space relegated to use by the customer and the retail employee to conduct retail sales, including the display area used to indicate the variety of goods available for customers, but not including accessory office space, storage space, and other general administrative areas.

FOOD SERVICE

An establishment in which food is processed and/or prepared on the premises, and which may be sold and/or consumed on the premises. This term shall also include bakeries and catering establishments.

FOOD TRUCK

A mobile food unit equipped with facilities to store, prepare, cook, and serve food to the public, operating from a self-propelled or towable vehicle. Food trucks vend food on private property or in designated public area subject to zoning, licensing, and health regulations.

FORESTRY

See MPC (the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.) See "commercial timber harvesting."

FREE LITTLE LIBRARY and FREE LITTLE FOOD PANTRY

A small, freestanding structure designed to hold books or the free exchange of non-perishable food for the public. These structures are typically maintained by private individuals or community groups and are accessible to the public at all times.

FUNERAL HOME

An establishment conducting embalming and cremation activities which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

GARAGE, PRIVATE

An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor holds space therein, unless otherwise permitted elsewhere in this chapter.

GARAGE, PUBLIC PARKING

Any garage other than a private garage, that is used for parking or storage of motor vehicles.

GARDEN CENTER

A building or structure used for the retail sale of flowers, plants, shrubs, trees, and other natural flora and associated products. A garden center does not include a greenhouse/nursery.

GAS/FUEL STATION

A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located with a Vehicle Repair and Service use, but only when the Vehicle Repair and Service use is also allowable in the Zoning District

GARDENING

The cultivation of herbs, fruits, flowers, or vegetables.

GOLF COURSE

An establishment developed with tees, greens, fairways and hazards for playing at least nine holes of the game of golf, that may include a clubhouse with dining facilities (excluding drive-through facilities), swimming pool, tennis courts, driving range, miniature golf and other customarily and incidental accessory uses and structures.

GOVERNING BODY

See MPC. (The council in cities, boroughs and incorporated towns; the Board of Commissioners in townships of the first class; the Board of Supervisors in townships of the second class; the Board of

Commissioners in counties of the second class through eighth class, or as may be designated in the law providing for the form of government.) See also Board of Supervisors.

GOVERNMENT FACILITY OTHER THAN MUNICIPAL-OWNED USE

Any establishment, use, facility, and/or structure owned and/or operated by a government, government agency or government authority for valid public health, public safety, public welfare, or similar governmental purpose other than the Township of Fairview, its municipal authorities, and/or authorized agents. This term shall not include permitted uses defined, listed, and/or regulated separately elsewhere in this chapter.

GREENHOUSE

A building, structure, or establishment whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GREENHOUSE/NURSERY

A wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot.

GROUND COVER

A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

GROUP CARE

An establishment providing shelter, counseling, and other rehabilitative services in a family-like environment for at least nine but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet licensing standards of the Commonwealth of Pennsylvania, specifically the Pennsylvania Department of Public Welfare. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision.

GROUP HOME

A dwelling inhabited by not more than eight handicapped persons, as identified and provided for by the Fair Housing Act, Americans with Disabilities Act, and this chapter. This definition does not include persons occupying a hotel, motel, bed-and-breakfast, halfway house, boarding house, treatment center or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed in an institution because of physical, mental, or developmental disability, or old age, or individuals who meet the definition of "handicap," as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act [ADA] to address certain situations related to substance abuse treatment.) For the purposes of this chapter, group homes shall be permitted and regulated as single-family detached dwellings.

HAZARDOUS MATERIAL

Materials which are classified by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (DEP), or the Township of Fairview as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers, located in flood-prone areas.

HAZARDOUS WASTE

See Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards. [Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities or any combination of the above (but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharge which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended [86 Stat. 880], or source, special nuclear or by-product material as defined by the United States Atomic Energy Act of 1954, as amended [68 Stat. 923]), which because of its quantity, concentration or physical, chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The definition of "hazardous waste" set forth in the Solid Waste Management Act is Incorporated by reference (35 P.S. § 6018.103).]

HEAVY EQUIPMENT, BOAT, MOBILE/MANUFACTURED HOME, RECREATIONAL VEHICLE, TRUCK AND OTHER SIMILAR LARGE OR HEAVY-DUTY MOTOR VEHICLE RENTAL/SALES, REPAIR/SERVICE, WASHING, AND/OR FUEL/GAS SALES

An establishment involving the indoor and/or outdoor display, sale, or rental of new and used heavy equipment, boats, mobile/manufactured homes, recreational vehicles, truck, and other similar large or heavy-duty motor vehicles, and which may include:

- A.** Washing and polishing of vehicles;
- B.** Major and minor mechanical repairs and body work;
- C.** State inspections;
- D.** Oil changes and lubrications; and
- E.** Tune-ups conducted within a completely enclosed building or structure. Additionally, this use includes:
- F.** The dispensing or sales of fuel/gas for motor vehicles; and
- G.** The sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

HELIPORT

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An area of land or water or structural surface that is used, or intended for the use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport building or other heliport facilities.) Heliports shall be licensed by the FAA and/or PennDOT.

HOME IMPROVEMENT CENTER, LUMBER SALES and BUILDING MATERIALS SALES

An establishment providing for the sale of materials, products, and supplies for home improvement, lawn, and garden, lumber, and other similar building materials and products, including hardware stores.

HOME OCCUPATION

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling.

HOOP HOUSE

A structure made of piping or other material covered with translucent plastic, constructed in a "half-round" or hoop shape.

HORSE BOARDING AND RIDING ACADEMY – Land and/or structures utilized for the maintenance of horses and/or ponies for personal enjoyment, therapeutic riding services, and/or profit making activity.

HOSPITAL

See Chapter 113 relating to code enforcement, Uniform Construction Code. (Buildings or portions thereof used on a twenty-four-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.) A hospital shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania. The term "hospital" shall not include any facility which houses the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

HOTEL

An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access to a common interior corridor and which may provide additional supporting services such as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor.

HOUSEHOLD

Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and facilities for the preparation and storage of food within the dwelling unit.

HUNTING CLUB

An establishment or accommodating a hunting or other similar recreational organization catering exclusively to members and their guests engaged in hunting or similar outdoor activity purposes which are not conducted for profit.

IMPERVIOUS LOT COVERAGE

See "lot coverage."

IMPERVIOUS SURFACE (IMPERVIOUS AREA)

See Chapter 260 relating to subdivision and land development. (A surface that generally prevents the infiltration of water into the ground.)

IMPOUNDMENT

A body of water, such as a lake or pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVEMENTS

See Chapter 260 relating to subdivision and land development. (A surface that generally prevents the infiltration of water into the ground.)

INDUSTRIAL USES

A. GENERAL INDUSTRIAL- An establishment primarily:

- (1) Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; or
- (2) Engaged in the storage, manufacturing processes, or shipping of flammable or explosive materials; or
- (3) Engaged in the storage of, manufacturing processes, or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and
- (4) Due to the more intensive nature of the processes, materials, products, etc., such uses that may disturb and/or endanger neighboring properties.

B. LIGHT INDUSTRIAL

An establishment primarily:

- (1) Involving the manufacturing, predominately from previously prepared semi-finished or finished materials, products, or parts of finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution, as well as the repair of such finished products; but
- (2) Excluding the processing of extracted, raw, and/or recycled materials; and
- (3) Due to the lower-intensity nature of such processes, materials, or products, produces no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.
- (4) Involved in the production and/or repair services of large-major appliances; electrical instruments; office and vending machines; precision instruments; electronic devices; timepieces; jewelry; musical instruments; novelties; mass-produced personal and office furniture and equipment; wood products such as cabinetry; printed materials including all forms of media and signs; lithographic plates; type composition; machine

tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods, medical supplies, optical goods, and related equipment and appliances; and food products and frozen food lockers; taxidermy, but not animal slaughtering or curing nor rendering of fats, when such facilities are in a completely enclosed building and/or structure.

INDUSTRY

The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

JUNK

See Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards. [Discarded materials, articles or things, or materials, articles or things which were purchased for salvage or scrap value, or which were collected or obtained at no charge or which were collected or obtained for a fee by the prior owner for the purpose of disposal or recycling including, but not limited to, metal, paper (including newspaper), rags, glass, plastic, rubber, fibers, fabric, rope, cans, bottles, cardboard, lumber, wood, building materials, inoperable motor vehicles, motor vehicle parts, trailers, machinery and equipment, household appliances or parts of any of the above, held by a person for resale and/or reuse.

JUNK VEHICLE

Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle. (See the definition of "unlicensed vehicle" and the regulations for such in the Property Maintenance Code.)

JUNKYARD

See Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards. (Any place or establishment where junk, as herein defined, is stored, kept, accumulated or disposed of or upon which one or more acts of buying, selling, offering for sale, salvaging, storing, dismantling or processing of junk occurs, whether or not such operations are conducted for profit, or any premises having two or more unlicensed or inoperable motor vehicles or such vehicles that do not have current and valid inspection stickers as required by the motor vehicle laws of the Commonwealth of Pennsylvania. The term "junkyard" shall not include premises operated as garages, service stations or repair facilities where not more than two inoperable, unlicensed or uninspected vehicles are stored at one time, where no one vehicle is stored for more than 30 days, where the total storage time for all such vehicles does not exceed 120 days per year and where such vehicles are not being stored for salvage purposes.)

KENNEL, COMMERCIAL

An establishment in which three or more pets or domesticated animals (such as dogs and cats, but not including livestock, horses, poultry, or wild animals) are kept, boarded, raised, bred, treated, or sold as a gainful business whether or not licensed through the Department of Agriculture, in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised. For the purpose of this definition, the

production of more than two litters in any calendar year shall be considered a commercial kennel business. This use shall also include an establishment providing obedience training, behavior modification training, and/or specialized skill training services to animals, dogs, and their owners or handlers.

LAKE or POND

A body of inland water other than a stream.

LAND DEVELOPMENT

See Chapter 260 relating to subdivision and land development. (Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
 - 2) The division or allocation of land or space, whether initially or cumulatively, between or amount two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land development" does not include development which involves:

The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.

The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

 - 1) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.)

LANDOWNER

See MPC. [The legal or beneficial owner or owners 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 is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.] Also referred to as "owner."

LANDSCAPING SERVICE

An establishment engaged in providing off-site landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures and may involve seasonal snow plowing, including the buildings, structures, offices, and equipment and material storage customarily incidental and accessory to the principal use.

LAUNDRY AND DRY CLEANING (INDUSTRIAL)

An establishment engaged in supplying, on a rental or contract basis, of laundered items such as:

- A. Table and bed linens; towels; diapers; and uniforms, gowns, or coats of the type used by doctors, nurses, barbers, beauticians, and waitresses; and/or
- B. Industrial work uniforms and related work clothing, such as protective apparel (flame- and heat-resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.

LAUNDRY AND DRY CLEANING (PERSONAL)

An establishment engaging in one or more of the following:

- A. Dry-cleaning services;
- B. Laundering services;
- C. Dropoff and pickup sites for laundries and/or dry cleaners; and/or
- D. Specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows.

These establishments may provide all, a combination of, or none of the cleaning services on the premises.

LEASE

A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LIBRARY

An establishment in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use, but generally not for sale.

LIQUOR STORE

Defined by the Liquor Code, 47 P.S. § 1-101 et seq.

LIVESTOCK

Large animals and/or farm animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine but also including poultry. For the purposes of this chapter, livestock shall not be considered domestic pets.

LOADING SPACE

Except as otherwise provided in Chapter VI of this chapter relating to loading standards, an off-street loading space upon an area of land, open or enclosed, other than a street right-of-way (excluding alleys), used primarily for the standing, loading or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets (excluding alleys).

LONG-TERM-CARE NURSING

See Chapter 113 relating to code enforcement, Uniform Construction Code ("nursing home"). (Nursing homes are long-term care facilities on a twenty-four-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five person and any of the persons are incapable of self-

preservation.) A long-term nursing home shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania.

LOT

See Chapter 260 relating to subdivision and land development. (A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.) Also referred to as "parcel."

LOT, CORNER

A lot at the junction of and abutting on two intersecting streets (excluding alleys) or at the point of abrupt change of a single street, where the interior angle is less than 135° or the radius of the street line is less than 10 feet. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley. See Figure 2.7, Typical Lots.

LOT, DOUBLE FRONTAGE

A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT, FLAG

A lot with two distinct parts: the flag, which is the only building site for a primary structure and is located behind another lot; and the pole, which connects the flag to the street which provides the only street frontage for the lot and at any point is less than the minimum lot width requirements. A flag lot shall have the building setbacks and yards measured from the property lines of the flag portion of the lot only.

LOT, INTERIOR

A lot whose side lot lines do not abut upon any street (excluding alleys); a lot other than a corner lot. Lots abutting and bounded by one street, two alleys, and one other lot shall be considered interior lots. See Figure 2.7, Typical Lots.

LOT, REVERSE FRONTAGE

Lot extending between and having frontage on a major street or highway, and a residential street, with vehicular access solely from the residential street.

LOT, TRIPLE FRONTAGE

A lot having frontage on three streets (excluding alleys). A triple frontage lot shall have two front lot lines and two side lot lines, except that one of the side lot lines coincides with the lot line abutting the street, and which shall have a buffer yard and planting screen easement. See Figure 2.7, Typical Lots.

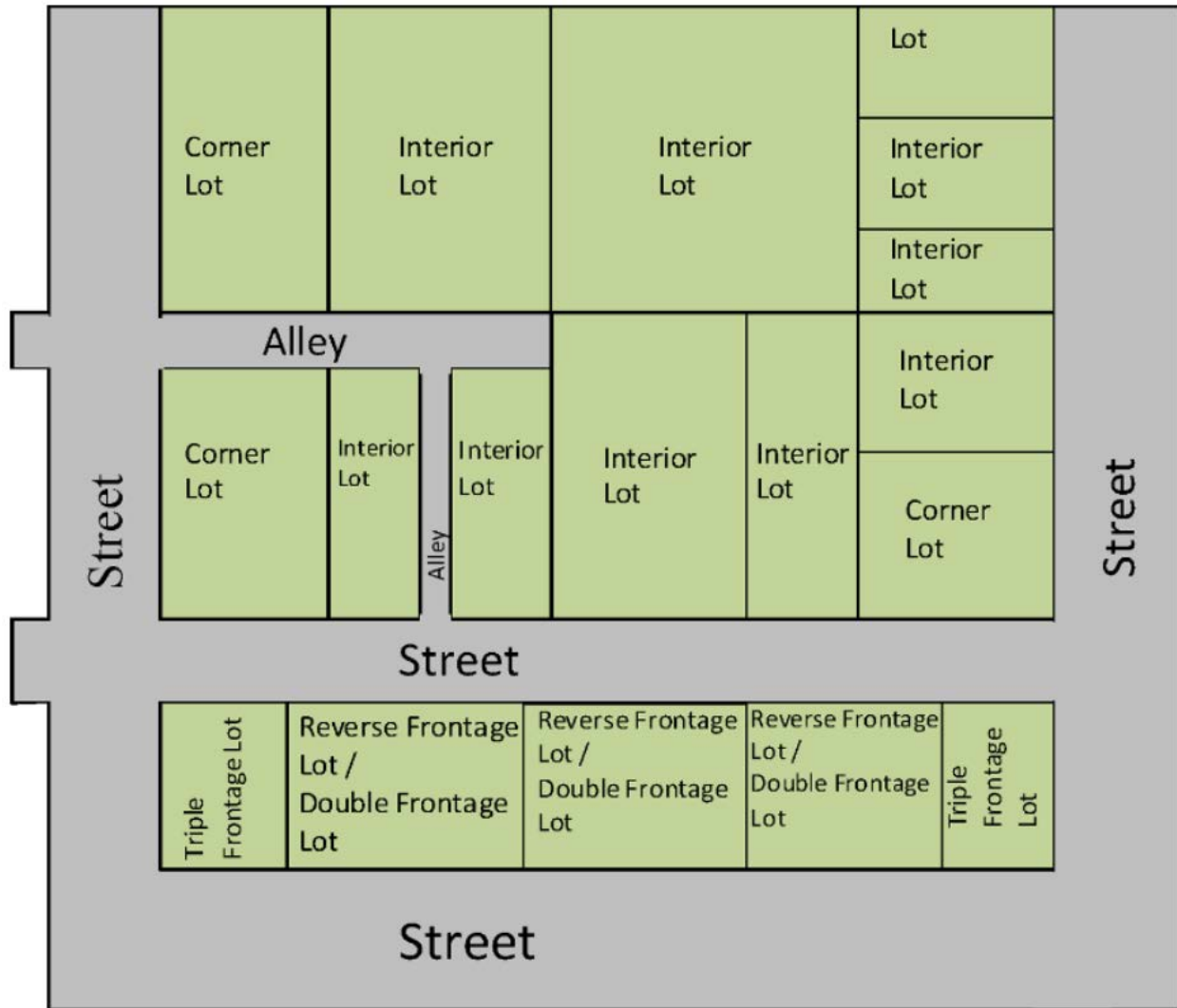


Figure 2.7 Typical Lots

LOT ACCESS

A way or means of approach to provide vehicular access to a property.

LOT AREA, NET

The area contained within the property lines of the individual parcel of land, excluding space within the street right-of-way. The lot area includes the area of any utility easement or stormwater management facility.

LOT COVERAGE

That portion or percentage of the lot area covered by impervious surface.

LOT FRONTAGE

That portion of a lot abutting on the street right-of-way (excluding alleys) and regarded as the front of the lot.

LOT LINE

See Chapter 260 relating to subdivision and land development. (A line that separates a lot from another lot or from a street or any other public or private space.)

LOT LINE, FRONT

The lot line separating a lot from the ultimate street right-of-way (excluding alleys). In the case of a corner lot abutting a street right-of-way on more than one side, there shall be two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

LOT LINE, SIDE

Any lot line other than a front or rear lot line. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

LOT OF RECORD

See Chapter 260 relating to subdivision and land development. (A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.)

LOT WIDTH

The horizontal distance between side lot lines, measured at the front setback line.

MANICURED LANDSCAPING

Grassy lawns, yards, and/or hedges that require regular mowing, trimming, and care to maintain a neat and orderly appearance, as opposed to a more natural rural appearance.

MANUFACTURING

A function involving either the processing, conversion or production of materials, goods, or products.

MARQUEE

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A permanent roofed structure attached to and supported by the building and that projects into the public right-of-way.)

MASSAGE

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA DISPENSARY – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana per the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16).

MEDICAL MARIJUANA GROWER/PROCESSOR

The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana.

MICRO-BREWERY/BREW PUB – A small, usually independent brewery that produces limited quantities of specialized beers. A micro-brewery provides for the retail sales of the beer at the location where it is produced. A micro-brewery may also include a tasting room and restaurant in conjunction with the use.

MICRO-DISTILLERY –

A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single or small batches. A micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A micro-distillery may also include a tasting room and restaurant in conjunction with the use.

MINERALS

See MPC. (Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is 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 and crude oil and natural gas.)

MINERAL EXTRACTION

The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

MINI-STORAGE WAREHOUSE

See Chapter 113 relating to code enforcement, Uniform Construction Code ("self-service storage facility"). (Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.)

MIXED USE

Occupancy of a structure or land by more than one use, generally permitted nonresidential and permitted residential uses (as permitted in the applicable zoning district).

MIXED USE DEVELOPMENT

The development of a tract of land, or building with a variety of complementary and integrated uses.

MOBILE/MANUFACTURED HOME

See Chapter 260 relating to subdivision and land development ("mobile home"). (A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.) Except "mobile home" shall be considered "mobile/manufactured home." See also Chapter 113 relating to code enforcement, Uniform Construction Code ("manufactured housing"). [Housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P.S. §§ 1656.1-1656.9), certifying that it conforms to federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 through 5426).] Except "manufactured housing" shall be considered "mobile/manufactured home."

MOBILE/MANUFACTURED HOME PARK

See Chapter 260 relating to subdivision and land development ("mobile home park"). (A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.) Except "mobile home" shall be considered "mobile/manufactured home."

MOBILE/MANUFACTURED HOME STAND OR PAD

That part of an individual mobile/manufactured home space that has been reserved for the placement of a mobile/manufactured home and appurtenant structures and connections.

MOTEL

An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has 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.

MOTOR VEHICLE AUCTION

An establishment where new and used automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar private passenger, recreation and commercial motor vehicles, and mobile homes, are stored, readied, and displayed on a recurring scheduled basis primarily for wholesale, but may also include retail sales.

MOTOR VEHICLE WASHING

An establishment containing facilities for washing motor vehicles and which may include automatic and/or semiautomatic application of cleaner, brushes, rinse water, and/or heat for drying.

MULTI-FAMILY DWELLING UNIT (MIXED USE)

A structure that contains both residential units designed for occupancy by multiple households (e.g., apartments, condominiums, townhouses) and non-residential uses such as retail sales or offices, integrated vertically within the same building.

MPC

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted,^[5] also referred to as the "Municipalities Planning Code," "PA MPC," and/or "MPC" in this chapter.

MUNICIPAL AUTHORITY

See Chapter 260 relating to subdivision and land development. [A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."^[6]]

MUNICIPAL-OWNED USE

Any establishment, use, facility, and/or structure that is owned and/or operated by the Township of Fairview, its municipal authorities, and/or authorized agents.

MUSEUM

An establishment where objects of artistic, historical, or scientific importance are kept, studied, and displayed.

NATURE PRESERVE AND WILDLIFE SANCTUARY

An area restricted to and maintained in a natural state for the protection and/or preservation of animal and plant wildlife and other important natural resources native to Pennsylvania.

NEW USE

Any new activity or use of land, structure, or building on a lot or parcel that was not occurring as of the effective date of this chapter.

NIGHTCLUB

An establishment that may offer the on-site consumption of alcoholic or nonalcoholic beverages and where music, dancing, and/or live entertainment as part of its the operations. For the purposes of this definition, "live entertainment" is also meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs offering the sale of alcohol shall be considered a bar/tavern and shall comply with all provisions and standards for bars/taverns as defined and regulated in this chapter. "Nightclub" includes an "Under 21" club which features entertainment. Nightclubs shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

NO-IMPACT HOME-BASED BUSINESSES

- A. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and 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. The business or commercial activity must satisfy the following requirements:
- B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- C. The business shall employ no employees other than family members residing in the dwelling.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
- F. 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 the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- I. The business may not involve any illegal activity.
- J. No-Impact Home-Based Businesses are different than Home Occupation Businesses. See "Home Occupation."

NONCOMMERCIAL KEEPING OF LIVESTOCK

An accessory use which is dearly secondary to the use as a residential dwelling in which livestock are kept exclusively by the residents of the site, and which is not contained upon a farm nor part of an agricultural operation.

NONCONFORMING LOT

See MPC. (A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.)

NONCONFORMING STRUCTURE

See MPC. (a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.)

NONCONFORMING USE

See MPC. (A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.)

NON-PHASE 2 OUTDOOR FURNACE

An outdoor furnace that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly.

OFF-TRACK BETTING PARLOR

A commercial use at which persons can visit to wager upon and observe by remote television the outcomes of events that are taking place elsewhere.

OFFICE, PROFESSIONAL AND BUSINESS

An establishment in which one 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, nonprofit or charitable organizations, but also includes contractors, real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergy, teachers, architects, engineers, landscape architects, planners, interior designers, insurance agents, and similar office-oriented uses.

OFFICE, MEDICAL

An establishment where patients are admitted on an outpatient basis for examination and treatment by not more than two full-time-equivalent licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations. Such an establishment shall not have overnight accommodations or a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and X-ray, provided that such uses have access only from the interior of the building or structure.

OFF-STREET PARKING

A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

ON-STREET PARKING

A temporary storage (surface) for a motor vehicle within a dedicated right-of-way (excluding alleys).

OPACITY

~~Not transparent or translucent; impenetrable to light; not allowing light to pass through, measured by the observation of any two square yard area lying between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen, if otherwise not specified, shall be six feet. See Figure 2.8, Typical Opacity Example.~~

The degree to which a screening element—such as fencing, landscaping, berms, or walls—blocks visibility between adjoining properties or between a land use and the public right-of-way. In zoning practice, visual opacity is achieved when a barrier is sufficiently dense, continuous, and high enough to obstruct sight lines and minimize visual impacts.

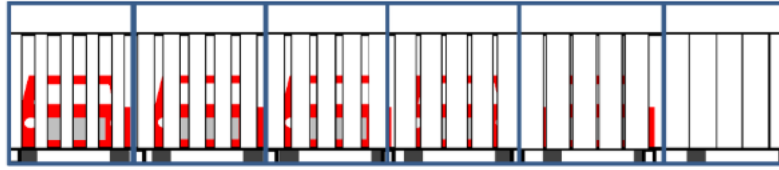


Figure 2.8 Typical Opacity Example

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OUTDOOR CAFE/DINING

A portion of an establishment which includes an exterior seating area associated with a food services, restaurant, tavern/bar, or other similar establishment.

OUTDOOR SHOOTING RANGE

An establishment where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

OUTDOOR STORAGE

The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

OUTDOOR FURNACE

A. A fuel-burning device:

(1) Designed to burn clean wood, coal, natural gas, kerosene, propane, or domestic heating oil, provided that such fuels comply with all applicable sulfur limits and are used as starters or supplemental fuel for dual-fired outdoor furnaces, and other types of fuel approved in writing by DEP upon receipt of a written request;

(2) That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and

(3) Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

B. For the purposes of this chapter, the term shall also include outdoor wood-fired boilers, outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc.

OUTSIDE DISPLAY AND SALES

The display and sales of products and goods primarily outside of an enclosed building or a structure.

OVERLAY ZONING DISTRICT

A zoning district that encompasses one or more underlying or base zoning districts and that imposes additional or supplemental requirements and standards other than those which are required by the underlying or base zoning district(s).

PARK AND RIDE FACILITY

A facility designed for patrons to park their private vehicle and transfer to other private or public transportation.

PARK, PLAYGROUND, AND OTHER NONCOMMERCIAL OUTDOOR RECREATIONAL USES

A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship, or exercise, commonly involving a sporting activity, hiking, jogging, bicycling, swimming, picnicking, and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, rest rooms, picnic tables, cooking grills, and similar facilities. For purposes of this chapter, parks shall not include improvements for or permit uses that are considered to be commercial recreational uses.

PARKING, SHARED

Joint use of a parking compound by more than one use and/or owner.

PARKING LOT

Any area of a lot used for off-street parking facilities, providing for the transient storage of automobiles, and other motorized and nonmotorized vehicles.

PARKING SPACE

Except as otherwise permitted in Chapter VI of this chapter, either a covered garage space or uncovered, improved and stabilized space located outside of the public street right-of-way for the transient storage of automobiles, and other similar motor vehicles.

PARKING STRUCTURE

A building or structure where passenger vehicles may be stored for temporary off-street parking, including decks and buildings.

PATIO

See "terrace."

PARTY WALL

A common shared wall between two separate structures, buildings, or dwelling units.

PAWN SHOP

A business or establishment which loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing

of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

PEDESTRIAN WALKWAY

A specified easement, walkway, path, sidewalk, or other reservation which is designed for and used exclusively by pedestrians.

PERMITTED-BY-RIGHT USE

A use that is allowed and in which case zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this chapter.

PERSON

See Chapter 260 relating to subdivision and land development. (Any individual, firm, trust, partnership, public or private association or corporation, or other entity.)

PERSONAL CARE

An establishment defined and licensed by the Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care facility is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, and who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration. A "halfway house" shall not be considered a personal care facility.

PERSONAL CARE CENTER

See "assisted living."

PERSONAL SERVICE

An establishment where service-oriented activities for personal needs are provided to the general public, but which do not primarily involve retail sales of goods nor professional advisory services. Such activities shall include and be similar to barbershops and beauty shops/salons; health spas; photographic studios; small home appliance repair including radios and televisions; repair shops for tools, bicycles, guns, locks, shoes and watches; tailor, dressmaking, and upholstering shops; tutoring, individualized tutoring and teaching, and pet/small animal grooming/washing with no overnight boarding. Personal service establishments shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

PERVIOUS SURFACE (PERVIOUS AREA)

See Chapter 260 relating to subdivision and land development. (A surface that generally permits the infiltration of water into the ground.)

PET GROOMING

An establishment or portion of a premises where domestic companion animals—such as dogs, cats, and similar household pets—are bathed, brushed, clipped, trimmed, or otherwise groomed for hygienic or

aesthetic purposes. Pet grooming may include services such as nail trimming, ear cleaning, coat conditioning, and drying, but does not include overnight boarding, veterinary medical care, or kennel operations unless expressly permitted elsewhere in the zoning ordinance.

PETS, KEEPING OF

The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops, but shall not include livestock or other farm animals, horses, or any animal or bird for which a permit is required under the Pennsylvania Game and Wildlife Code, 34 Pa.C.S.A. § 101 et seq., or the regulations of the Pennsylvania Game Commission. See Chapter 84 relating to animals.

PHASE 2 OUTDOOR FURNACE

An outdoor furnace that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor furnace models will be identified with a white hang tag.

PLACE OF WORSHIP

An establishment wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all buildings, structures, and uses customarily associated with such primary purpose including but not limited to rectories, convents, schools, day-care facilities, meeting and food service facilities, cemeteries, columbariums, mausoleums, etc. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

PLANT NURSERY (RETAIL)

An establishment primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, mulch, and sod, that are predominantly grown off the premises, but such an establishment may sell a limited amount of a product grown on the premise.

PLAT

See Chapter 260 relating to subdivision and land development. (The map or plan of a subdivision or land development plan, whether preliminary or final.)

PORCH

A roofed (covered) open area, other than a stoop, providing shelter and shade, attached to or part of and with direct access to or from a building, which creates space for a sociable transition from the public sidewalk/street or adjacent property, to the building to which it is attached.

PORTICO

A covered porch or walkway, supported by columns, usually extending out from a building; a classical architectural form of a covered colonnade or ambulatory at the entrance of a building.

POST OFFICE

An establishment operated by the U.S. Postal Service, where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT

A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand, but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PRIVATE

Not publicly owned, operated, or controlled.

PROCESSING

A function that involves only the cleaning, sorting, sizing packaging or any combination thereof, of products.

PUBLIC GROUNDS

See Chapter 260 relating to subdivision and land development. (Includes:

- A.** Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B.** Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C.** Publicly owned or operated scenic and historic sites.)

PUBLIC HEARING

See Chapter 260 relating to subdivision and land development. (A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.)

PUBLIC LAND

Owned, operated or controlled by a government agency (federal, state, county, and local), including its authorized agent or corporation created by law for the performance of certain specialized governmental functions or any public school district.

PUBLIC MEETING

See Chapter 260 relating to subdivision and land development. (A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.)

PUBLIC NOTICE

See Chapter 260 relating to subdivision and land development. (Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time

and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.)

PUBLIC SALE/SHERIFF'S AUCTION

A court-authorized public sale of real or personal property conducted by the County Sheriff or other legally empowered public official to satisfy a judgment, mortgage foreclosure, tax claim, lien, or other lawful obligation. A Sheriff's Auction typically involves the on-site or designated-location bidding and sale of property to the highest responsible bidder. A public sale or sheriff's auction is considered a temporary event and does not constitute a permanent commercial use of the premises unless conducted as part of an approved auction house or similar principal use.

PUBLIC STREET/ROAD

See Chapter 260 relating to subdivision and land development. (A street, including the entire public right-of-way, that has been dedicated to and accepted by the Township or state or that has been devoted to public use by legal mapping, use or other means.)

PUBLIC/PRIVATE WORKS STRUCTURES AND USES

An establishment involving the erection, construction, alteration, operation or maintenance of buildings; power plants; towers; substations; water treatment plants; sewage treatment and/or disposal plants; public transportation; maintenance facilities; and other similar public service structures and uses by a utility, whether publicly or privately owned, or by government agency other than the Township of Fairview, its authorities, or its authorized agents.

RECREATION

Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- A.** Sports (individual, dual, team, coed recreational, and combative), athletics; both land- and water-based.
- B.** Arts and crafts, spectating, picnicking, nature study, and board games.
- C.** Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

RECREATION, ACTIVE

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields,

RECREATION, OPEN SPACE

The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools.

RECREATION, PASSIVE

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

RECREATION AREA, ACTIVE

Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

RECREATION AREA, PASSIVE

Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

RECREATIONAL VEHICLE

A motor vehicle that is self-propelled or towed and that is designed to be transported along public streets to serve as a mobile temporary residence. For the purposes of this chapter, the term shall also include towable utility and cargo trailers.

A. CLASS I RECREATIONAL VEHICLES- Recreational vehicles, campers, travel trailers, RVs boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess less than or equal to 200 square feet, as measured to the vehicle's outermost edges, and does not exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

B. CLASS II RECREATIONAL VEHICLES- Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess more than 200 square feet, as measured to the vehicle's outermost edges, or exceeds a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

RECYCLING BUSINESS

A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or (3) obtaining or storing ferrous or nonferrous metals.

RECYCLING COLLECTION CENTER

A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts.

without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

REDEVELOPMENT

Public and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures to accommodate new development within the context of existing streets.

REPLACEMENT

Remodeling or reusing an existing building or structure for new development.

REPOSSESSION BUSINESS

A business that repossess vehicles when owners default on payments or fail to return rental vehicles on time.

RESEARCH AND DEVELOPMENT

An establishment which carries on investigations, testing, and experimentation in the natural, physical, technical, or social sciences, or engineering and development as an extension of such investigation with the objective of creating end products.

RESOURCE RECOVERY FACILITY

A processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy, and any chemical or biological process that converts municipal waste into a fuel product.

RESTAURANT

An establishment that provides food and drink to patrons and that routinely involves the consumption of at least a portion of such food and drink on the premises. A restaurant may include the accessory sale of alcoholic beverages, and carry-out and delivery services.

RETAIL BUSINESS

An establishment which sells goods or merchandise to the general public for personal and household consumption and provides accessory repair services for goods or merchandise that is similar to that which is sold on the premises and render services incidental to the sale of such goods. Retail businesses shall not be construed to be a sexually oriented business as defined in this Chapter II of this chapter.

RETAINING WALL

Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials, or in combination, erected between lands of different elevations to protect structures and/or prevent erosion.

RIDING SCHOOL AND BOARDING STABLE

An establishment where horses are boarded and cared for, or where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY

See Chapter 260 relating to subdivision and land development. (The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.)

RIPARIAN CORRIDOR

An area of land adjacent to a perennial or intermittent stream that is intended to maintain the integrity of stream channels and to reduce stream impacts from upland sources.

RIVER-ORIENTED USE

A facility or use which by its nature is required to be on or adjacent to a river.

ROAD

See "street."

ROADSIDE STAND

An accessory structure which primarily involves the retail sale of agricultural and/or garden products such as fresh fruits, vegetables, herbs, flowers or plants produced on site or on property contiguous to the property on which they are offered for sale, during the harvesting season.

ROCK OUTCROPPING

Any rock exposed at or above the ground surface which is attached to the underlying bedrock formation.

ROOF PITCH/ROOF SLOPE

The amount of vertical rise a roof has compared to the horizontal run measurement of the roof.

RURAL OCCUPATION

A business activity administered or that is clearly conducted as a customary, incidental, and accessory use to a single-family detached dwelling, within an accessory structure.

SALVAGE/JUNK YARD

Any premises devoted wholly or in part to the storage, buying or selling, sorting, exchanging, salvaging, recycling, or otherwise handling or dealing in junk, including automotive wreckage.

SATELLITE DISH ANTENNA

A concave, parabolic or dish-shaped antenna, or any other apparatus or device that is designed for the purpose of receiving electromagnetic, digital, or other type of signal including video programming signals

from direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS).

SAWMILL

An establishment where timber is cut, sawed, or planed, either into finished lumber, or as an intermediary step, and that may include facilities for the kiln drying of lumber or the distribution of such products on a wholesale or retail basis.

SCHOOL

An establishment offering education or instruction in any branch of knowledge.

SCHOOL, COMMERCIAL

Any school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, and other similar type low impact uses conducted within a completely enclosed building.

SCHOOL, PUBLIC OR PRIVATE

Any public, sectarian, or private nonprofit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for state-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

SCHOOL, VOCATIONAL

Same as a public or private school, except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

SCREEN

To inhibit view of or from.

SCREENING

A barrier between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as airborne particles, glare, and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

SCREEN PLANTING

A vegetative material of sufficient height and density to conceal from view uses and/or structures on the premises on which the screen planting is located, from occupants on abutting or adjacent properties.

SETBACK

The required horizontal distance between a required setback line and an abutting lot line or street right-of-way line, as applicable.

A. SETBACK, FRONT- The distance between the street right-of-way line and the required front setback line. Corner lots shall have two front setbacks. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

B. SETBACK, REAR- The distance between the rear lot line and the required rear setback line. Corner lots shall have no rear setbacks. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

C. SETBACK, SIDE- The distance between the side lot line and the required side setback line. Corner lots shall have two side setbacks. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

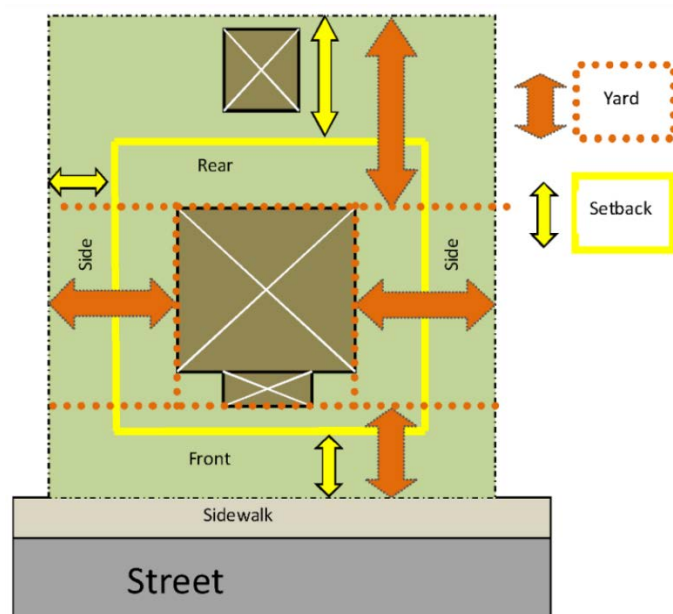


Figure 2.9 Typical Setbacks and Yards, Interior Lot

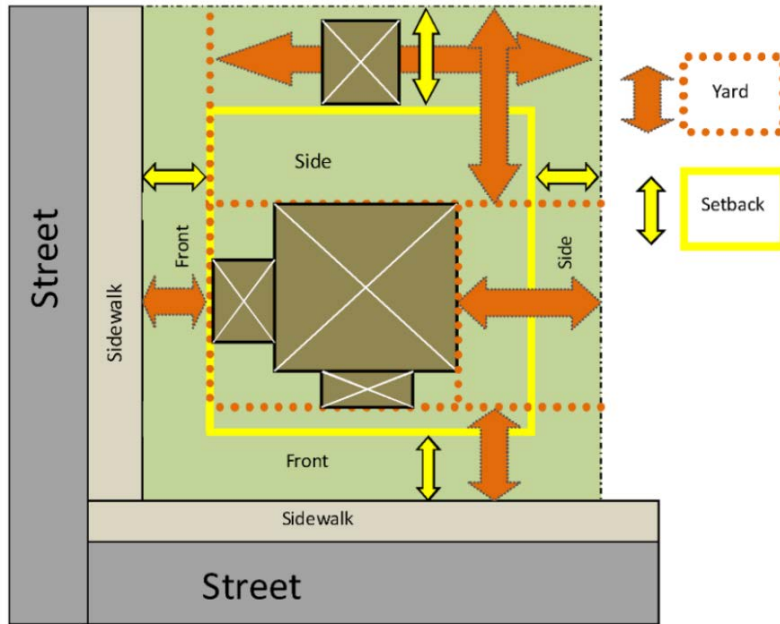


Figure 2.10 Typical Setbacks and Yards, Corner Lot

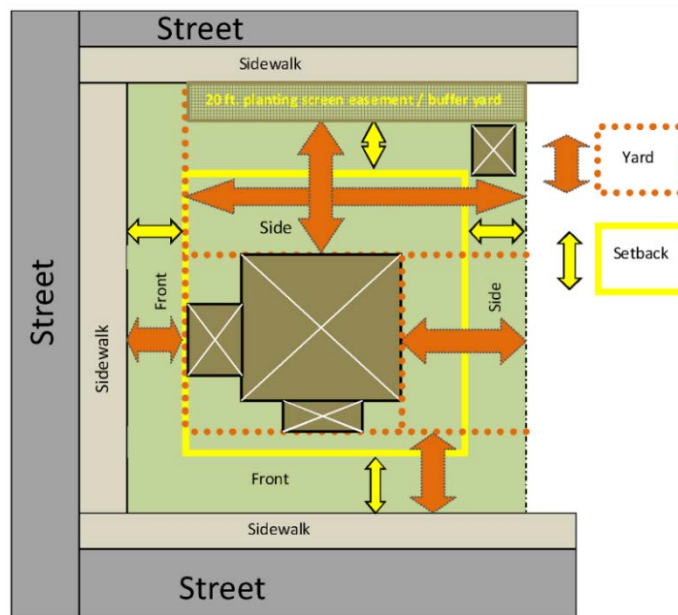


Figure 2.11 Setbacks and Yards, Triple Frontage Lot

SETBACK LINE

The line within a property that shall define the required distance between a use, structure, and/or building and the abutting right-of-way line, or front, rear, and side lot lines and that establishes the area in which said use, structure, or building shall be established, erected, and/or placed. In the case of lot where a front and/or rear lot line does not coincide with a recorded right-of-way (e.g., land-locked lots, lots with substandard access easements, etc.), the setback line(s) shall be measured from the applicable property line(s) closest to the associated recorded right-of-way or ultimate right-of-way.

SEXUALLY ORIENTED BUSINESS AND/OR RELATED USE TERMS AND PHRASES

Unless specifically defined elsewhere in this Chapter II of this chapter or in the Code of the Township of Fairview, the following words and phrases, when used in this chapter, relating to the "sexually oriented businesses and/or related uses" shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

A. ADULT CABARET

An establishment regularly featuring dancing and other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on exhibiting specific sexual activities or specified anatomical areas for observation by patrons therein.

B. ADULT MEDIA

Magazines, books, videotapes, movies, slides, CD-ROMs, DVDs, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.

C. ADULT MEDIA STORE

An establishment that rents and/or sells media, and that meets any of the following three criteria:

- (1) Forty percent or more of the net retail floor area is devoted to adult media.
- (2) Forty percent or more of the stock-in-trade consists of adult media.
- (3) It advertises or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

D. ADULT MOTION PICTURE THEATER

An establishment emphasizing or predominantly showing sexually oriented movies.

E. DISPLAY PUBLICLY

The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, alley, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

F. EXPLICIT SEXUAL MATERIAL

Any hardcore material.

G. HARDCORE MATERIAL

Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male

organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

H. LINGERIE MODELING STUDIO

An establishment that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

I. MEDIA

Anything printed or written or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but is not limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, DVDs, other magnetic media and undeveloped pictures.

J. MEDIA SHOP

A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media stores. In that context, "media shop" means a retail outlet offering media for sale or rent, for consumption off-premises, provided that any outlet meeting the definition of "adult media store" shall be treated as an adult media store.

K. OTHER SEXUALLY ORIENTED ESTABLISHMENT

An establishment that offers its patrons, services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities.

L. PRIMARY LIVE ENTERTAINMENT

On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

M. SADOMASOCHISTIC PRACTICES

Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

N. SEX SHOP

An establishment offering goods for sale or rent and that meets any of the following criteria:

(1) The establishment offers for sale items for any two of the following categories:

(a) Adult media;

(b) Lingerie; and/or

(c) Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10% of its stock-in-trade or occupies more than 10% of its net retail floor area.

(2) More than 5% of its stock-in-trade consists of sexually oriented toys or novelties.

(3) More than 5% of its net retail floor area is devoted to the display of sexually oriented toys or novelties.

O. SEXUALLY ORIENTED BUSINESS

An inclusive term used to describe collectively: adult cabaret; adult media store; adult motion-picture theater; sex shop; and/or other sexually oriented establishment.

P. SEXUALLY ORIENTED TOYS AND NOVELTIES

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Q. SPECIFIED ANATOMICAL AREAS

Includes but are not limited to:

(1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

R. SPECIFIED SEXUAL ACTIVITIES

Includes but are not limited to:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

S. VIDEO VIEWING BOOTH OR ARCADE BOOTH

Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, CD-ROM, DVD, books, magazines, or periodicals) for observation by patrons therein. A video viewing booth shall not mean theater indoor commercial recreation, or a room or enclosure or portion thereof that contains more than 600 square feet.

SHED

An enclosed structure not intended for residential occupancy which is accessory to the principal use of the property and is typically used to store personal and household property.

SHOOTING RANGE

A facility, whether indoor or outdoor, designed and operated for the discharge of firearms or archery equipment at targets, and used for training, practice, recreation, competition, or marksmanship qualification.

A shooting range typically includes firing lines, target areas, safety berms or backstops, bullet-containment structures, range houses, and associated safety features. This use does not include temporary or incidental personal use of firearms on private property, nor does it include hunting activities regulated by state wildlife agencies.

SHOPPING CENTER

A retail establishment, or any combination of retail and other similar and related establishments, in a single building or in separate buildings that are planned, constructed and managed as a total entity with total combined gross building square footage of 10,000 square feet to less than 25,000 square feet of gross square floor area. All shopping centers shall be located in a complex that is planned, designed, developed, owned or managed as a single unit with internal vehicle circulation (public or private) off-street parking and loading provided on the property. Provisions for goods delivery separated from customer access, pedestrian access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved land development plan complying with Township ordinances.

SHOPPING CENTER, LARGE

A retail establishment, or any combination of retail and other similar and related establishments, in a single building or in separate buildings, or a theater or an indoor recreational facility, occupying 25,000 or more square feet of gross square floor area. All large shopping centers shall be located in a complex that is planned, designed, developed, owned or managed as a single unit with internal vehicle circulation (public or private) off-street parking and loading provided on the property. Provisions for goods delivery separated from customer access, pedestrian access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved land development plan complying with Township ordinances.

SHORT-TERM RENTAL

A residential dwelling that is rented out for a period less than 30 consecutive days at a time, typically for vacation stays or temporary housing.

SIDEWALK

A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA

That portion of the right-of-way that lies between the edge of the right-of-way line and curbline, regardless of whether the sidewalk exists.

SIGHT DISTANCE

The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

SIGN TERMS AND PHRASES

Unless specifically defined elsewhere in this Chapter II of this chapter, the following words and phrases when used in Chapter VII of this chapter relating to exterior signs and outdoor display structures shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

A. AREA or SURFACE AREA, SIGN

An area measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, excluding the supporting structures which do not form part of the sign proper or the display. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. The area of three-dimensional signs shall be determined by adding the areas of the sides of the smallest polyhedron that will encompass the sign, regardless of whether it contains copy or not.

B. BILLBOARD, POSTER PANEL or OUTDOOR ADVERTISING STRUCTURE

A board, panel or tablet used for the display of printed or painted advertising matter containing advertising copy for a product, service, cause, event, or facility not on the premises.

C. DIGITAL OR ELECTRONIC BILLBOARD SIGN

A billboard or off-premises sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Digital or electronic billboard signs shall include computer-programmable, microprocessor-controlled electronic or digital displays. Digital or electronic billboard signs include projected images or messages with these characteristics onto buildings or other objects.

D. DIRECTIONAL SIGN

A sign intended solely to guide or direct pedestrians or vehicles to a location, entrance, exit, parking area, drive-through lane, loading area, or other on-site destination, and which contains no advertising message, product promotion, or commercial identification other than the name or logo of the premises.

E. GROUND SIGN or FREESTANDING SIGN

A sign supported by uprights, poles, or braces in or upon the ground surface and not attached to or part of a building. Any sign which is so constructed or mounted as to facilitate moving from place to place shall also be considered a "ground sign" or "freestanding" sign.

F. IDENTIFICATION SIGN

Any sign which carries only the name of the person, the occupation or principal product offered for sale on the premises, or a combination of these descriptions or the name of the building upon which the sign is placed.

G. ILLUMINATED SIGN

A sign that provides artificial light directly, or through any transparent or translucent material, from a source connected with such sign or a sign illuminated by a light focused on or chiefly directed at the surface of the sign.

H. LOCATION, SIGN

A lot, premises, building, structure, wall or any place whatsoever upon which a sign is located.

I. MARQUEE SIGN

A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line.

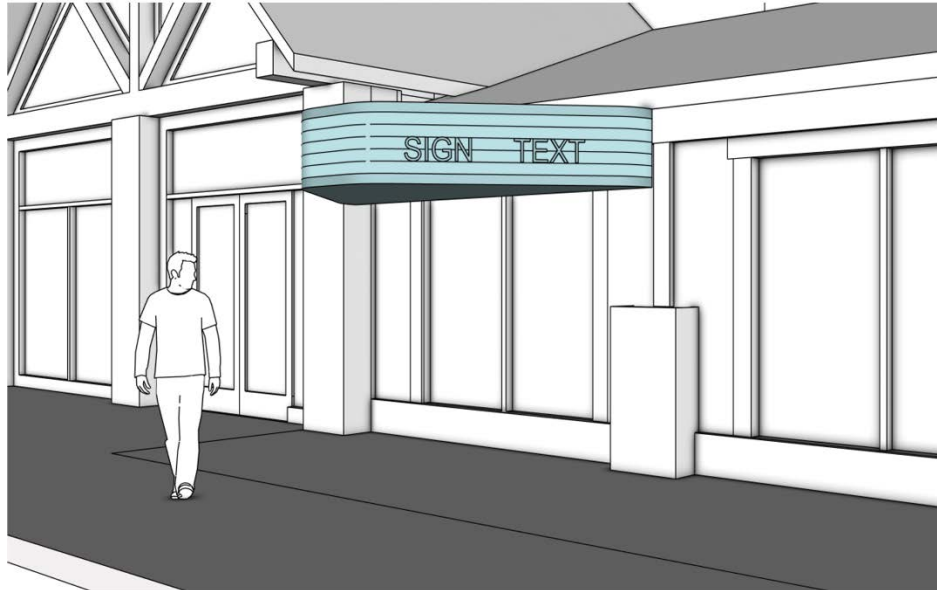


Figure 2.11 Marquee Sign Example

J. MONUMENT SIGN

A ground level, freestanding sign, with little to no open space between the sign and the ground, that is constructed of weather-resistant, durable materials and contains business information such as the name, logo, and business address.

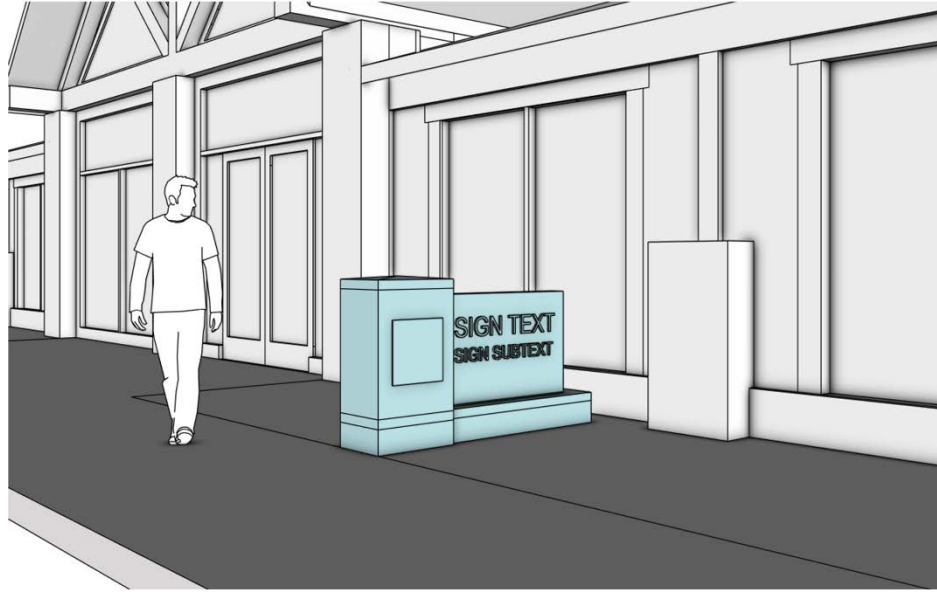


Figure 2.11 Monument Sign Example

K. MOVABLE SIGN

A sign which is so constructed or mounted as to facilitate moving from place to place.

L. OPEN SIGN

A sign in which at least 50% of the enclosed area is uncovered or open to the transmission of wind.

M. OUTDOOR ADVERTISING STRUCTURE

See "billboard."

N. POSTER PANEL

See "billboard."

O. PROJECTING SIGN

A sign which is attached directly to the building wall and which extends more than 15 inches from the face of the wall.



Figure 2.12 Projecting Sign Example

P. PROPERTY

A parcel or lot and all improvements thereon, held in separate ownership by any person.

Q. ROOF SIGN

A sign which is erected, constructed and maintained above or on the roof of the building.

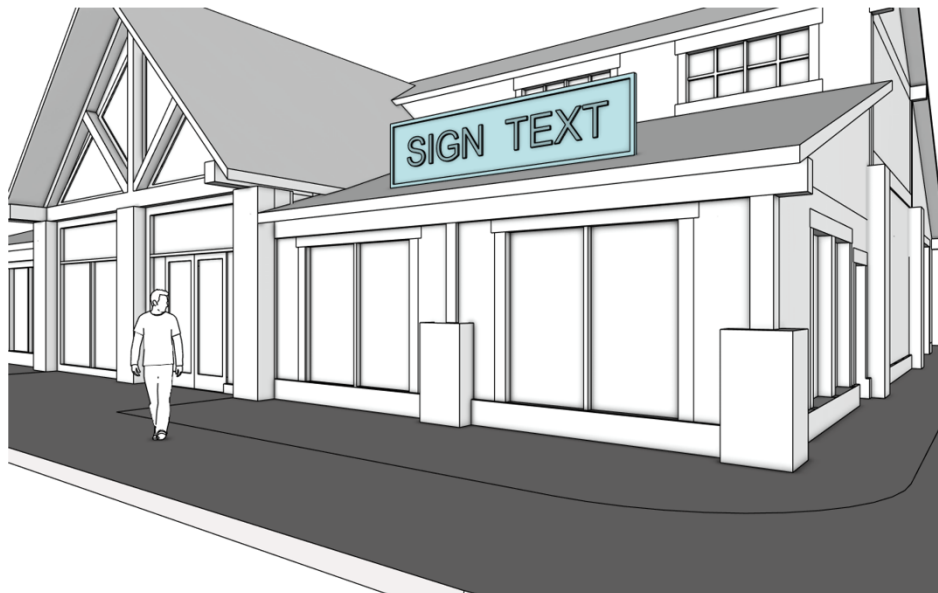


Figure 2.13 Roof Sign Example

R. SIGN

Any structure, substance, material, device, light, or natural object, including the ground itself or any part thereof, or any device attached thereto, placed thereon, or painted or represented thereon which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business or which shall display any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from a parking lot.

S. TEMPORARY SIGN

A sign which advertises a product, service, special event, or sale which is located on a site, for a specific time period.

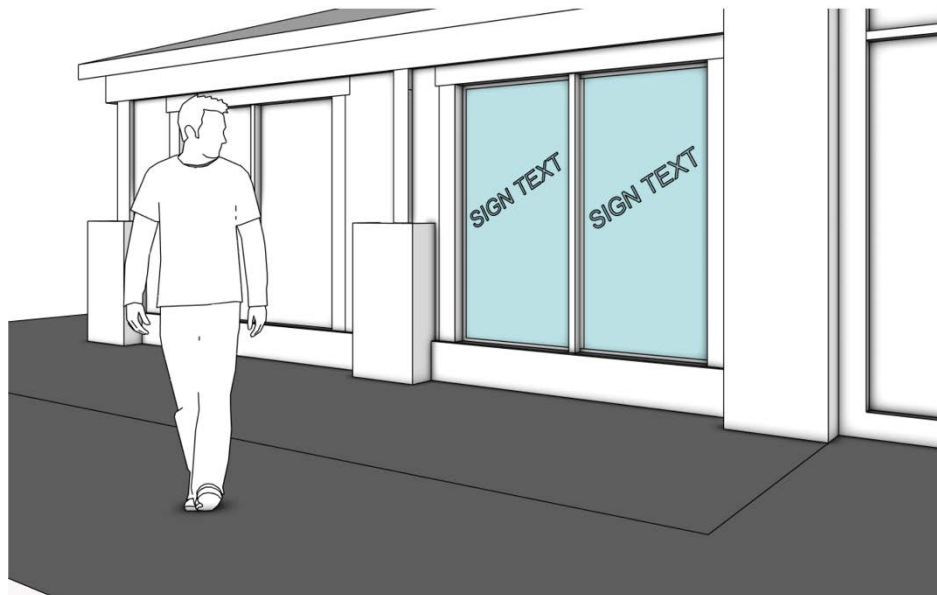


Figure 2.14 Temporary Sign Example

T. WALL SIGN

A sign which is painted on or attached directly to the building wall and which extends not more than 15 inches from the face of the wall and does not extend above the roof line. It shall include any sign painted on or attached directly to the outside of a window.



Figure 2.15 Wall Sign Example

SITE

A parcel or tract of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE INVENTORY PLAN

A mapped identification of a site's natural and man-made resources.

SITE/PLOT PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel and depicts details of a proposed development.

SKILLED OR INTERMEDIATE NURSING CARE

Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SLOPE

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed by a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

MODERATELY STEEP — An area of land with natural, cut or filled slopes between 15% and 24.99%.

[Added 1-25-2016 by Ord. No. 2016-1]

STEEP — An area of land with natural, cut or filled slopes that are greater than or equal to 25%.

[Added 1-25-2016 by Ord. No. 2016-1]

SOLAR ENERGY PRODUCTION

A solar energy system that supplies energy primarily for off-site/off-premises use.

SOLAR ENERGY SYSTEM

An alternative energy system which includes any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SOLAR COLLECTION SYSTEM

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ENERGY PRODUCTION FACILITY, LARGE

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

SOLAR ENERGY SYSTEM, SMALL

A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR RELATED EQUIPMENT

Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations used for or intended to be used for collection of solar energy.

SOLID WASTE TRANSFER

An establishment where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid

waste. Such facility shall not include an automobile wrecking, junk, and scrap storage and sales establishment; leaf composting; clean fill or septage or sludge application.

SOLID WASTE COMBUSTOR OR INCINERATOR

A solid waste facility for the controlled burning of large quantities of solid waste at high temperatures under carefully regulated conditions.

SOLID WASTE LANDFILL FACILITY

All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units as required by the federal and/or state agency having jurisdiction.

SOLID WASTE TRANSFER STATION

Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, sewage, or sludge application.

SPARK ARRESTER

A device (located at the top of a chimney) to prevent sparks, embers or other ignited material above a given size from being expelled to the atmosphere.

SPECIAL EXCEPTION USE

See MPC. (A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX.)

STACKING LANE

A paved surface designed to accommodate a motor vehicle waiting for entry to any drive-in facility or other similar auto-oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed.

STOOP

A roofed (covered) or unroofed (uncovered) open area, other than a porch, that is less than or equal to 30 square feet, constructed of concrete or masonry, providing direct access to and from a building.

STORAGE BUILDING

An accessory structure used for storing goods and products incidental to a permitted, nonresidential, principal use.

STORAGE YARD, ACCESSORY

As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/or equipment

within a storage yard are not offered for commercial sale nor are they accessible to the public. See also "Supply Yard"

STORAGE YARD, PRINCIPAL

As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles, and/or construction materials. Materials and/or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public.

STORY

See Chapter 113 relating to code enforcement, Uniform Construction Code. [That portion of a building included between the surface of a floor and the upper surface of the floor or roof next above (also see "basement," "mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tier of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or where there is not a ceiling, to the top of the roof rafters.)

STREAM

A watercourse, other than a lake or pond, having a source, terminus, banks, and channel through which waters flow at least periodically.

STREAM, INTERMITTENT

A stream carrying water during the wet seasons.

STREAM, PERENNIAL

A stream that is present during all seasons of the year.

STREET

See MPC. (Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.) Streets shall conform to one of the following categories:

A. ALLEY

A secondary or service road that is generally parallel to a primary local, collector, or arterial street, and which generally abuts and provides access to the rear of lots. Alleys are generally on the same level as a local street, and are used in cases of narrow lot frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane streets. For purposes of this chapter, the following streets listed in Table 2-1, Alleys, shall be considered alleys:

Table 2-1: Alleys

Alleys	Between Cross Streets
Bruce Alley	Miramar Street and Davis Alley
Charles Alley	Market Street and Ross Avenue

Davis Alley	Ross Avenue and Water Street
Division Alley	Charles Alley and Water Street
Hess Alley	Miramar Street and Radesky Street
Hogan(s) Alley	Ross Avenue and Water Street
Strauss Alley	Ross Avenue and Water Street

B. ARTERIAL or MAJOR

See Chapter 260 relating to subdivision and land development. (A street serving large volumes of comparatively high-speed and long distance or through traffic, including those facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.) For a listing of streets identified as arterial or major streets, see the most recent version of the Fairview Township Comprehensive Plan.

C. COLLECTOR

See Chapter 260 relating to subdivision and land development. [A street, which in addition to providing access to abutting properties (50 or more), intercepts minor streets and provides access to community facilities and/or other collector or arterial streets.] For a listing of streets identified as collector streets, see the most recent version of the Fairview Township Comprehensive Plan.

D. LOCAL or MINOR

See Chapter 260 relating to subdivision and land development. (A street used primarily to provide access to abutting properties.) For a listing of streets identified as local streets, see the most recent version of the Fairview Township Comprehensive Plan. Additionally, local streets shall be all streets and roads not listed as arterials, collectors, or alleys.

STREET LINE - (RIGHT-OF-WAY LINE)

A line defining the edge of a street right-of-way and separating the street from an abutting property or lot. The street line shall be the same as the legal right-of-way line, or the ultimate right-of-way line.

STRUCTURE

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

STRUCTURE, ACCESSORY

A structure customarily incidental and subordinate to and detached from the principal structure on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

STRUCTURE HEIGHT

The vertical distance above the average existing grade measured to the highest point of the structure.

STRUCTURE, PRINCIPAL

The main, primary, or predominant structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY

A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDENT

An individual registered for instruction at a public, private or commercial school, within a given calendar year.

SUBDIVISION

See Chapter 260 relating to subdivision and land development. (The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.)

SWIMMING POOL

See Chapter 113 relating to code enforcement, Uniform Construction Code. [Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.] Ornamental ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction. Furthermore, this definition includes all above ground and below ground, permanent and temporary/portable types of pools, spas and jacuzzis.

SWIMMING POOL, PUBLIC

A swimming pool that is not a residential swimming pool.

TATTOO PARLOR/BODY-PIERCING BUSINESS

A licensed establishment whose principal business activity, either in terms of operation or as advertised, is the practice of one or more of the following:

A. Placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or

B. Creating an opening in the body of a person for the purpose of inserting jewelry or other decoration; and as licensed to operate as such by applicable entities.

TAVERN/BAR

An establishment which serves primarily alcoholic beverages for mostly immediate on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, but may also

include the incidental sale of food. Taverns and bars shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

TELECOMMUNICATION

The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received.

TELECOMMUNICATION SIGNAL SITE

A tract or parcel of land that contains a telecommunication antenna, its support structure, accessory building(s), parking, and may include other uses and equipment associated with and ancillary to telecommunication signal transmission or processing.

TERRACE

A level, landscaped, and/or surfaced area, also referred to as a "patio," directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

THEATER, INDOOR

An establishment with a building or portion thereof devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR AND DRIVE-IN

An establishment upon an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

THERAPEUTIC MASSAGE

Defined by the Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs.

THERAPEUTIC MASSAGE FACILITY

An establishment where therapeutic massage services are provided by a person having a valid license in accordance with the Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs. Massage therapy establishments shall not be construed to be a sexually oriented business and/or related use as defined in this Chapter II of this chapter.

TINY HOME (OR TINY HOUSE)

A small, detached dwelling unit designed for permanent, year-round occupancy, typically ranging from 100 to 400 square feet of habitable floor area, constructed either on a permanent foundation or on a movable chassis. A tiny home must contain permanent provisions for living, sleeping, cooking, and sanitation, and must comply with applicable building, safety, and utility standards as determined by Fairview Township.

TOWING AND OTHER ROAD SERVICES

A personal service engaged in the business of offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place they are disabled by use of a wrecker so designed for that purpose by a truck, automobile, or other vehicle so adapted for that purpose.

TOWING YARD

A secured outdoor area used for the temporary storage of motor vehicles that have been towed, impounded, repossessed, or otherwise removed from public or private property. A towing yard may include associated facilities such as a towing dispatch office, vehicle intake area, and fencing or screening required for security and visual buffering. A towing yard does not include auto salvage yards, junkyards, vehicle dismantling operations, or long-term vehicle storage unless expressly permitted elsewhere in the zoning ordinance.

TOWNSHIP ENGINEER

See Chapter 260 relating to subdivision and land development; "engineer." (A professional engineer licensed to practice in the Commonwealth of Pennsylvania designated as the Engineer for the Township of Fairview.)

TOWNSHIP SOLICITOR

The attorney licensed to practice in the Commonwealth of Pennsylvania, designated by the Board of Supervisors of the Township of Fairview to furnish professional legal assistance for the administration of this chapter.

TRACT AREA, GROSS

The area of a parcel within the lot lines, established by a plat or otherwise as permitted by law, which is the subject of an application for development.

TRACT AREA, NET

The area derived from subtracting the area within street ultimate rights-of-way lines, utility easements, and access strips from the total gross tract area.

TRANSFER FACILITY

A facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

TRANSIENT

Short-term occupancy of a dwelling, lodging unit, or accommodation for a temporary period, rather than long-term residential use.

TRAVEL PLAZA

An establishment where a range of services and goods to professional drivers and the general public are congregated, such as fuel/gas sales, vehicle service, overnight accommodations and restaurants.

TREATMENT CENTER

A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A.** Criminal rehabilitation, such as a criminal halfway house;
- B.** Current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or
- C.** A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TRUCK DROP LOT

An establishment providing for the temporary parking and transient storage of trucks and/or related truck-trailers used in cargo and freight transportation.

TURBINE HEIGHT

The vertical distance above the average existing grade measured to the highest point of the wind turbine rotor plane.

UNIFORM CONSTRUCTION CODE (UCC)

The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Pennsylvania Department of Labor and Industry; applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

UNIT OF OCCUPANCY

An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

UNIVERSITY/COLLEGE

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

USE

The specific purpose or activity for which land, structures, or buildings are designed, arranged, intended, occupied, and/or maintained.

USE, ACCESSORY

A use customarily incidental and subordinate to the principal use or the principal structure and located on the same lot with such principal use or principal structure. If no principal use or principal structure exists on a lot with an accessory use, then such accessory use shall only be considered a principal use.

USE, PRINCIPAL

The main, primary, or predominant use of any lot, tract, parcel of land, or structure.

USE, TEMPORARY

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

UTILITY LINE

A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines, and other lines.

VARIANCE

See MPC. (Relief granted pursuant to the provisions of Articles VI and IX.)

VEGETATIVE COVERAGE

An area covered with a vegetative material including: grass, shrubs, vines, trees, and other landscaping.

VEHICLE REPAIR GARAGE

Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighing less than 8,500 pounds Gross Vehicle Weight Rating (GVWR).

VEHICLE SALES AND SERVICE

A retail establishment which may include one (1) or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs, and/or the servicing of vehicles is performed.

VEHICLE RENTAL FACILITY

The rental of motor vehicles, watercraft, recreational vehicles, or trailers, including outdoor display areas and service areas within a completely enclosed building and a showroom and offices within the building.

VETERINARIAN

A qualified professional trained in the care and treatment of animals.

VETERINARY OFFICE

An establishment used primarily for the treatment, by a veterinarian, of small household domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor keeping or boarding of animals is permitted.

VINEYARD

A farm where grape vines are planted, grown, raised, or cultivated for the purpose of producing grape wine.

WALL

Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials, or a combination of stated materials, erected to provide screening, divide one property from another property or public street right-of-way; to help assure privacy or protection, to define or mark the property or lot line(s).

WAREHOUSE

An establishment used primarily for the indoor storage and handling of products, supplies, or equipment, but not including the maintenance or fueling of commercial vehicles.^[7]

WAREHOUSING AND DISTRIBUTION

involving, as its primary use, the storage and/or distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create a hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair unless such uses are specifically permitted in that zoning district.

WEDDING AND EVENT VENUES

A facility or property used for hosting wedding ceremonies, receptions, and related events. The use may include indoor and outdoor spaces, catering services, and accessory uses such as lodging or entertainment. Uses that are incidental and subordinate to the principal wedding venue use, included but are not limited to food service and live music.

WETLANDS

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

WHOLESALE

Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WHOLESALE

An establishment which, in the normal course of business and as a primary use, sells materials, products, supplies and equipment to a limited customer base, such as club members, contractors, restaurant owners/employees, etc. Wholesaling of materials, products, supplies and equipment shall not be open to or accessible by the general public.

WIND CHARGER

A wind energy system direct-current generator used for charging storage batteries.

WIND ENERGY PRODUCTION

A wind energy system that supplies energy primarily for off-site/off-premises use.

WIND ENERGY SYSTEM

An alternative energy system which includes a wind charger, wind turbine, or other electric-generation facility designed to convert wind power into another form of energy such as electricity or heat, and which consists of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WINDMILL

A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE

A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIND TURBINE TOWER

The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

WINERY

A facility where grapes, fruits, or other agricultural products are processed, fermented, aged, blended, bottled, and stored for the production of wine or similar alcoholic beverages. A winery may include associated uses such as tasting rooms, retail sales of wine and related products, tours, and events, provided such activities are permitted within the zoning district. Agricultural growing operations (e.g., vineyards) may be located on the same parcel or off-site.

WING WALL

An extension of a building wall that projects out beyond the building itself. These types of walls are typically associated with adding aesthetics to a building.

WOODLANDS

An area of plant material covering one acre or more, and consisting of 30% or more canopy trees having an eight-inch or greater caliper, or more trees having a ten-inch or greater caliper. Trees shall be measured at 4 1/2 feet from ground level.

YARD

An unoccupied and unobstructed open space of land between the building line of permitted structure and the adjoining lot line.

YARD, FRONT

The yard area extending across the full width of the lot and contained between the building line of the principal structure and the front lot line or street line (excluding alleys), measured perpendicular to the building line of said structure at the closest point to the front lot line. Corner lots shall have two front yards. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

YARD, REAR

The yard area extending across the full width of the lot and contained between the building line of the principal structure and the rear lot line, which may include street lines created by alleys, measured perpendicular to the building line of said structure at the closest point to the rear lot line. Corner lots shall have no rear yards. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

YARD, SIDE

The yard area(s) extending from the front yard to the rear yard and contained between the building line of the principal structure and any side lot line(s), measured perpendicular to the building line of said structure at the closest point to the nearest side lot line. Corner lots shall have two side yards. See Figure 2.9 Typical Setbacks and Yards, Interior Lot, Figure 2.10 Typical Setbacks and Yards, Corner Lot, and Figure 2.11 Setbacks and Yards, Triple Frontage Lot.

YARD SALE (GARAGE SALE/MOVING SALE/TAG SALE)

A temporary, accessory use of a residential property for the occasional sale of household goods, personal items, or used belongings by the occupants of the premises. Yard sales are not permitted to function as ongoing retail operations and are typically limited in frequency, duration, and signage as specified in the zoning ordinance. No new or wholesale merchandise may be offered for sale unless expressly allowed elsewhere in the ordinance.

ZONING DISTRICT

A section of the Township of Fairview designated in this chapter's text and delineated on the Official Zoning Map, "Township of Fairview, York County, PA: Official Zoning Map" listed in Chapter III of this chapter relating to zoning districts and map, in which regulations for the use of land, structures, buildings, and development are prescribed.

ZONING MAP

The map setting forth the boundaries of the zoning districts of the Township of Fairview which shall be part of this chapter, "Township of Fairview, York County, PA: Official Zoning Map" listed in Chapter III of this chapter relating to zoning districts and map.

ZONING OFFICER

The administrative officer appointed by the Board of Supervisors of the Township of Fairview to administer this chapter and issue zoning permits.

ZONING PERMIT

A document signed by a Zoning Officer, as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure, that acknowledges that such use and/or structure complies with the provisions of this chapter or authorized variance therefrom. See "building permit."

Chapter III. Designation of Zoning Districts

§300-12 Zoning Districts and Map

For the purpose of this chapter, Fairview Township is hereby divided into specific zoning districts (underlying or base) and overlay zoning districts which shall be designated as follows in Table 3-1, Zoning Districts:

Table 3-1: Zoning Districts

Zoning District Name	Specific Part or Section Reference
RURAL AREA ZONING DISTRICTS	
RL — Rural Living Zoning District (RL)	Chapter IV
GROWTH AREA ZONING DISTRICTS	
RS — Single-Family Residential Zoning District (RS)	Chapter V
RMU — Residential Mixed-Use Zoning District (RMU)	Chapter V
VR — Village Residential Zoning District (VR)	Chapter V
VMU — Village Mixed-Use Zoning District (VMU)	Chapter V
VB — Village Business Zoning District (VB)	Chapter V
CB — Commercial Business Zoning District (CB)	Chapter V
IB — Industrial Business Zoning District (IB)	Chapter V
AB — Airport Business Zoning District (AB)	Chapter V
Airport Overlay Zoning District (APO)	§ 300-15
Floodplain Overlay Zoning District (FPO)	§ 300-16
Scenic River Corridor Overlay Zoning District (SRCO)	§ 300-17

- A.** Official Zoning Map. Unless otherwise noted, the locations and boundaries of the specific zoning districts and overlay zoning districts are shown upon the map that is attached to and made a part of this chapter. The map and all notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described in this chapter. The map shall be designated as the “Township of Fairview, York County, PA: Official Zoning Map” in this chapter may be referred to as the “Official Zoning Map.”

§ 300-13 Zoning district boundaries.

The boundaries between zoning districts are shown by zoning district boundary lines on the Zoning Map. Where uncertainty exists as to the location of boundaries of any zoning districts shown on the Zoning Map, the following rules shall apply:

- A.** Where zoning district boundaries are so indicated as approximately coinciding with the center lines of streets, highways, railroad lines, other rights-of-way lines, streams, or ridge lines, such center lines shall be construed to be the zoning district boundaries.
- B.** Where zoning district boundaries are so indicated as approximately coinciding with lot lines, such lot lines shall be construed to be the zoning district boundaries.
- C.** Where zoning district boundaries are so indicated that as approximately parallel to center lines of streets, highways, railroad lines, and other rights-of-way, the zoning district boundaries shall be construed as parallel thereto and at such distances from the center line as indicated on the Zoning Map.
- D.** For unsubdivided land or where a zoning district boundary divides a lot, the location of the zoning district boundary, unless dimensions are indicated, shall be determined by the scale appearing on the Zoning Map.
- E.** Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.
- F.** In the case of any uncertainty as to zoning district boundaries on the Zoning Map, the Zoning Officer shall determine the zoning district boundaries; however, the Zoning Officer's determination may be appealed to the Zoning Hearing Board of the Township of Fairview in accordance with Chapter IX of this chapter relating to the Zoning Hearing Board.

Chapter IV. Rural Area Zoning Districts

The Rural Living zoning district includes properties that are located outside of the Fairview Township Designated. Growth Area.

RL Rural Living Zoning District

Purpose Statement

This zoning district predominately includes a mix of agriculture, agriculture support and related rural businesses, lower-density rural residential type uses, and resource conservation areas.

Permitted Uses

Uses	RL Rural Living Zoning District
RESIDENTIAL USES	
Group home	P
Single-family detached dwelling	P
NONRESIDENTIAL USES	
COMMERCIAL USES	
Animal hospital	SE
Campground or recreational vehicle park	P
Commercial recreation, outdoor	SE
Golf course	P
Kennel, commercial	P
Landscaping service	P
Outdoor shooting range	SE
<u>Pet grooming facility</u>	<u>P</u>
Veterinary office	P
<u>Winery</u>	<u>SE</u>
INDUSTRIAL USES	
Mineral extraction	CU
Sawmill	SE
INSTITUTIONAL/CIVIC USES	

Animal rescue shelter	P
Cemetery	P
Clubhouse or lodge, private	P
Government facility other than municipal-owned uses	P
Hunting Club	P/SE (if outdoor shooting range)
Municipal-owned uses	P
Nature preserve and wildlife sanctuary	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
FORESTRY/AGRICULTURE USES	
Agribusiness	SE
Agricultural operation	P
Agricultural support business	P
Community garden	P
Forestry (commercial timber harvesting)	P
Greenhouse/plant nursery	P
Riding school and boarding stable	P
MISCELLANEOUS USES	
Adaptive reuse of existing agricultural structure	SE
Multiple permitted principal uses on a lot	P
Solar energy production	SE
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE
Wind energy production	SE
SPECIFIC ACCESSORY USES	

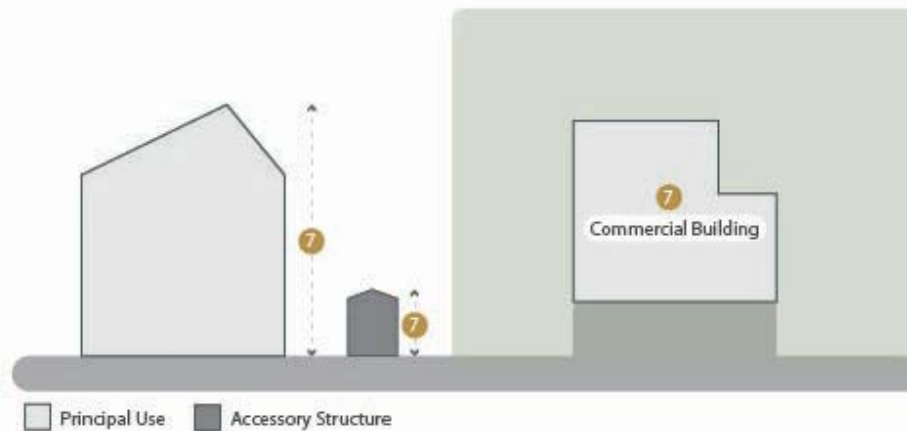
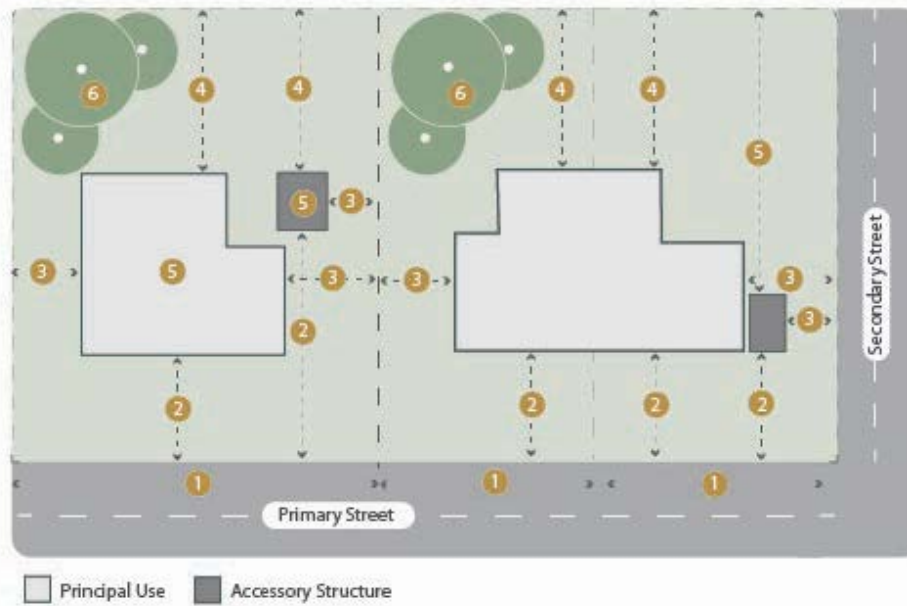
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Accessory apartment	SE
<u>Accessory Dwelling Unit</u>	<u>SE</u>
Agri-tainment/agri-tourism	SE
Bed-and-breakfast	P
<u>Beekeeping</u>	<u>P</u>
Community garden	P
Day care, accessory	P
Day care, family	P
Farm occupation	P
<u>Farmers Market</u>	<u>P</u>
<u>Free Little Libraries and Free Little Food Pantries</u>	<u>P</u>
Home occupation	SE
No-impact home occupation	P
Noncommercial keeping of livestock	P
Outdoor furnace	P
Roadside stand	P
Rural occupation	SE
<u>Utility Structures</u>	<u>P</u>
<u>Wedding and Event Venue</u>	<u>SE</u>

Area and Design Requirements

	Area/Design Features	Permitted Uses			
		Single-Family Detached Dwelling (SFD)		All Other Nonresidential, Non-Forestry/ Non-Agriculture Uses (other than specified in Article X of this chapter)	Accessory use or structure (other than specified elsewhere this chapter including Articles VII–X of this chapter)
		New SFD Sited Along an Existing Street after the Effective Date of this Chapter	New SFD Sited Along a New Street after the Effective Date of		

			this Chapter		
	Lot area per unit (minimum)	80,000 sq. ft.	40,000 sq. ft.	5 acres	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (corner)	350 ft. along an arterial street 300 ft. along a collector street 250 ft. along an existing local street 95 ft. along a new local street		350 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	350 ft. along an arterial street 300 ft. along a collector street 250 ft. along an existing local street 95 ft. along a new local street		350 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	150 ft. along an arterial street 125 ft. along a collector street 100 ft. along an existing local street 75 ft. along a new local street		150 ft.	Not permitted to be located in the required front setback nor within the front yard if principal building is less than 150 ft. from street right-of-way
3	Setback, side (minimum each side)	30 ft.	30 ft.	75 ft.	20 ft. SFD/50 ft. all other nonresidential, nonagriculture uses
4	Setback, rear (minimum)	50 ft.	50 ft.	75 ft.	20 ft. SFD/50 ft. all other nonresidential, nonagriculture uses
5	Impervious lot coverage (maximum)	20%	30%	15%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	60%	60%	60%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	35 ft.	35 ft.	35 ft.	Not permitted to be higher than the principal structure
	Commercial, non-forestry/nonagriculture building footprint (maximum)	N/A	N/A	25,000 sq. ft.	Included as part of total maximum commercial, nonagriculture principal building footprint

Diagrams of Dimensional Requirements



Chapter V. Growth Area Zoning Districts

The following zoning districts are located within the Fairview Township Designated Growth Area.

RS Single-Family Residential Zoning District

Purpose Statement

This zoning district predominately includes lower-density residential and related uses.

Permitted Uses

Use	RS Single- Family Residential Zoning District
RESIDENTIAL USES	
Group home	P
Single-family detached dwelling	P
COMMERCIAL/INDUSTRIAL USES	
Golf course	P
Multiple permitted principal uses on a lot	P
INSTITUTIONAL USES / CIVIC USES	
Community center	P
Continuing care retirement community	P
Government facility other than municipal- owned uses	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Bed-and-breakfast	SE

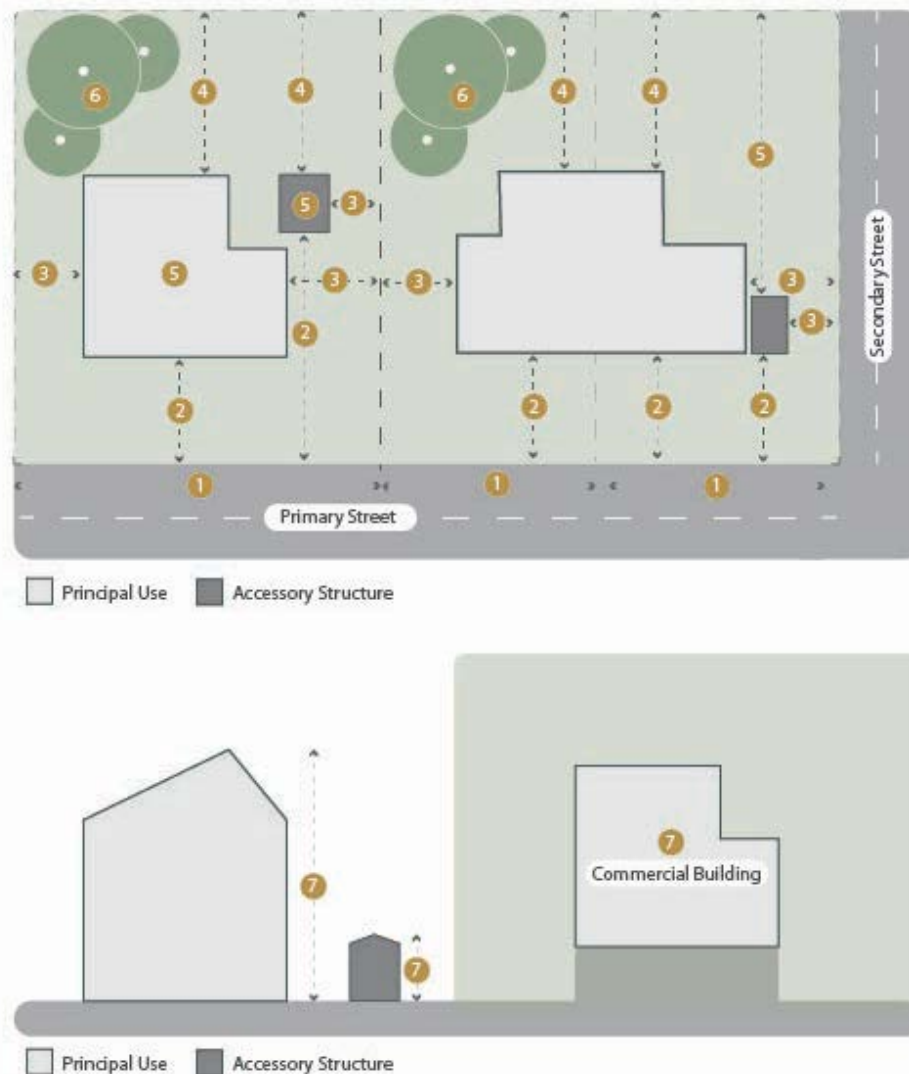
<u>Beekeeping</u>	<u>P</u>
Community garden	SE
Day care, accessory	P
Day care, family	SE
<u>Free little libraries and free little food pantry</u>	<u>P</u>
Home occupation	SE
No-impact home occupation	P
Rural occupation	SE
TEMPORARY USES	
	-
MISCELLANEOUS USES	
Telecommunications signal site (antenna only)	P

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	6 DUs/net lot area	N/A
	Net lot area per unit (minimum)	6,600 sq. ft. (public water and public sewer)	Included as part of total minimum lot area for principal use
		20,000 sq. ft. (no public water, but public sewer)	
		40,000 sq. ft. (no public water, no public sewer; or public water only, no public sewer)	
1	Minimum lot width at lot frontage (interior)	60 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	75 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	30 ft.	Not permitted to be located in the front yard

3	Setback, side (minimum each side)	10 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.	7 ft.
4	Setback, rear (minimum)	25 ft.	7 ft.
5	Impervious lot coverage (maximum)	50%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	20%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	35 ft.	25 ft.
	Commercial building footprint (maximum)	4,000 sq. ft.	Included as part of total maximum commercial principal building footprint

Diagrams of Dimensional Requirements



RMU Residential Mixed-Use Zoning District

Purpose statement

This zoning district predominately includes moderate-density residential with a compatible mixture of smaller, less intense commercial businesses and related uses.

Permitted Uses

Use	RMU Residential Mixed-Use Zoning District
RESIDENTIAL USES	
Apartment Conversion	SE
Group home	P
Mobile / manufactured home community	CU
<u>Multi-Family Dwelling Unit (Mixed-Use)</u>	<u>P</u>
Multifamily dwelling	P
Single-family attached dwelling	P
Single-family detached dwelling	P
Single-family semidetached dwelling	P
Two-family detached dwelling	P
COMMERCIAL/INDUSTRIAL USES	
Bank	P
Bed & Breakfast	P
Commercial recreation, indoor	SE
Commercial recreation, outdoor	SE
Convenience store	SE
Copy shop/business service	P
<u>Co-work space</u>	<u>SE</u>
Craftsman/artisan studio	P
Food service	P
<u>Gas/Fuel Station (without accessory convenience sales)</u>	<u>P</u>
Golf course	P
Laundry and dry cleaning (personal)	P
<u>Medical marijuana dispensary</u>	<u>P</u>
Multiple permitted principal uses on a lot	P
Office, business and professional and medical	P
Personal service	P
Restaurant	P
Retail business	P
School, commercial	P
Therapeutic massage business	P
Veterinary office	P
<u>Winery</u>	<u>SE</u>
INSTITUTIONAL USES / CIVIC USES	
Community center	P
Continuing care retirement community	P
Day care, commercial	P
Emergency services	P

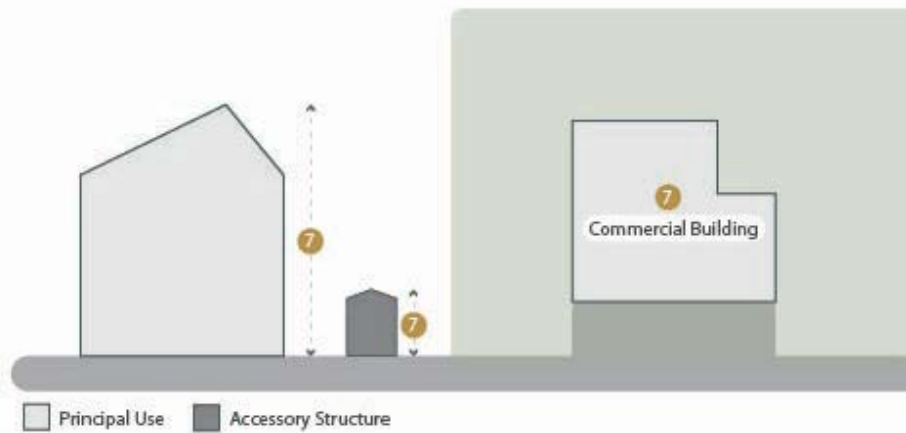
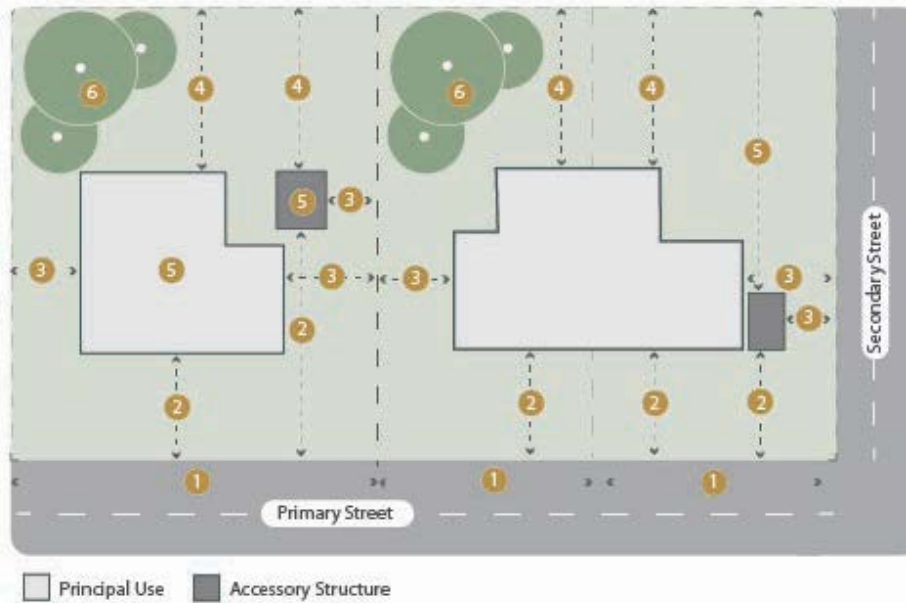
Government facility other than municipal- owned uses	P
Library	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Accessory apartment	SE
Automated banking facility	SE
Bed-and-breakfast	P
Community garden	P
Day care, accessory	P
Day care, family	P
Drive-through facility for permitted uses	SE
<u>Free Little Libraries and Free Little Food Pantries</u>	<u>P</u>
Home occupation	P
No-impact home occupation	P
Outdoor cafe/dining	P
Roadside stand	P
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
<u>Food truck</u>	<u>P</u>
MISCELLANEOUS USES	
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE

Area and Design Requirements

Area/Design Features	Permitted Uses
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		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	4 DUs/net lot area	N/A
	Net lot area per unit (minimum)	10,000 sq. ft. (public water and public sewer)	Included as part of total minimum lot area for principal use
		20,000 sq. ft. (no public water, but public sewer)	
		40,000 sq. ft. (no public water, no public sewer; or public water only, no public sewer)	
1	Minimum lot width at lot frontage (interior)	60 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	75 ft.	Included as part of total minimum lot width
2	Setback, front (minimum)	40 ft. ¹	Not permitted to be located in the front yard
3	Setback, side (minimum each side)	10 ft.	10 ft.
4	Setback, rear (minimum)	35 ft.	10 ft.
5	Impervious lot coverage (maximum)	40%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	20%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	35 ft.	25 ft.
	¹ Provided, however, that the setback distance shall be 25 feet if the residential building was erected when the setback was applicable.		

Diagrams of Dimensional Requirements



VR Village Residential Zoning District

Purpose statement

This zoning district predominately includes established moderate-density residential and related uses.

Permitted Uses

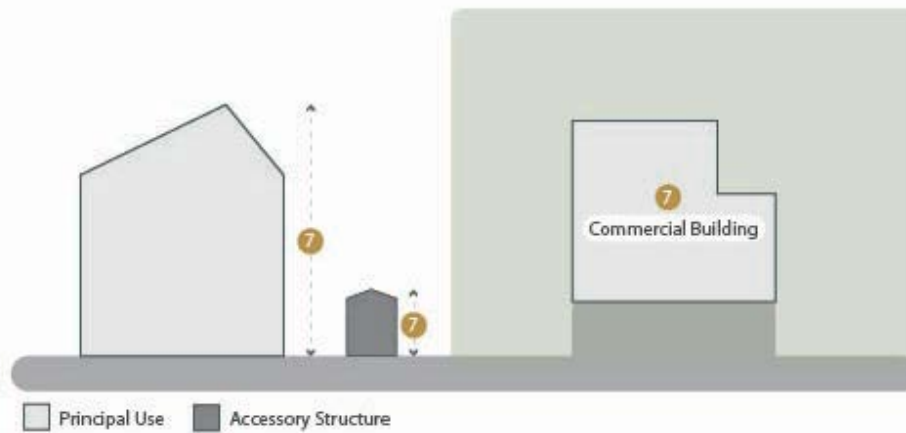
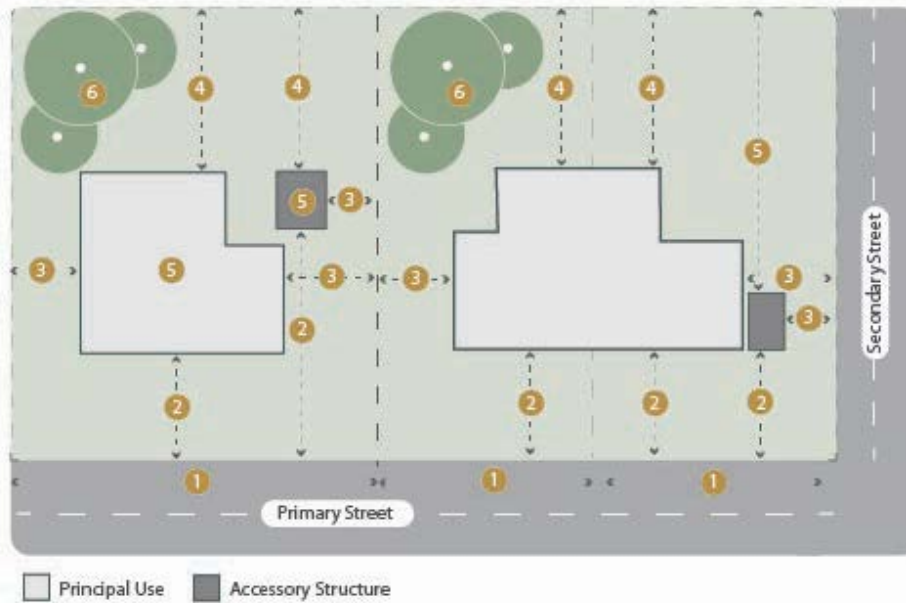
Use	VR Village Residential Zoning District
RESIDENTIAL USES	
Apartment Conversion	SE
Group home	P
Multifamily dwelling	P
Single-family attached dwelling	P
Single-family detached dwelling	P
Single-family semidetached dwelling	P
Two-family detached dwelling	P
COMMERCIAL/INDUSTRIAL USES	
Multiple permitted principal uses on a lot	P
INSTITUTIONAL USES / CIVIC USES	
Government facility other than municipal- owned uses	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Bed-and-breakfast	SE
Community garden	SE
Day care, accessory	P

Day care, family	SE
<u>Free Little Libraries and Free Little Food Pantries</u>	<u>P</u>
Home occupation	SE
No-impact home occupation	P
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
<u>Food truck</u>	<u>P</u>
MISCELLANEOUS USES	
Telecommunications signal site (antenna only)	P

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	10 DUs/net lot area	N/A
	Net lot area per unit (minimum)	4,000 sq. ft. (public water and public sewer)	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	40 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	55 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	15 ft.	Not permitted to be located in the front yard
3	Setback, side (minimum each side)	7.5 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building	5 ft.
4	Setback, rear (minimum)	20 ft.	5 ft.
5	Impervious lot coverage (maximum)	50%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	20%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	35 ft.	25 ft.

Diagrams of Dimensional Requirements



VMU Village Mixed-Use Zoning District

Purpose statement

This zoning district predominately includes a compatible mixture of established moderate-density residential and smaller, less intense commercial businesses and related uses.

Permitted Uses

Use	VMU Village Mixed-Use Zoning District
RESIDENTIAL USES	
Apartment Conversion	SE
Group home	P
<u>Multi-Family Dwelling Unit (Mixed-Use)</u>	<u>P</u>
Multi-unit apartment building	P
Single-family attached dwelling	P
Single-family detached dwelling	P
Single-family semidetached dwelling	P
Two-family detached dwelling	P
COMMERCIAL/INDUSTRIAL USES	
Bank	P
Boarding house	SE
Commercial recreation, indoor	SE
Copy shop/business service	P
<u>Co-work space</u>	<u>SE</u>
Craftsman/artisan studio	P
Food service	P
Funeral home	P
Laundry and dry cleaning (personal)	P
<u>Medical Marijuana Dispensary</u>	<u>P</u>
Multiple permitted principal uses on a lot	P
Office, business and professional and medical	P
Personal service	P
Restaurant	P
Retail business	P
School, commercial	P
Theater, indoor	SE
Therapeutic massage business	P
Veterinary office	P
INSTITUTIONAL USES / CIVIC USES	

Clubhouse or lodge, private	P
Community center	P
Day care, commercial	P
Emergency services	P
Government facility other than municipal- owned uses	P
Group care	SE
Library	P
Long-term care nursing or personal care	P
Museum / Cultural Center	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Accessory apartment	SE
Automated banking facility	P
Bed-and-breakfast	P
Community garden	P
Day care, accessory	P
Day care, family	P
<u>Free Little Libraries and Free Little Food Pantries</u>	<u>P</u>
Home occupation	P
No-impact home occupation	P
Outdoor cafe/dining	P
Outside display and sales	P
Roadside stand	P
TEMPORARY USES	
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
<u>Food truck</u>	<u>P</u>
MISCELLANEOUS USES	

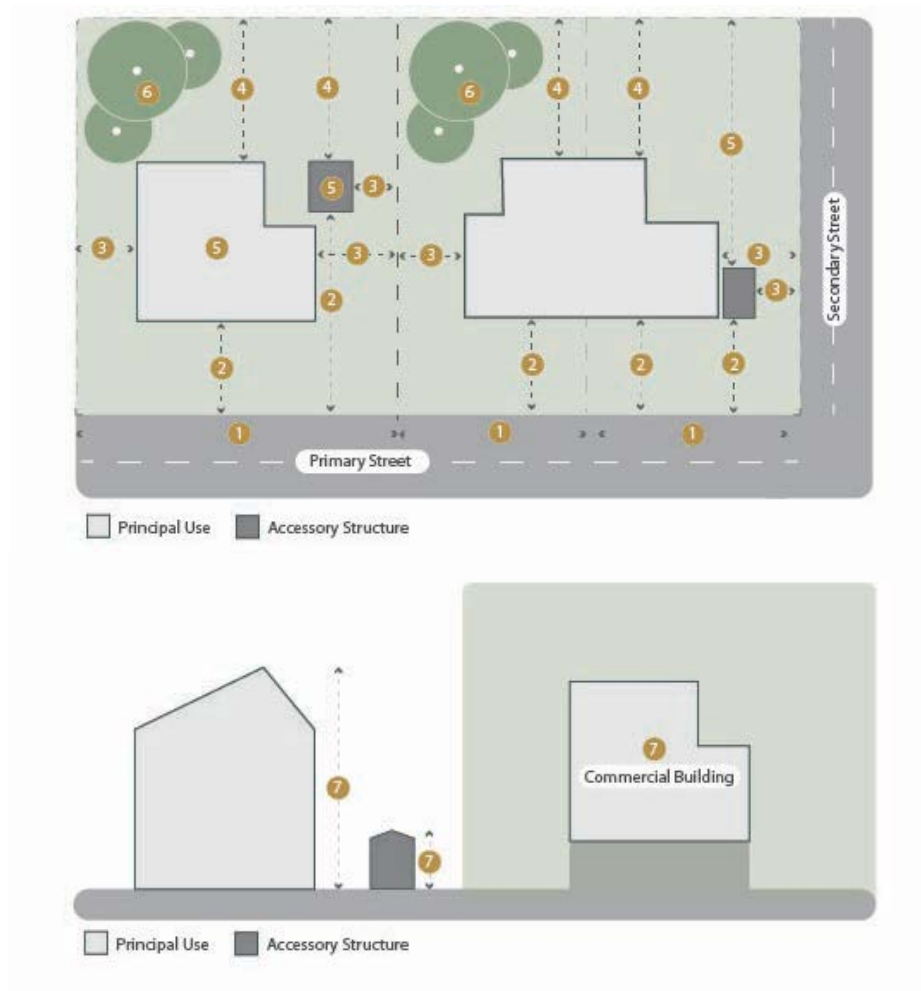
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	8 DUs/net lot area	N/A
	Lot area per unit (minimum)	5,000 sq. ft. (public water and public sewer)	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	45 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	60 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	If abutting lots are developed, see Article VII relating to yard and setback exceptions and alterations, which shall be required; otherwise, 15 ft.	Not permitted to be located in the front yard
3	Setback, side (minimum each side)	6 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.	5 ft.
4	Setback, rear (minimum)	15 ft.	5 ft.
5	Impervious lot coverage (maximum)	75%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	20%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	35 ft.	25 ft.

8	Commercial building footprint (maximum)	6,000 sq. ft.	Included as part of total maximum commercial principal building footprint
	Building height (maximum)	35 ft.	25 ft.

Diagrams of Dimensional Requirements



VB Village Business Zoning District

Purpose statement

This zoning district predominately includes a mixture of smaller, less intense to moderate size/intensity commercial businesses and related uses.

Permitted Uses

Use	VB Village Business Zoning District
RESIDENTIAL USES	
Apartment Conversion	P (upper floor)
<u>Multi-Family Dwelling Unit (Mixed-Use) – second or higher floor of a multi-family building</u>	<u>P</u>
Multifamily dwelling	P (upper floor)
COMMERCIAL/INDUSTRIAL USES	
Bank	P
Bed & Breakfast	P
Boarding house	P
Commercial recreation, indoor	P
Commercial recreation, outdoor	SE
Convenience store	P
Copy shop/business service	P
<u>Co-work space</u>	<u>SE</u>
Craftsman/artisan studio	P
<u>Farmers Market</u>	<u>P</u>
Financial service, other	P
Food service	P
Funeral home	P
<u>Gas/Fuel Station (with accessory convenience sales)</u>	<u>P</u>
<u>Gas/Fuel Station (without accessory convenience sales)</u>	<u>P</u>
Hotel	P
Laundry and dry cleaning (personal)	P
<u>Medical Marijuana Dispensary</u>	<u>P</u>
<u>Micro-brewery</u>	<u>SE</u>
<u>Micro-distillery</u>	<u>SE</u>
Multiple permitted principal uses on a lot	P
Night club	SE
Office, business and professional and medical	P

Parking lot/structure	P
<u>Pawn Shop</u>	<u>P</u>
Personal service	P
<u>Repossession Business</u>	<u>P</u>
Restaurant	P
Retail business	P
School, commercial	P
Tattoo parlor/body piercing business	P
Tavern/bar	SE
Theater, indoor	P
Therapeutic massage business	P
<u>MuTowing and Other Road Services</u>	<u>P</u>
<u>Vehicle Repair Garage</u>	<u>P</u>
<u>Vehicle Sales and Service</u>	<u>P</u>
<u>Vehicle Rental Facility</u>	<u>P</u>
Veterinary office	P
INSTITUTIONAL USES / CIVIC USES	
Animal rescue shelter	P
Clinic, medical	P
Clubhouse or lodge, private	P
Community center	P
Day care, commercial	P
Emergency services	P
Government facility other than municipal- owned uses	P
Group care	P
Library	P
Long-term care nursing or personal care	P
Museum / Cultural Center	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
Industrial use, light	P
Research and development	P
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
ACCESSORY USES	

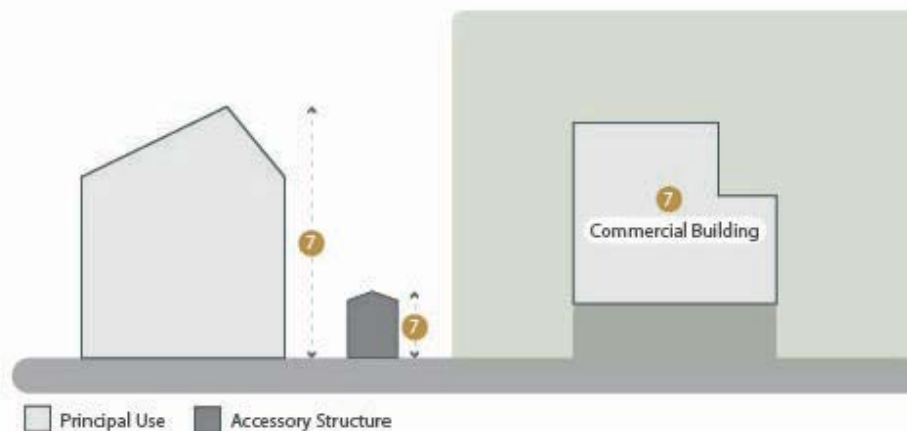
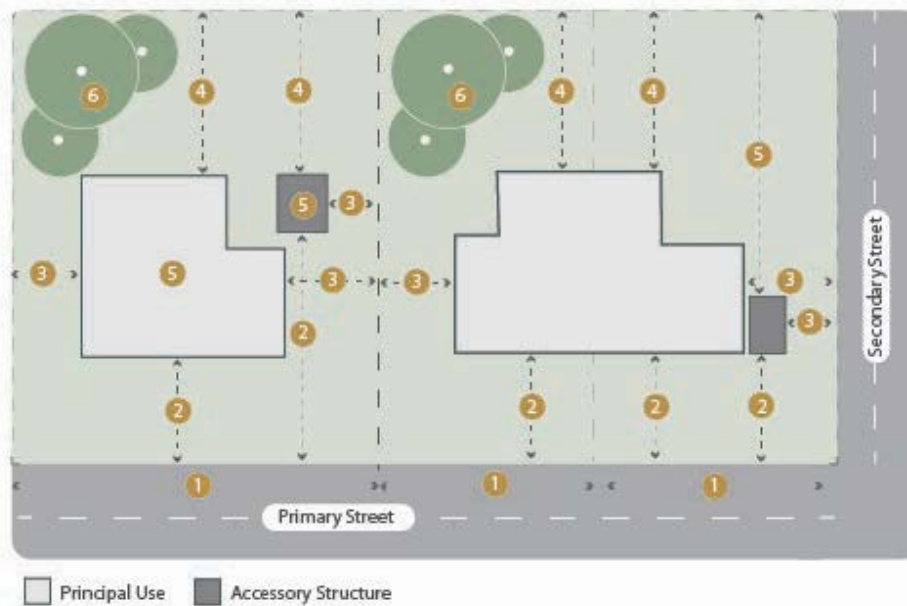
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Automated banking facility	P
Bed-and-breakfast	P
Community garden	P
Day care, accessory	P
Day care, family	P
Drive-through facility for permitted uses	P
Home occupation	P
No-impact home occupation	P
Outdoor cafe/dining	P
Outside display and sales	P
Roadside stand	P
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
<u>Food truck</u>	<u>P</u>
MISCELLANEOUS USES	
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	10 DUs/net lot area	N/A

	Net lot area per unit (minimum)	Shall base on size of the buildings, and standards and requirements relating to on-lot well and sewage disposal (including replacement areas); setbacks; impervious coverage; parking, loading/unloading; and other applicable standards of this chapter and also including Chapter 260 relating to subdivision and land development and stormwater management.	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	75 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	90 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	20 ft.	Not permitted to be located in the front yard.
3	Setback, side (minimum each side)	20 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building	10 ft.
4	Setback, rear (minimum)	20 ft.	10 ft.
5	Impervious lot coverage (maximum)	75%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	20%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	45 ft.	Not permitted to be higher than the principal structure
8	Commercial building footprint (maximum)	N/A	Included as part of total maximum commercial principal building footprint
	Building height (maximum)	35 ft.	25 ft.

Diagrams of Dimensional Requirements



CB Commercial Business Zoning District

Purpose statement

This zoning district predominately includes a mixture of larger, more intense commercial businesses and related uses.

Permitted Uses

Use	CB Commercial Business Zoning District
RESIDENTIAL USES	
<u>Multi-Family Dwelling Unit (Mixed-Use)- – second or higher floor of a multi-family building</u>	<u>P</u>
Multifamily dwelling	P (upper floor)
COMMERCIAL/INDUSTRIAL USES	
Animal hospital	P
Automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/service, washing and/or fuel/gas sales	P
Bank	P
Beer and ale wholesale distribution	P
Boarding house	P (upper floor)
Business park	P
<u>Car wash, Automobile Detail</u>	<u>P</u>
<u>Car wash, Automatic</u>	<u>P</u>
<u>Car wash, Self-service</u>	<u>P</u>
Commercial recreation, indoor	P
<u>Contractor</u>	<u>P</u>
Convenience store	P
Copy shop/business service	P
<u>Co-work space</u>	<u>SE</u>
Craftsman/artisan studio	P
Data Center	<u>CU</u>
<u>Farmers Market</u>	<u>P</u>
Financial service, other	P
<u>Flex Space</u>	<u>P</u>
Food service	P
Funeral home	P
<u>Gas/Fuel Station (with accessory convenience sales)</u>	<u>P</u>
<u>Gas/Fuel Station (without accessory convenience sales)</u>	<u>P</u>
<u>General Contractor</u>	<u>P</u>
Home improvement center, lumber sales, and building materials sales	P
Hotel	P
Landscaping service	P
Laundry and dry cleaning (personal)	P

Liquor store	P
<u>Medical Marijuana Dispensary</u>	<u>P</u>
<u>Micro-brewery</u>	<u>SE</u>
<u>Micro-distillery</u>	<u>SE</u>
Mini-storage warehouse	P
Motel	P
<u>Multi-family dwelling unit (mixed use)</u>	<u>P</u>
Multiple permitted principal uses on a lot	P
Night club	SE
Off-track betting parlor	SE
Office, business and professional and medical	P
Parking lot/structure	P
<u>Pawn Shop</u>	<u>P</u>
Personal service	P
<u>Repossession Business</u>	<u>P</u>
Restaurant	P
Retail business	P
School, commercial	P
Shopping center	P
Shopping center, large	P
<u>Short-term rentals</u>	SE
Tattoo parlor/body piercing business	P
Tavern/bar	SE
Theater, indoor	P
Therapeutic massage business	<u>P</u>
<u>Towing and Other Road Services</u>	P
Travel plaza	P
<u>Vehicle Repair Garage</u>	<u>P</u>
<u>Vehicle Sales and Service</u>	<u>P</u>
<u>Vehicle Rental Facility</u>	<u>P</u>
<u>Wedding and Event Venue</u>	<u>P</u>
Veterinary office	P
INSTITUTIONAL USES / CIVIC USES	
Animal rescue shelter	P
Clinic, medical	P
Clubhouse or lodge, private	P
Community center	P
Continuing care retirement community	P
Convention center	P
Day care, commercial	P
Emergency services	P
Government facility other than municipal- owned uses	P
Group care	P

Hospital	P
Library	P
Long-term care nursing or personal care	P
Museum / Cultural Center	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
University/college	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
Data Center	CU
Industrial use, light	P
Research and development	P
Wholesaling	P
AGRICULTURAL USES	
Agricultural operation	P
Agricultural support business	P
Community garden	P
Forestry (commercial timber harvesting)	P
Greenhouse/plant nursery	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Automated banking facility	P
Bed-and-breakfast	P
Community garden	P
Day care, accessory	P
Day care, family	P
Drive-through facility for permitted uses	P
Home occupation	P
No-impact home occupation	P
Outdoor cafe/dining	P
Outside display and sales	P
Roadside stand	P
TEMPORARY USES	
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
<u>Farmers market</u>	-
<u>Food truck</u>	-

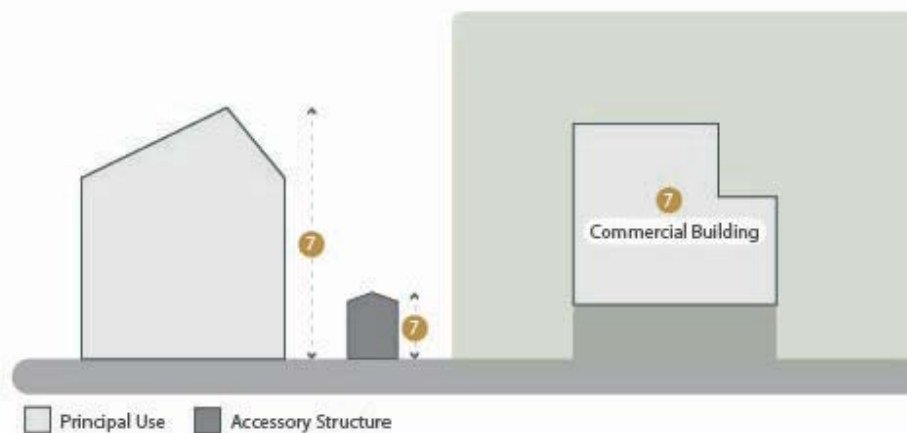
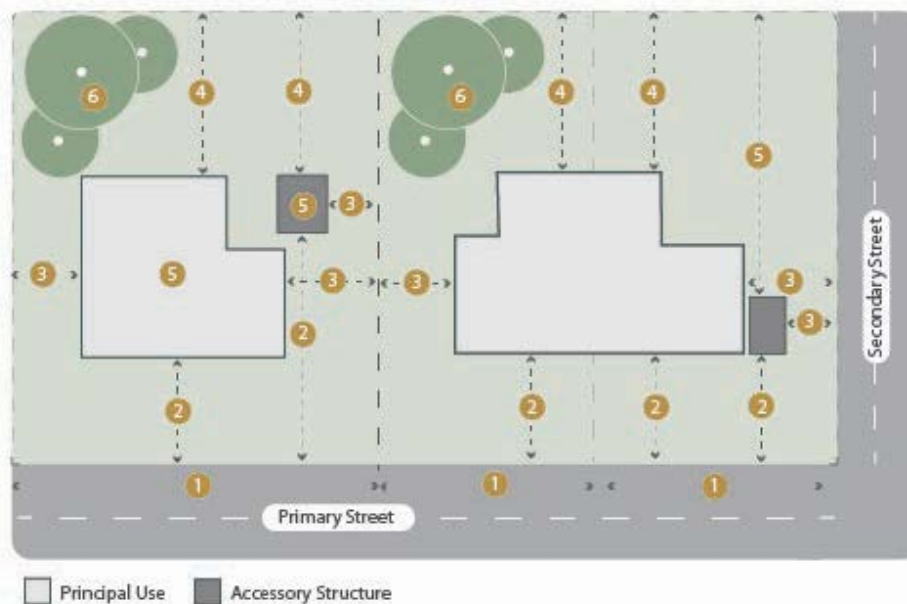
MISCELLANEOUS USES	
Billboard	SE
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Maximum density	16 DUs/net lot area	N/A
	Net lot area per unit (minimum)	Shall base on size of the buildings, and standards and requirements relating to on-lot well and sewage disposal (including replacement areas); setbacks; impervious coverage; parking, loading/unloading; and other applicable standards of this chapter and also including Chapter 260 relating to subdivision and land development and stormwater management	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	100 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	115 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	30 ft.	20 ft.
3	Setback, side (minimum each side)	15 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building	15 ft.
4	Setback, rear (minimum)	15 ft.	15 ft.
5	Impervious lot coverage (maximum)	75%	Included as part of total maximum impervious coverage for principal use

6	Vegetative coverage (minimum)	10%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	55 ft.	Not permitted to be higher than the principal structure

Diagrams of Dimensional Requirements



IB Industrial Business Zoning District

Purpose statement

This zoning district predominately includes a mixture of larger, more intense industrial and commercial businesses and related uses.

Use	IB Industrial Business Zoning District
RESIDENTIAL USES	
COMMERCIAL/INDUSTRIAL USES	
Animal hospital	P
Automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/service, washing and/or fuel/gas sales	P
Beer and ale wholesale distribution	P
<u>Brewery</u>	<u>P</u>
Business park	P
<u>Car wash, Automobile detail</u>	<u>P</u>
<u>Car wash, Automatic</u>	<u>P</u>
<u>Car wash, Self-service</u>	<u>P</u>
Commercial recreation, indoor	P
<u>Contractor</u>	<u>P</u>
Copy shop/business service	P
<u>Co-work space</u>	<u>SE</u>
Craftsman/artisan studio	P
<u>Crematorium</u>	<u>P</u>
Data Center	CU
<u>Distillery</u>	<u>P</u>
<u>Flex Space</u>	<u>P</u>
Food service	P
<u>Gas/Fuel Station (with accessory convenience sales)</u>	<u>P</u>
<u>Gas/Fuel Station (without accessory convenience sales)</u>	<u>P</u>
<u>General Contractor</u>	<u>P</u>
Home improvement center, lumber sales, and building materials sales	P
Kennel, commercial	P
Landscaping service	P
<u>Medical marijuana dispensary</u>	<u>P</u>
<u>Medical marijuana grower/processor</u>	<u>P</u>
<u>Micro-brewery</u>	<u>SE</u>

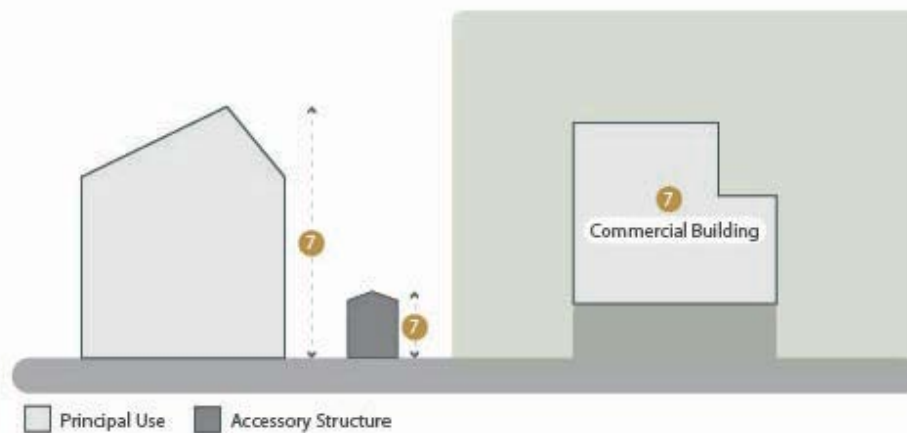
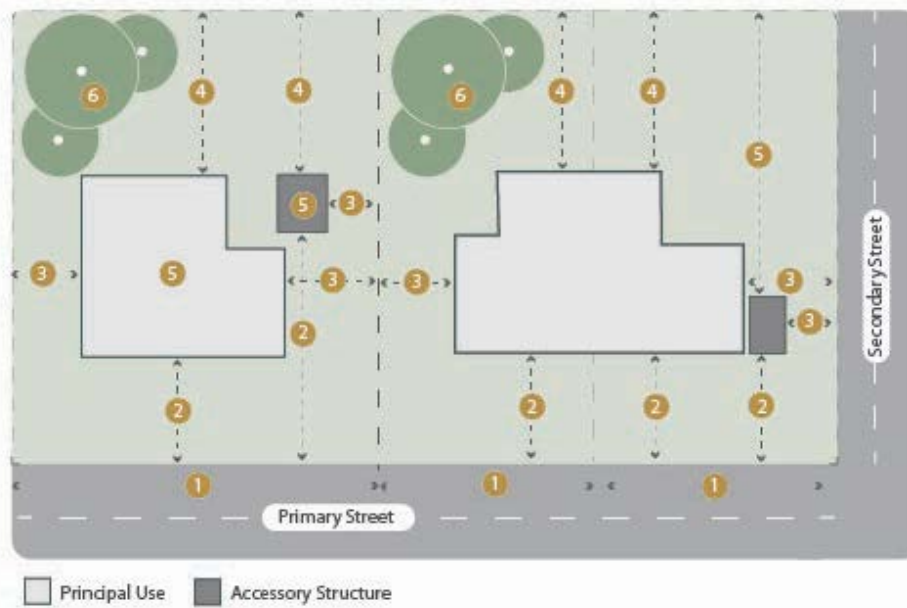
<u>Micro-distillery</u>	<u>SE</u>
Mini-storage warehouse	P
Motor vehicle auction	P
Multiple permitted principal uses on a lot	P
Night club	SE
Office, business and professional and medical	P
Parking lot/structure	P
<u>Pet Grooming Facility</u>	<u>P</u>
<u>Repossession Business</u>	<u>P</u>
Retail business	P
School, commercial	P
School, vocational	P
Sexually oriented businesses and/or related uses	SE
Tavern/bar	SE
<u>Towing and Other Road Services</u>	<u>P</u>
<u>Towing Yard</u>	<u>P</u>
Travel plaza	P
<u>Vehicle Repair Garage</u>	<u>P</u>
<u>Vehicle Sales and Service</u>	<u>P</u>
<u>Vehicle Rental Facilities</u>	<u>P</u>
Veterinary office	P
INSTITUTIONAL USES / CIVIC USES	
Animal rescue shelter	P
Clubhouse or lodge, private	P
Emergency services	P
Government facility other than municipal- owned uses	P
Municipal-owned uses	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
Treatment center	SE
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
Automobile wrecking, junk and scrap storage and sales	P
<u>Equipment Rental and Repair Services</u>	<u>P</u>
Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck, and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing, and/or fuel/gas sales	P
Industrial use, general	P
Industrial use, light	P
Laundry and dry cleaning (industrial)	P

<u>Medical Marijuana Grower/Processor</u>	<u>P</u>
Mineral extraction	P
Outdoor storage	P
Research and development	P
Sawmill	P
Solid waste transfer	P
Truck drop lot	P
Warehousing and distribution	P
Wholesaling	P
AGRICULTURAL USES	
Agricultural operation	P
Agricultural support business	P
Community garden	P
Forestry (commercial timber harvesting)	P
Greenhouse/plant nursery	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Community garden	P
Day care, accessory	P
Day care, family	P
Drive-through facility for permitted uses	P
Home occupation	P
No-impact home occupation	P
Noncommercial keeping of livestock	P
Outdoor cafe/dining	P
Outside display and sales	P
Roadside stand	P
TEMPORARY USES	
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
MISCELLANEOUS USES	
Billboard	SE
Solar energy production	P
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE
Wind energy production	P

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Net lot area per unit (minimum)	Shall base on size of the buildings, and standards and requirements relating to on-lot well and sewage disposal (including replacement areas); setbacks; impervious coverage; parking, loading/unloading; and other applicable standards of this chapter and also including Chapter 260 relating to subdivision and land development and stormwater management	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	150 ft.	Included as part of total minimum lot width for principal use
1	Minimum lot width at lot frontage (corner)	165 ft.	Included as part of total minimum lot width for principal use
2	Setback, front (minimum)	50 ft.	50 ft.
3	Setback, side (minimum each side)	25 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building	25 ft.
4	Setback, rear (minimum)	35 ft.	25 ft.
5	Impervious lot coverage (maximum)	75%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	10%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	65 ft.	Not permitted to be higher than the principal structure

Diagrams of Dimensional Requirements



AB Airport Business Zoning District

Purpose statement

This zoning district predominately includes airport, airport service and airport-related uses which includes a mixture of smaller, less intense to larger, more intense industrial and commercial businesses and related uses.

Permitted Uses

Use	AB Airport Business Zoning District
RESIDENTIAL USES	
COMMERCIAL/INDUSTRIAL USES	
Airport	P
Automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/service, washing and/or fuel/gas sales	P
Bank	P
Beer and ale wholesale distribution	P
Business park	P
Commercial recreation, indoor	P
Commercial recreation, outdoor	P
<u>Contractor</u>	<u>P</u>
Convenience store	P
Copy shop/business service	P
<u>Crematorium</u>	<u>P</u>
<u>Distillery / Winery / Vineyard</u>	<u>P</u>
Financial service, other	P
<u>Flex Space</u>	<u>P</u>
Food service	P
<u>General Contractor</u>	<u>P</u>
Home improvement center, lumber sales, and building materials sales	P
Hotel	P
<u>Indoor/Outdoor Recreation Facility</u>	<u>P</u>
Landscaping service	P
Liquor store	P
<u>Medical Marijuana Dispensary</u>	<u>P</u>
<u>Medical Marijuana Grower/Processor</u>	<u>P</u>
Mini-storage warehouse	P
Motel	P
Motor vehicle auction	P
Multiple permitted principal uses on a lot	P

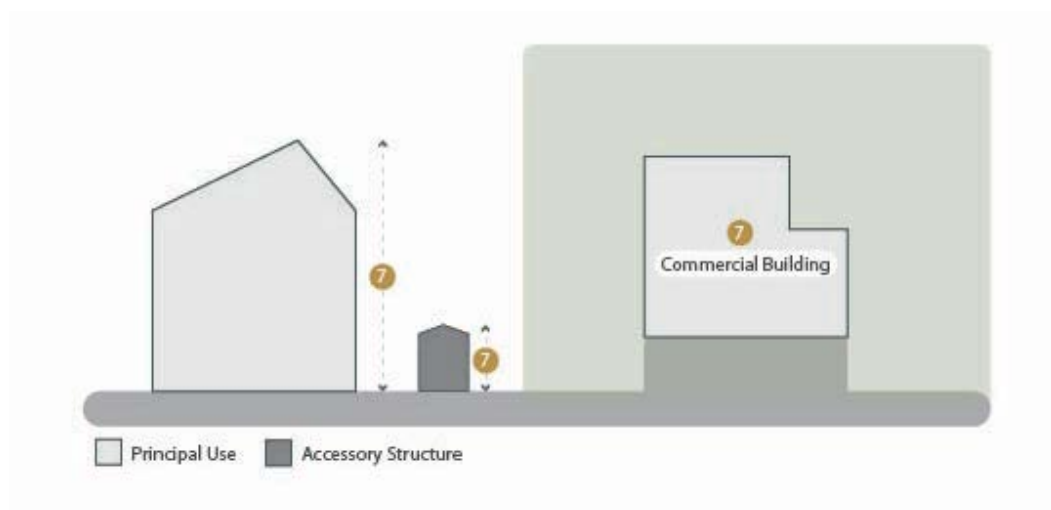
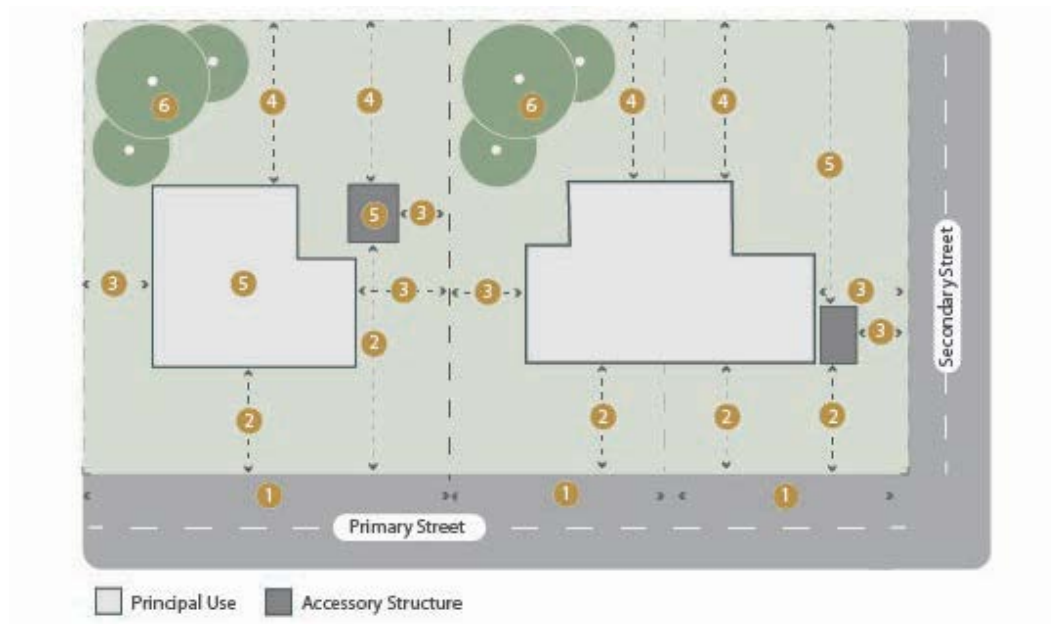
Office, business and professional and medical	P
Parking lot/structure	P
Personal service	P
<u>Repossession Business</u>	<u>P</u>
Restaurant	P
Retail business	P
School, commercial	P
School, vocational	P
Shopping center	P
Shopping center, large	P
<u>Short-term rentals</u>	<u>P</u>
Tavern/bar	SE
Theater, indoor	P
Therapeutic massage business	P
<u>Towing and other road services</u>	<u>P</u>
Veterinary office	P
INSTITUTIONAL USES / CIVIC USES	
Animal rescue shelter	P
Cemetery	P
Clinic, medical	P
Clubhouse or lodge, private	P
Community center	P
Convention center	P
Day care, commercial	P
Emergency services	P
Government facility other than municipal- owned uses	P
Group care	P
Hospital	P
Library	P
Long-term care nursing or personal care	P
Museum / Cultural Center	P
Municipal-owned uses	P
Nature preserve and wildlife sanctuary	P
Park and other noncommercial recreational uses	P
Place of worship and related uses	P
Public/private utility	P
School, public or private	P
University/college	P
<u>Utility Structures</u>	<u>P</u>
INDUSTRIAL USES	
Automobile wrecking, junk and scrap storage and sales	N
<u>Equipment Rental and Repair Services</u>	
Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck, and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing, and/or fuel/gas sales	P
Industrial use, general	P

Industrial use, light	P
Laundry and dry cleaning (industrial)	P
Mineral extraction	SE
Outdoor storage	P
Research and development	P
Truck drop lot	P
Warehousing and distribution	P
Wholesaling	P
AGRICULTURAL USES	
Agricultural operation	P
Community garden	P
Forestry (commercial timber harvesting)	P
Greenhouse/plant nursery	P
ACCESSORY USES	
Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable zoning district, other than specified elsewhere in this chapter including but not limited to Article VII of this chapter	P
Automated banking facility	P
Bed-and-breakfast	P
Community garden	P
Day care, accessory	P
Day care, family	P
Drive-through facility for permitted uses	P
Home occupation	P
No-impact home occupation	P
Outdoor cafe/dining	P
Outside display and sales	P
Roadside stand	P
<u>Accessory outdoor retail sales</u>	<u>P</u>
<u>Construction vehicle parking and temporary offices</u>	<u>P</u>
MISCELLANEOUS USES	
Billboard	SE
Solar energy production	P
Telecommunications signal site (antenna only)	P
Telecommunications signal site	SE
Wind energy production	P

Area and Design Requirements

	Area/Design Features	Permitted Uses	
		All Permitted Uses	Accessory Use or Structure
		(other than specified in Article X of this chapter)	(other than specified elsewhere in this chapter, including Articles VII – X)
	Net lot area per unit (minimum)	Shall base on size of the buildings, and standards and requirements relating to on-lot well and sewage disposal (including replacement areas); setbacks; impervious coverage; parking, loading/unloading; and other applicable standards of this chapter and also including Chapter 260 relating to subdivision and land development and stormwater management	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (interior)	75 ft.	Included as part of total minimum lot area for principal use
1	Minimum lot width at lot frontage (corner)	90 ft.	Included as part of total minimum lot area for principal use
2	Setback, front (minimum)	35 ft.	35 ft.
3	Setback, side (minimum each side)	15 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.	15 ft.
4	Setback, rear (minimum)	15 ft.	15 ft.
5	Impervious lot coverage (maximum)	75%	Included as part of total maximum impervious coverage for principal use
6	Vegetative coverage (minimum)	10%	Included as part of total minimum vegetative coverage for principal use
7	Building height (maximum)	55 ft. or 5 stories	Not permitted to be higher than the principal structure

Diagrams of Dimensional Requirements



Chapter VI. Overlay Zoning Districts

§300-14 Purpose; General Provision; Establishment

A. Purpose and intent. The purpose of this Chapter VI of this chapter is to:

- (1)** Provide a framework for enabling legislation to aid in the creation of various overlay zoning districts, each with special regulations, requirements, and standards;
- (2)** Provide a description of special regulations, requirements, and standards associated with each overlay zoning district; and
- (3)** Provide guidelines for the application of each overlay zoning district created to assure conformity with the purpose and development objectives of the applicable overlay zoning district.

B. General provisions.

- (1)** Chapter IV establishes overlay zoning districts that include additional specific regulations, requirements, and standards of limited application to certain designated areas within Fairview Township.
- (2)** Overlay zoning districts provide additional considerations for development within specific designated areas of Fairview Township that are identified as possessing special and/or unique conditions, characteristics, circumstances, and/or resources of importance, interest, and/or value to Fairview Township. Such overlay zoning districts are established for the purposes of protecting the health, safety and general welfare, and furthering the community development objectives set forth in Chapter I of this chapter relating to purpose of enactment.
- (3)** Overlay zoning districts may encompass one or more applicable underlying or base zoning districts, and impose additional or different regulations, requirements, and standards than those which are required by the applicable underlying or base zoning districts.
- (4)** Applications for development are subject to the provisions of both the applicable underlying or base zoning district and the overlay zoning district.
- (5)** Although overlay zoning districts may be more or less restrictive than the applicable underlying or base zoning district, unless otherwise specified in this Chapter IV of this chapter, wherever and whenever the regulations, requirements, and standards of overlay zoning districts are at variance with the regulations, requirements, and standards of applicable underlying or base zoning districts, the most restrictive, or that imposing the higher standards, shall govern development.

C. Overlay zoning districts established. The following overlay zoning districts as set forth in Table 6-1 and associated special regulations, requirements, and standards are hereby established, and the respective overlay zoning districts are shown on the "Township of Fairview, York County, PA: Official Zoning Map" listed in Chapter III of this chapter relating to Zoning Districts and Map:

Table 6-1: Overlay Zoning Districts

Chapter VI, Specific Section Reference	Overlay Zoning District Names
§ 300-15	Airport Overlay Zoning District (APO)
§ 300-16	Floodplain Overlay Zoning District (FPO)
§ 300-17	Scenic River Corridor Overlay Zoning District (SRCO)

§ 300-15 Airport Overlay Zoning District (APO).

A. Application. The regulations and standards contained in this section shall apply to all applications for development within the Airport Overlay Zoning District of the Township of Fairview to:

- (1)** Erect a new structure;
- (2)** Add to or increase the height of an existing structure;
- (3)** Establish, erect, and/or maintain any use, structure, or object (natural or man-made) within the Airport Overlay Zoning District of the Township of Fairview.

B. Purpose and intent. The purpose of the Airport Overlay Zoning District is to:

- (1)** Create an overlay zoning district that considers safety issues around Capital City Airport (CXY) and Harrisburg International Airport (MDT);
- (2)** Regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
- (3)** Create appropriate related zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones; and
- (4)** Create a permitting process for certain uses, structures, and objects within said related zones.

C. Relation to other zoning districts. The Airport Overlay Zoning District shall not modify the boundaries of any other overlay zoning district. Where identified, the Airport Overlay Zoning District shall impose certain requirements on land use, construction, and development in addition to those contained in the applicable underlying or base zoning district and/or applicable overlay zoning district for the same area.

D. Establishment of airport zones. The Airport Overlay Zoning District is hereby established and certain zones within the Airport Overlay Zoning District, defined in Chapter II of this chapter relating to definitions and depicted on Figure 6.1, FAR Part 77 Surfaces and Dimension Requirements,[1] and shown on Township of Fairview, York County, PA: Official Zoning Map listed in Chapter III of this chapter relating to zoning districts and map, as follows:

- (1) Approach Surface Zone (ASZ).
- (2) Conical Surface Zone (CSZ).
- (3) Horizontal Surface Zone (HSZ).
- (4) Primary Surface Zone (PSZ).
- (5) Transitional Surface Zone (TSZ).

[1]Editor's Note: Figure 6.1 is **included as an attachment to this chapter**.

E. Permit applications.

(1) Applications; BOA determination.

(a) As regulated by Act 164^[2] and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), proposals for applications to:

[1] Erect a new structure;

[2] Add to or increase the height of an existing structure; or

[3] Establish, erect, and/or maintain any use, structure, or object (natural or man-made), in the Airport Overlay Zoning District.

[2]Editor's Note: See 74 Pa.C.S.A. § 5101 et seq.

(b) The applicant shall first notify PennDOT's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. PennDOT's BOA response shall be included with this permit application for it to be considered complete. If PennDOT's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this section of the Airport Overlay Zoning District. If PennDOT's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Subsection F of this section.

(2) Exceptions. In the following circumstances, notification of an approval by PennDOT's Bureau of Aviation (BOA) shall not be required:

(a) No permit is required for the routine maintenance and repairs to, or the replacement of parts of existing structures which do not enlarge or increase the height of an existing structure.

(b) In the areas lying within the limits of the horizontal zone and/or conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(c) In the areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

(d) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.

(e) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Airport Overlay Zoning District, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

F. Variances. In addition to the provisions set forth in Chapter IX of this chapter relating to Zoning Hearing Board, any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1, as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the Federal Aviation Administration's (FAA) and PennDOT's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

(1) No objection. The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.

(2) Conditional determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection J.

(3) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the purpose and intent in Subsection B.

G. Use restrictions. Notwithstanding any other provisions in this section, no use shall be made of land, water, or structure within the Airport Overlay Zoning District in such a manner as to:

(1) Create electrical interference with navigational signals or radio communications between the airport and aircraft;

(2) Make it difficult for pilots to distinguish between airport lights and others;

(3) Impair visibility within the Airport Overlay Zoning District of the Township of Fairview;

(4) Create bird strike hazards; or

(5) Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).

H. Nonconforming uses, structures, and/or trees. The regulations prescribed by this section shall not be construed to require the removal, lowering, or otherwise change to, or alteration of any use, structure, and/or tree identified as nonconforming to the regulations of this section as of the effective date of this chapter, or to otherwise interfere with the continuance of a nonconforming use, structure, and/or tree. No nonconforming use or structure shall be altered, nor tree permitted to grow higher, so as to increase the nonconformity (relating to height and the use restrictions set forth in this section). A nonconforming use, structure, or tree once abandoned

Overlay Zoning Districts

or damaged or destroyed as per to the standards in Chapter VIII of this chapter relating to existing nonconforming uses and structures, may only be reestablished consistent with the provisions of this section and Chapter VIII of this chapter relating to existing nonconforming uses and structures.

(1) Obstruction marking and lighting. Any permit or variance granted pursuant to the provisions of this section and Chapter IX of this chapter may be conditioned according to the process described in Subsection F, to require the owner of the structure or object of natural growth in question to permit the Township of Fairview, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§ 300-16 Floodplain Overlay Zoning District (FPO).

A. Reference. See Chapter 151 of the Code of the Township of Fairview relating to floodplains.

§ 300-17 Scenic River Corridor Overlay Zoning District (SRCO).

A. Purpose and intent. The purpose of the Scenic River Corridor Overlay Zoning District is to protect, enhance, and promote the Yellow Breeches Creek. The Yellow Breeches Creek is designated as a Scenic River and identified as High-Quality Cold Water Fishes (HQ-CWF) protected watercourse by the Commonwealth of Pennsylvania. The Yellow Breeches Creek is an important environmental, social, economic, historic, scenic, and recreational asset and resource of local and statewide importance, as set forth in the most recent versions of the Fairview Township Comprehensive Plan and the Yellow Breeches Creek Rivers Conservation Plan.

B. Establishment Scenic River Corridor Overlay Zoning District boundaries. The Scenic River Corridor Overlay Zoning District shall consist of all water and the adjacent land areas within 100 feet of the top of the established stream banks along the Yellow Breeches Creek.

C. Permitted uses. The following uses shall be permitted in the Scenic River Corridor Overlay Zoning District, provided that they are in compliance with the provisions of the underlying zoning district, are not prohibited by another Fairview Township ordinance or regulation, and are conducted in accordance with the guidelines as set forth within the Management Guidelines of the Scenic Rivers Program, as amended; and further provided that they do not require building(s), fill, or storage of materials and equipment.

(1) Common open space, nature preserves and wildlife sanctuaries, forest preserves, passive recreational and park areas, trails, greenways, and similar uses.

(2) Fishing, swimming, boating, etc.

(3) Boat launching facilities, provided that parking areas and other uses associated with the boat launch are placed outside of the Scenic River Corridor Overlay Zoning District.

(4) River-oriented uses.

(5) Municipal-owned uses.

(6) Educational and scientific uses.

(7) Essential services.

(8) Stream bank and watershed improvements approved by the York County Conservation District, and/or the Commonwealth of Pennsylvania.

(9) Crossings by recreational trails, roads, railroads, sewer and water lines, and public utility transmission lines, provided that all necessary permits and approvals from federal, state, and local agencies are received and that required plantings are of native species and maintained.

D. Prohibited uses. The following uses shall be prohibited in the Scenic River Corridor Overlay Zoning District:

- (1)** Grading, filling, or earthmoving which alters or changes the natural ridgelines and/or stream banks.
- (2)** Storage and/or disposal of any toxic, hazardous, or noxious substances.
- (3)** Storing of junk (residential and nonresidential).
- (4)** Unenclosed storage.

E. Required vegetation. Within the Scenic River Corridor Overlay Zoning District, vegetative plantings including trees, shrubs and ground cover shall be provided and shall be maintained for stream bank stabilization, soil stability, and habitat for native animal species.

(1) Existing vegetative plantings shall not be removed within the Scenic River Corridor Overlay Zoning District, except:

(a) When associated with the development of an access point for a trail or other similar corridor, the width of such access point shall not exceed 12 feet in width.

(b) The removal of dead, diseased or damaged vegetation.

(c) The removal of invasive species and replacement with native species.

(2) Any new vegetative plantings and/or replacement of existing vegetative plantings shall be of native plant materials to stabilize any disturbed landscapes, improve the function of the floodplain, screen and buffer adjacent land uses and improve the aesthetic condition of the corridor whenever possible.

(3) Regular maintenance/pruning of landscaping, including the removal of dead and/or diseased vegetation, shall be permitted.

Chapter VII. General Regulations

§ 300-18. Application.

Unless otherwise specified elsewhere in this chapter, the regulations contained in this Article VII of this chapter shall apply to all uses within Fairview Township.

§ 300-19. Accessory alternative energy systems.

- A. In all zoning districts, accessory solar energy systems are permitted subject to the following criteria:
- (1) The design and installation of solar energy systems shall conform to Chapter 113 relating to code enforcement, Uniform Construction Code, and with all other applicable Township electrical, fire, life safety, and other similar standards.
 - (2) The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer's specifications shall be submitted as part of the application.
 - (3) All solar energy systems shall be designed and located to ensure solar access without reliance on or interference from adjacent properties.
 - (4) All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - (5) All on-site utility and transmission lines that are part of the solar energy system shall be placed underground.
 - (6) All solar energy systems shall be inconspicuously sited when viewed from adjacent street rights-of-way.
 - (7) All solar energy systems shall be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and a plan for the replacement of the trees.
 - (8) Roof- and wall-mounted solar energy systems shall be sited in accordance with the following:
 - (a) Solar energy systems located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.
 - (b) Solar energy systems located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
 - (c) Solar energy systems located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
 - (d) Solar energy systems located on a flat roof shall not exceed 15 feet in height above the height of the roof. In all zoning districts, such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the IB and/or AB Zoning Districts.
 - (e) All solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
 - (f) No solar energy system shall be attached to, or sited along the front facade (wall) or

front building line of any principal building.

- (g)** Solar energy systems located on a wall of any principal structure shall not extend more than two feet into any required setback.
- (9)** If the solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of freestanding, ground-mounted solar energy systems shall be provided in accordance with the following:

 - (a)** In addition to any yard and setback requirements set forth in this section all freestanding, ground-mounted solar energy systems shall comply with all yard and setback requirements for accessory structures in the applicable zoning district.
 - (b)** All freestanding, ground-mounted solar energy systems shall be set back from all property lines and street rights-of-way a distance equal to the total height of the solar energy system.
 - (c)** Freestanding, ground-mounted solar energy systems shall not exceed 15 feet in height.
 - (d)** For purposes of determining the maximum surface area of all freestanding, ground-mounted solar energy systems, the maximum surface area shall be considered the total surface area of the cumulative solar panels; where two or more panels are grouped together, the total dimensions (length and width) of each panel, array, cell, etc. shall be the cumulative dimension of the panels. The maximum surface area of all freestanding, ground-mounted solar energy systems on any lot in:

 - [1]** Residential use shall not exceed 15% of the total lot area; and in
 - [2]** Nonresidential use, except for the RL, VB, CB, IB and/or AB Zoning Districts, shall not exceed 25% of the total lot area.
 - [3]** There shall be no maximum surface area requirement in the RL, VB, CB, IB and/or AB Zoning Districts.
- (10)** All applications for solar energy systems shall include the information required for a site plan approval pursuant to Article XII of this chapter relating to applications for zoning permits. In addition, the applicant shall submit:

 - (a)** A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties or adjacent street rights-of-way. The glare study shall include:

 - [1]** Angle of the solar energy system panels at the location;
 - [2]** A diagram showing the maximum and minimum angles of reflective glare from the solar energy system panels at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and
 - [3]** Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - (b)** Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of Chapter 113 relating to code enforcement, Uniform Construction Code; and
 - (c)** Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such

connection. Off-grid systems shall be exempt from this requirement.

- (11)** Prior to the issuance of a permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

B. In all zoning districts, accessory wind energy systems are permitted subject to the following criteria:

- (1)** The design and installation of wind energy systems shall be in strict accordance with Chapter 113 relating to code enforcement, Uniform Construction Code, and with all other applicable Township electrical, fire, life safety, and other similar standards.
- (2)** The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer's specifications shall be submitted as part of the application.
- (3)** All on-site utility and transmission lines as part of the wind energy system shall be placed underground.
- (4)** All wind turbines shall have a flat finish and nonobtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact.
- (5)** All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact. Towers may be painted green or brown up the height of nearby trees.
- (6)** All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy system.
- (7)** Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- (8)** All wind energy systems shall be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
- (9)** Noise from wind turbines shall comply with Article VII of this chapter relating to performance standards for all uses. The maximum decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- (10)** In addition to any yard and setback requirements set forth in this section, all wind energy system shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- (11)** Wind turbines shall be set back a distance equal to the total height of the wind turbine from all property lines, streets and other rights-of-way, and overhead utility lines.

- (12)** The maximum height of wind energy systems shall comply with the following:
- (a)** For all roof-mounted wind turbines, the height of the wind turbine shall not exceed the height of the existing building by more than 15 feet.
 - (b)** For lots less than 1/2 acre in area, wind turbines shall be roof-mounted. The maximum rotor diameter for wind turbines shall be six feet.
 - (c)** For lots between 1/2 acre but less than one acre, the wind turbines may be sited on wind turbine towers, the turbine height shall be limited to 75 feet, or 20 feet above the tree line, whichever is lower.
 - (d)** For lots greater than or equal to one acre, wind turbines may be sited on wind turbine towers, the turbine height shall be limited to 120 feet or 40 feet above tree line, whichever is lower.
 - (e)** The maximum height of any wind turbine in the RL, VB, CB, IB, and/or AB Zoning Districts, regardless of lot area, shall be 140 feet.
- (13)** For all wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of 12 feet from the ground to the bottom of the ladder. All doors to the turbine and tower shall be locked.
- (14)** The minimum height of the lowest position of the wind turbine shall be 15 feet above the ground. If the wind turbine proposed is a vertical axis wind turbine (also referred to as a "helix type" turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight feet.
- (15)** Wind energy systems shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- (16)** No portion of any wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- (17)** Wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have an area of less than four square feet.
- (18)** When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.
- (19)** All applications for wind energy systems shall include the information required for a site plan approval pursuant to Article XII of this chapter relating to applications for zoning permits. In addition, the applicant shall submit:
- (a)** A plot/site plan showing:
 - [1]** Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two times the total height of the wind energy system.
 - [2]** Location, dimensions, and types of existing principal and accessory structures on the property.
 - [3]** Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.
 - [4]** The rights-of-way of any public street abutting the property.
 - [5]** Any overhead utility lines.

- (b) Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 - (c) Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of Chapter 113 relating to code enforcement, Uniform Construction Code. A copy of the foundation analysis shall also be provided.
- (20) Prior to the issuance of a permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

§ 300-20. Accessory buildings and similar structures.

In all zoning districts, accessory buildings and/or similar structures, including but not limited to detached garages, carports, barns, storage buildings, sheds, garden structures, etc., are permitted subject to the following criteria:

- A. Accessory buildings and similar structures shall not be erected, set, placed or otherwise permitted to be constructed upon a lot until the construction of the principal use has actually begun, except as provided elsewhere in this chapter.
- B. Accessory buildings and similar structures shall be located no closer than 10 feet to the closest point of any exterior wall of the principal building on the same lot; otherwise, they shall be attached to the principal building and shall be considered as part of that principal building.
- C. Accessory buildings and similar structures shall comply with the area and dimensional requirements of the applicable zoning district relating to accessory buildings and similar structures, except as otherwise provided for in this section:
 - (1) For accessory buildings and similar structures located within the RS, RMU, VR, and/or VMU Zoning District on a lot with a single-family dwelling or a two-family dwelling use upon it:
 - (a) No more than two accessory buildings or similar structures may be located on a lot.
 - (b) The total building footprint of all accessory buildings or similar structures on a lot shall not exceed the building footprint of the principal building on the same lot.
 - (c) Accessory buildings and similar structures that are less than 10 feet in height and have a building footprint of less than 100 square feet shall be set back at least two feet from any interior lot line, and five feet from any exterior lot line coinciding with a street or alley right-of-way.
 - (2) For single-family semidetached and/or single-family attached dwellings, accessory buildings and similar structures which are designed to abut other accessory structures on abutting lots and may have the same side setback as the principal building at the shared lot line, provided that the owner of the abutting lot and building provides notarized, written consent.
- D. In addition to any yard and setback requirements set forth in this section, all accessory buildings and similar structures shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- E. All accessory buildings and similar structures shall comply with all applicable standards in this chapter, Chapter 113 relating to code enforcement, Uniform Construction Code, and elsewhere.

§ 300-21. All uses shall show compliance with applicable code and licensing requirements.

In all zoning districts, all uses, as applicable, shall comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.

§ 300-22. Appurtenant service equipment screening and location for nonresidential and other uses.

In all zoning districts, for uses other than single-family detached dwellings, single-family semidetached dwellings, and two-family dwellings, appurtenant service structures and areas such as solid waste, trash, and refuse containers; recycling containers; propane tanks; air-conditioning units (except window units) and condensers; generators; electrical transformers; and other similar apparent equipment or elements providing essential services to a building or a lot are permitted, subject to the following criteria:

- A.** Appurtenant service equipment, structures, and areas for: solid waste, trash, and refuse containers; recycling containers; propane tanks; air-conditioning units (except window units) and condensers; generators; electrical transformers; and other similar apparent equipment or elements providing essential services to a building or lot shall not be located:
 - (1)** In the front yard between the principal building and the public street (excluding alleys) or within any required front setback in the RL, RS, RMU, VR, and/or VMU Zoning Districts;
 - (2)** In any required accessory use or structure setback (excluding those lot lines abutting any alley) or a required buffer yard;
 - (3)** In any area of a parking lot that causes obstructed access to designated parking spaces; nor
 - (4)** Within 10 feet of the RS and/or VR Zoning Districts or an abutting existing residential use in the RL, RMU, and/or VMU Zoning Districts.
- B.** In addition to the following requirements, all service structures and areas shall be screened on all sides with a minimum of 100% opacity in accordance with Article VII of this chapter relating to buffer and screening regulations.
 - (1)** Required screening shall enclose any service structure on all sides unless such structure shall be frequently moved, in which case screening on all but one side is required.
 - (2)** Fencing, if erected, shall be constructed of the same color and material as the principal building of a lot, but may be a decorative masonry wall (excluding exposed "cinder block"). If solid weather-resistant wood or material of similar appearance (such as white vinyl vertical planks) is used, vegetative screen planting shall also be provided. The fence or wall shall include a self-latching door or gate. In no case shall chain-link material or pattern fencing be used for screening.
 - (3)** The average height of the screening shall be one foot more than the height of the enclosed structure, but shall not be required to exceed eight feet in height unless specified otherwise by this chapter.
 - (4)** When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set forth in this section.
 - (5)** Although service structures may be screened by plant material, such plant material may not count towards the fulfillment of any required landscaping.
 - (6)** Whenever screening material is placed around any solid waste or trash disposal unit that is

emptied or removed mechanically on a regular basis, a fixed barrier (e.g., mounted metal brackets) to contain the placement of the container shall be provided within the screening on those sides where there is such material. The barrier shall be at least 18 inches from the screening and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening shall be 12 feet to allow service vehicles access to the container.

- C. Nonresidential kitchen windows capable of being open, and ventilation equipment outlets and other similar equipment associated with food service, restaurants, taverns/bars and other similar food and drink service uses shall not be located or oriented directly toward any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU, and/or VMU Zoning Districts.
- D. All ventilation equipment outlets, fume collection, and other similar equipment associated with any nonresidential service/repair work area(s) and/or service/repair bay doors/openings for nonresidential uses, shall not be located or oriented directly toward any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU, and/or VMU Zoning Districts.
- E. For all nonresidential uses, mixed uses, and multifamily dwelling uses in the RL, RS, RMU, VR, and VMU Zoning Districts, all rooftop-mounted equipment and other similar appurtenances such as stair wells, air-conditioning units, large vents, heat pumps, and mechanical equipment, shall to the maximum extent feasible, be inconspicuously sited on the roof, screened via use of parapets, walls, fences, landscaping, or other approved screening, or integrated to be within the roof form, so as to not be viewed from adjacent street rights-of-way (excluding alleys). When fencing is proposed to be used as a rooftop equipment screen, it shall be designed to be architecturally compatible with the principal building (including design, materials, and colors).
- F. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to Fairview Township.
- G. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.

§ 300-23. Buffer and screening regulations.

In all zoning districts, buffering and screening shall be provided subject to the following criteria:

- A. Required buffer yards and screening shall be provided on a lot proposed for development of nonresidential uses, mixed uses, and/or higher-density residential dwelling types and extend the entire length of the lot line abutting the RS and/or VR Zoning Districts and/or lower-density residential dwelling type lots. See Table 7-1 in this section for the required minimum buffer yard widths and required minimum screening opacity:

Table 7-1 Required Buffer Yards and Screening			
Where a Permitted:	Abuts:	Minimum Required Buffer Yard Width (feet)	Minimum Required Opacity of Screening
Nonresidential use in the RL, CB, IB or AB Zoning District	The RS or VR Zoning District or a lot with an existing residential use	45	80%
Nonresidential use in the RS, VR, or VB Zoning District	The RS or VR Zoning District or a lot with an existing residential use	35	80%
Higher-density residential dwelling type use (except as provided in this table below)	A lot with an existing lower-density residential dwelling type use (i.e., three-dwelling unit apartment abuts a single-family detached dwelling)	25	90%
Nonresidential use or higher-density residential dwelling type use in the RMU Zoning District	A lot with an existing lower-density residential dwelling type use	15	90%
Nonresidential use or higher-density residential dwelling type use in the VMU Zoning District*	A lot with an existing lower-density residential dwelling type use*	5*	90%*

*	Where an existing or former residential building is being proposed for reuse for a permitted nonresidential use, and where there is insufficient distance between said building and the abutting lot line to achieve the required buffer yard, there shall be no buffer yard required for the area of the lot where said building is located, as long as screening with no less than one-hundred-percent opacity is provided in the area of the lot where said building is located. Remaining portions of the lot shall comply with the buffer yard and screening requirements provided for elsewhere in this section.
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B. No buffer yard shall be required for a nonresidential use, mixed use, or higher-density

residential dwelling type uses in the RMU and/or VMU Zoning Districts that is separated from the RS and/or VR Zoning Districts and/or existing lower-density residential dwelling type lots by a public street right-of-way (excluding alleys).

- C. All required buffer yard areas shall be planted and maintained with vegetative cover and living material, as well as any required screening, and kept free of:
 - (1) Buildings and structures (excluding fences and walls);
 - (2) Dumpsters and refuse containers;
 - (3) Parking lots/areas;
 - (4) Loading areas;
 - (5) Any type of storage of goods, materials, equipment, or vehicles;
 - (6) Any type of display and sales; and
 - (7) Any business activity.
- D. Signs shall be permitted in a buffer yard that abuts a street right-of-way line.
- E. Stormwater 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 screening requirements.
- F. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of 35 feet, provided the center line of the access drive, driveway, sidewalk, or easement crosses the lot line and buffer yard at not less than 75°; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
- G. Buffer yards may be located within any required setback or yard.
- H. Screen plantings. Where screen plantings are provided in buffer yards, said screen plantings shall be located in the exterior portion of the required buffer yards, and shall be evenly spaced extending the length of the lot line in accordance with the following:
 - (1) Plant materials used in screen planting shall be of such species as will produce, within two years, a year-round visual screen in accordance with the standards set forth in Table 7-2 below:

Table 7-2 Required Buffer Yards and Screening				
	Minimum Height	Minimum	Percentage Mix of Plant Materials Used as Required Screening	
	(measured from the finished grade) (feet)	Distance (measured on center)		
Description		(feet)	Minimum	Maximum

Trees				
Deciduous trees*	6	6	10%	20%
Evergreen trees	6	6	15%	25%
Shrubs				
Deciduous shrubs	4	3	25%	35%
Evergreen shrubs	4	3	30%	40%

*	Deciduous trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapter 260, relating to subdivision and land development, and Chapter 273, relating to trees.
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- (2) Screen plantings shall be maintained permanently in a healthy condition. Any screen plantings that die or are severely damaged shall be replaced by the current property owner as soon as practical considering growing seasons, within a maximum of 150 days.
- (3) Screen plantings shall be placed so that at maturity they will be located not closer than two feet from any street right-of-way line or property line.
- (4) In order to aid surveillance and minimize the potential for crime, screen plantings shall also be sited, massed, and scaled to maintain visibility of doors and first- or ground-floor windows from the street and from within the development. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Chapter 260 relating to subdivision and land development shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- (5) Screen plantings shall be interrupted only at:
 - (a) Approved vehicle or pedestrian ingress and egress, approximately perpendicular (not less than 75°), to the lot;
 - (b) Locations necessary to comply with safe sight distance requirements; and
 - (c) Locations needed to meet other specific state, Fairview Township and utility requirements.
- (6) Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapter 260, relating to subdivision and land development, and Chapter 273, relating to trees.
 - (a) If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.
- (7) Screen plantings shall be provided between the lot line and any off-street parking area, loading area, and any outdoor solid waste storage and refuse area for any nonresidential use, multifamily dwelling use, single-family attached use, and/or mixed use where the

parking or solid waste storage and refuse area abuts property in the RS, and/or VR Zoning Districts or existing single-family detached dwelling or two-family detached dwelling in the RL, RMU, and/or VMU Zoning Districts.

- I.** Fences and walls as screening. Each buffer yard may include fences and walls which shall be located in the interior portion of the required buffer yards that extend the length of the lot line in accordance with the following:
 - (1)** Fences and walls shall not be used as the sole means of complying with required screening, and screen plantings shall be used in combination with fences and walls.
 - (2)** Fences and walls that are placed in a buffer yard shall be located between the principal use and related accessory uses, and any required screen plantings.
 - (3)** Concrete and/or other similar block walls shall be painted or have decorative colors on all sides.
 - (4)** In addition to any requirements set forth in this section, all fences and walls shall comply with the requirements set forth in Article VII of this chapter relating to fences and walls.
- J.** Berms as screening.
 - (1)** Each buffer yard may include berms in accordance with the following requirement:
 - (a)** Berms shall be constructed with slopes not to exceed 33% with side slopes designed and planted in such a manner so as to prevent erosion and stormwater runoff, and with rounded-top surfaces that are a minimum of two feet in width at the highest points of the berms, extending the length of the berms.
 - (b)** The top of berms shall be planted with screen plantings.
- K.** Existing vegetation. Each buffer yard may include existing vegetative plantings including trees, shrubs and ground cover retained and maintained so as to contribute to screening and buffering requirements.

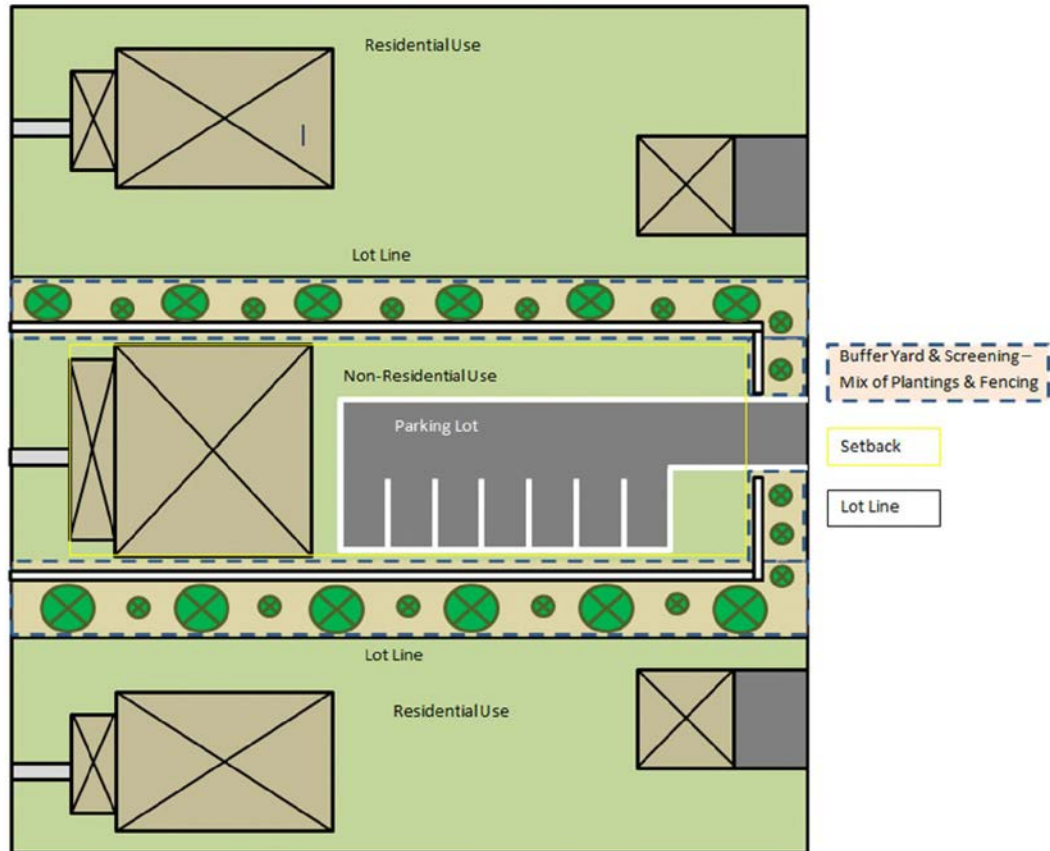


Figure 7.1

Buffer and Screening Example

§ 300-24. Bus/transit shelters.

In all zoning districts, bus/transit shelters are permitted subject to the following criteria:

- A.** Bus/transit shelters may be located within any required yard or setback.
- B.** Only the following signs shall be permitted:
 - (1)** One two-sided sign with a maximum sign area of eight square feet, which shall only be internally illuminated in accordance with Article IX of this chapter.
 - (2)** Nonilluminated signs identifying the name of the transit provider, route schedules and maps.
- C.** The location of a bus/transit shelter shall not interfere with pedestrian traffic along a sidewalk and shall be not located within a clear sight triangle as set forth in Chapter 260 relating to subdivision and land development.
- D.** There shall be a legally binding commitment provided by a responsible entity to properly maintain the bus/transit shelter and to remove the shelter if it is not needed in the future or if it is not properly maintained.
- E.** Bus/transit shelters shall be durably constructed and shall be covered by a roof. For security and

safety purposes, the majority of the side and rear walls of the bus/transit shelter shall be constructed of a clear, shatter-resistant material.

- F. Any lighting elements shall not be directly visible from outside the bus/transit shelter and shall comply with Article VII of this chapter relating to performance standards for all uses.

§ 300-25. Crops/gardening.

In all zoning districts, crops/gardening is permitted, subject to the following criteria:

- A. The use includes the sale of harvestable products, limited to those grown on-site, in accordance with roadside stand regulations in Article X of this chapter relating to roadside stands.
- B. Crops/gardening is not subject to yard or setback requirements, but shall be located completely within the property boundary and no part may coincide with any property line.
- C. All related accessory structures shall comply with requirements of this chapter, including the requirements for accessory structures in the applicable zoning district.

§ 300-26. Essential services.

In all zoning districts, essential services are permitted as needed to provide service to lots, structures, and buildings. See also Article VII of this chapter relating to appurtenant service equipment screening and location for nonresidential and other uses.

§ 300-27. Fences and walls.

In all zoning districts, fences and walls are permitted, subject to the following criteria:

- A. Fences and walls along interior lot lines are not subject to yard or setback requirements, but the fence or wall shall be located completely within the property boundary, and no fence or wall may coincide with any property line. However, a small setback is recommended to provide an area within future maintenance may be performed. Otherwise, fences and walls along exterior lot lines shall comply with the required setbacks set forth in Article VII relating to accessory buildings and similar structures.
- B. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and materials shall be replaced or removed.
- C. No fence or wall shall obstruct the clear-sight triangle requirements set forth in Article VIII of this chapter and Chapter 260 relating to subdivision and land development.
- D. No fence or wall shall be erected in a street right-of-way or other rights-of-way or easements, including public or private drainage, utility or access easements, unless otherwise required by this chapter and/or any other chapter in the Code of the Township of Fairview.
- E. Fences and walls located in the front yard between the principal building and the street (excluding alley) in the RS, RMU, VR, and/or VMU Zoning Districts shall:
 - (1) Be an open type of fence (such as picket, metal post, wrought iron or split rail) with a minimum of 50% open area to 50% structural area;
 - (2) Not exceed 48 inches in height, but within the VR and VMU Zoning Districts, the height of any fence or wall may exceed 48 inches by one additional foot for each two additional feet by which the fence or wall is set back behind the principal building's front facade or building line.
 - (3) Not be constructed of chain-link material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Fences are encouraged to be constructed using weather-resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic-style metal post fences.

- (4) Fences and walls located in a front yard between the principal building and the street (excluding alleys) shall be set back at least five feet from the front property line or street right-of-way, whichever is closest to the principal building. [Added 1-25-2016 by Ord. No. 2016-1]
- F. Fences and walls that are located within the RS, VR, RMU, and/or VMU Zoning Districts and/or upon a lot with a residential use upon it shall not exceed eight feet in height along the side and rear lot lines.
- G. Fences within the other zoning districts shall not exceed 12 feet in height.
- H. Any fence or wall exceeding six feet in height shall comply with Chapter 113 relating to code enforcement, Uniform Construction Code.
- I. Structural posts of a fence shall not extend more than six inches above the height of the fence.
- J. Unless required for security purposes, no fence or wall shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable of causing injury is not lower than six feet above the average surrounding ground level.
- K. No fence or wall shall be constructed out of fabric, junk, inoperable vehicles, appliances, tanks or barrels.
- L. If one side of a fence or wall includes posts and supports (framework) that clearly are not designed and integrated as a decorative feature of the fence, or if one side of a fence or wall does not match design patterns of the opposite side, then the side of the fence, including the framework, shall be placed to face toward the interior of the lot upon which is located, as opposed to the side of the fence which it faces a street or abutting lots.
- M. Brick may be used for posts or as a base for a fence or wall, provided the maximum fence or wall height for the fence or wall portion is not exceeded.
- N. Walls, in addition to the applicable standards provided in this subsection, shall also comply with the following standards:
- (1) Engineered retaining walls necessary to hold back slopes are exempt from the regulations of this section and are permitted by right as needed in all zoning districts.
 - (2) Walls that are structurally part of a building shall be regulated as part of that building or structure.
 - (3) Concrete and/or similar other block walls shall be of a decorative nature, painted or have decorative colors and/or materials on all sides that face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
- O. One arbor, gate, awning, canopy, trellis or similar decorative garden structure not exceeding 10 feet in height and four feet in width shall be permitted within the front yard, provided that it is not within a clear sight triangle as required in Chapter 260 relating to subdivision and land development.

§ 300-28. Height exceptions and alterations.

In all zoning districts, the following height exceptions and alterations shall apply:

- A. Height regulations shall not apply to the following structures, provided the structures do not exceed the height limitations of the applicable zoning district by more than 15 feet; penthouses including those not intended for human occupancy; skylights; steeples of places of worship; antennas (excluding telecommunication signal site antenna); flagpoles, roof- or building-mounted

wind energy systems; spires; belfries; cupolas; domes; chimneys; ventilators; water tanks; bulkheads; utility poles or towers; clock or bell towers; elevator shafts; mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.

- B.** Height regulations shall not apply to the following structures, provided the structures comply with the specific height regulations for the use, set forth in this chapter:
- (1) Telecommunication towers as set forth in Article X of this chapter relating to telecommunication signal site;
 - (2) Wind energy systems as set forth in this Article VII of this chapter relating to accessory alternative energy systems and Article X of this chapter relating to wind energy production; and
 - (3) Structures as part of agri-business and agricultural operations as set forth in Article X of this chapter relating to additional supplemental standards and requirements for specific principal nonresidential forestry/agricultural uses.
- C.** The height of any principal structure may exceed the maximum permitted height requirements by one additional foot for every one additional foot that the width of each yard exceeds the required yard and setback regulations for principal structures within the applicable zoning district.

§ 300-29. Hours of operation and management plan.

In all zoning districts, the hours of operation and management of activities of proposed nonresidential uses and mixed-use developments shall be appropriately scheduled, operated, and maintained to protect the existing neighborhood and residential uses from detrimental noise, disturbance, or interruption. A "hours of operations and management plan" shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this section:

- A.** Address of the premises of proposed use, including tax parcel identification number.
- B.** Name and general and specific type of the proposed use (e.g., commercial use, retail sales).
- C.** Name and related contact information of the owner, on-site manager, and/or other authorized agent of the proposed use and the lot [e.g., telephone number(s), email address, etc.].
- D.** The nature of the on-site activities and operations involved in the proposed use (e.g., the type of products, materials, equipment and/or processes, etc.).
- E.** Advertising associated with the proposed use, as applicable.
- F.** Estimated number of employees, patrons, and/or occupants, including per shift and maximum permitted occupancy, as applicable.
- G.** The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.
- H.** Estimated amount of sales from the proposed use, as applicable.
- I.** General description of the land uses adjacent to the property and on the same block.
- J.** Intended market area/service area of the proposed use, as applicable.
- K.** Vehicles and traffic associated with the proposed use (e.g., employees and customers/ occupants deliveries, loading, etc.).
- L.** Hours and days the proposed use will be open and/or operating including any expected "special events," as applicable.

- M. The disposal of materials will be accomplished in a manner that complies with Township, state, and federal regulations, including but not limited to those listed in Article VII of this chapter relating to nonresidential and other uses waste handling requirements.
- N. A discussion of any possible impacts and/or problems the proposed use may cause (e.g., traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts/problems. The applicant shall further furnish evidence that the impacts generated by the proposed use will be within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article VII of this chapter relating to performance standards for all uses.

§ 300-30. Landscaping and vegetation preservation.

In all zoning districts, landscaping and vegetation shall be subject to the following criteria:

- A. Any part of a lot which is not used for structures, buildings, access drives, driveways, loading areas, parking spaces and aisles, sidewalks and designated storage areas, other structures, or hardscaping shall be provided with an all-season, well-maintained ground cover including trees and shrubs.
- B. In order to aid surveillance and minimize the potential for crime, plantings shall be sited, massed, and scaled to maintain visibility of doors and first- or ground-floor windows from the street and from within the development. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Chapter 260, relating to subdivision and land development, shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- C. Vegetation preservation. Existing vegetation preservation is governed by the standards in this section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this chapter, Chapter 260, relating to subdivision and land development, Chapter 273, relating to trees, and/or other relevant chapters of the Code of the Township of Fairview. Violations and penalties associated with cutting and clearing of vegetation include:
 - (1) Forestry (commercial timber harvesting) shall comply with Article X of this chapter relating to forestry (commercial timber harvesting).
 - (2) The cutting of trees and/or clearing of vegetation within a required buffer yard as required by in Article VII of this chapter, relating to buffer and screening regulations, is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.

~~§ 300-31. Lot frontage onto public streets.~~

~~All lots in all zoning districts shall front on and have access to a public street (excluding alleys) and shall comply with Article VII relating to multiple frontage lots, Article VIII of this chapter, and Chapter 260, relating to subdivision and land development.~~

~~§ 300-32. Multiple frontage lots.~~

~~In all zoning districts, lots with multiple frontages shall be subject to the following criteria:~~

- ~~A. Reverse frontage lots and double frontage lots shall be subject to the following criteria:~~
 - ~~(1) Reverse frontage lots and double frontage lots shall comply with Chapter 260, relating to subdivision and land development. Any required planting screen easement shall be considered as a buffer yard, provided with screening of no less than seventy percent opacity, and otherwise comply with the regulations in Article VII relating to buffer and screen~~

regulations.

- ~~(2) Reverse frontage lots and double frontage lots shall have the primary lot frontage, front lot line, front yard and front setback, building and development orientation; and shall have lot access on, towards, and from the street conveying the lesser amount of existing or proposed daily traffic.~~

~~B. Triple frontage lots shall be subject to the following criteria:~~

- ~~(1) The side lot line coinciding with the lot line abutting the street (frontage) shall have a buffer yard and planting screen easement of at least 20 feet, across which there shall be no right of access. The required buffer yard and planting screen easement shall be provided with screening of no less than seventy-percent opacity, and otherwise comply with the regulations in Article VII, relating to buffer and screen regulations.~~
- ~~(2) Access on, towards, and from the lot shall be provided from the street conveying the lesser amount of existing or proposed daily traffic.~~

§ 300-33. Nonresidential and other use waste handling requirements.

In all zoning districts, for all uses other than single-family dwellings and two-family dwellings, waste handling and material disposal methods and procedures shall be subject to the following criteria. The following detailed information is required to be submitted concerning waste handling and material disposal methods and procedures:

- A. Listing of all materials to be used and/or generated on the site;
- B. Listing of all wastes (including but not limited to food and greases; animal wastes; solid wastes; medical wastes; and hazardous wastes; etc.) generated on the site; and
- C. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with Chapter 247 relating to solid waste, as well as any county, state, and federal regulations. Such evidence shall, at a minimum, include copies of working plans for the cleanup of litter and recycling showing exterior trash and recycling receptacles that are provided amid any an outdoor display and/or sales area, parking lot facilities open to the public, and other outside public areas designed and proposed for patrons and customers of the use. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.

§ 300-34. Number of principal uses and/or principal structures per lot.

In all zoning districts, the number of principal uses and/or principal structures permitted per lot shall be subject to the following criteria:

- A. A lot in the RMU, VMU, VB, CB, IB, and/or AB Zoning Districts may include more than one permitted principal use per lot, provided a plan has been recorded in compliance with Chapter 260, relating to subdivision and land development, and:
 - (1) For developments with more than one principal use in one building, the most restrictive of the uses' area/design features of the applicable zoning district shall apply to the building (as opposed to applying each of the requirements to each use as if each use was located on each individual lot), but that each use shall comply with all other applicable requirements of this chapter, including parking and signs as though each use were located on an individual lot.
 - (2) For developments with more than one principal use in more than one building, the area/design features of the applicable zoning district and all other requirements of this chapter shall apply to all the uses on a single lot as if all of the uses are one development (as opposed to applying each of the requirements to each use as if each use was located on each individual lot).

- (3) The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar type of association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.
- B.** A lot in the RL, RS, and/or VR Zoning Districts and a lot used for residential purposes shall not include more than one permitted principal use nor more than one principal building, except as provided below, and each of the use's area/design features of the applicable zoning district and all other requirements of this chapter as though each use were located on an individual lot are met, and a plan has been recorded in compliance with Chapter 260 relating to subdivision and land development:
- (1) A mobile/manufactured home park, condominium residential development, single-family attached dwelling, or multifamily dwelling development may include more than one principal building per lot, provided all other requirements of this chapter are met.
 - (2) The lot may include a condominium form of ownership of individual dwelling, units, with a legally binding homeowners' or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

§ 300-35. Outdoor storage and outdoor stockpiling.

In all zoning districts, unless otherwise permitted elsewhere in this section or Article IV of this chapter relating to permitted uses, Article V of this chapter relating to permitted uses, and Article X of this chapter, the outdoor storage and outdoor stockpiling shall be permitted, subject to the following criteria:

- A.** Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials such as goods, material, and merchandise offered for sale to customers. Otherwise, it shall be considered outside sales and display and shall comply with the provisions set forth elsewhere in Article VII of this chapter and Article X of this chapter relating to outside display and sales.
- B.** Outdoor storage and outdoor stockpiling shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys), required off-street parking areas, buffer yards, or any other areas specifically prohibited as set forth in this chapter.
- C.** RL, RS, RMU, VR, and/or VMU Zoning Districts:
 - (1) On single-family dwelling and/or two-family dwelling lots, the outdoor storage and stockpiling of:
 - (a) In all instances, outdoor stockpiling of personal material shall not be located in the front yard between the principal building and the public street (excluding alleys) or within any required front setback. All such stockpiling shall comply with accessory use and structure yard and setback requirements for the applicable zoning district.
 - (b) Non-personal material, including goods, junk, material, or merchandise associated with and generated by an off-site business or nonresidential establishment, shall not be permitted.
 - (2) On nonresidential use, mixed use, and/or residential developments involving dwellings on a common lot(s), the outdoor storage and stockpiling of bulk items, including but not limited to goods, material, equipment, merchandise, junk, waste, discarded or salvaged material, machinery, equipment, or automobile, truck, or other vehicle parts, shall not be permitted. All related storage shall be within a completely enclosed building.
 - (3) Outdoor storage and outdoor stockpiling shall not be located in the front yard between the principal building and the public street (excluding alleys) nor within any required front, side,

and/or rear setback.

D. VB, CB, IB, and/or AB Zoning Districts:

- (1)** All bulk items, materials, and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six feet in height and provided with screening in accordance with Article VII of this chapter relating to buffer and screening regulations, with no less than one-hundred-percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- (2)** The outdoor storage and outdoor stockpiling may be located in the front yard between the principal building and the public street (excluding alleys), but shall not be located within any required yard or setback.
- (3)** In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outdoor storage and stockpiling shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer.
- (4)** All items and materials stored as part of outdoor storage and stockpiling shall be kept in an orderly fashion to permit access by emergency responders.

E. Compost. The placement of compost as an accessory use to a residential use of a lot is permitted, subject to all accessory use, building, and structure setbacks of the applicable zoning district. Only waste materials from the residential use of the lot shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products, or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

§ 300-36. Performance standards for all uses.

In all zoning districts, all uses (as applicable) shall be subject to the following performance standards:

- A.** All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, streetlighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- B.** All uses shall be subject to and comply with the following regulations, where applicable:
- (1)** Vibration. Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot shall be prohibited, except that temporary vibration as a result of construction or vehicles which enter or leave the lot (such as trucks, trains, airplanes, helicopters, and other similar vehicles) shall be permitted. Otherwise, all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection (DEP) shall be complied with.
 - (2)** Noise. See Chapter 187 relating to health and safety, noise.

- (3) Air pollution and airborne emissions. 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 spoiling of property. Otherwise, all of the applicable "Rules and Regulations" of the DEP shall be complied with.
- (4) Odors. No malodorous gas or matter shall be permitted which is discernible at any and all property lines of the subject property on which the odor source is located.
- (5) Water pollution. Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission, PA DEP, and the Clean Streams Law, June 22, 1937 P.L 1987, 35 P.S. § 691 et seq., or as amended.
- (6) Mine reclamation and open pit setback. Refer to Pennsylvania Act 147, the Surface Mining Conservation and Reclamation Act of 1971, or as amended.[Editor's Note: See 52 P.S. § 1396.1 et seq.]
- (7) Heat. Any operation producing intense heat shall be conducted within an enclosed building or with other effective screening in accordance in with Article VII of this chapter relating to buffer and screening regulations in such a manner as to make such heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than 5° F. Otherwise, all of the applicable "Rules and Regulations" of the PA DEP shall be complied with.
- (8) No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:

 - (a) Electromagnetic interference. In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.
 - (b) Fire and explosive hazards. Fire protection and firefighting equipment, procedures and safety protocols acceptable to the Township of Fairview fire standards, National Fire Protection Association, Chapter 113 relating to code enforcement, Uniform Construction Code, and Chapter 145, relating to fire prevention and fire protection, and other applicable chapter of the Code of the Township of Fairview shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
 - (c) Toxic and hazardous substance storage. Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Labor and Industry (L&I), and/or the United States Environmental Protection Agency (USEPA).
- (9) Outdoor lighting. Outdoor lighting is permitted, subject to the following criteria:

 - (a) Interior streets, parking areas, entrances and pedestrian walks shall be provided with sufficient illumination for a safe environment, with attention to energy conservation and with sufficient illumination to meet all applicable laws, rules and regulations. All lighting designs shall comply Chapter 113 relating to code enforcement, Uniform Construction Code, which encompasses the latest version of the International Building Code (IBC) and its accompanying International Energy Conservation Code (IECC). Lighting plans shall be designed per recommendations in the Illumination Engineering Society Handbook, to provide an efficient nonglare design using cutoff-type fixtures while complying with Chapter 113 relating to code enforcement, Uniform Construction Code,

with particular attention to the International Energy Conservation Code (IECC) constraints for energy usage. Lighting plans shall be designed and submitted by a registered design professional, with his attached seal, for review as required for all plan submissions (see Chapter 113 relating to code enforcement, Uniform Construction Code).

- (b)** Lighting devices that produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted. Cutoff-type fixtures (commonly called "shoe box") or similar are generally required to meet this requirement. Floodlight-type fixtures are not acceptable due to objectionable glare to those in their light path. Additional requirements are as follows:

- [1]** Direct glare is defined, for purposes of this chapter, as illumination beyond property lines caused by direct or secondary reflected rays from incandescent, fluorescent or arc lighting or from such high-temperature processes as welding, petroleum or metallurgical refining.
- [2]** Cutoff-fixtures are defined as luminaries so hooded or shielded that the maximum angle of direct illumination shall be 60° drawn perpendicular to the ground, with the exception that such angle may be increased to 90° if the luminary is less than four feet above the ground. Fixtures not meeting this requirement shall not be permitted. Accessory house-side shielding and other appurtenances are to be supplied as standard fixture accessories where required to prevent adjacent property light trespass.
- [3]** Indirect glare is defined, for the purposes of this chapter, as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Lighting designs are to take the reflectivity of buildings and other property reflectivity into account to minimize indirect glare.
- [4]** Parking, loading, ingress and egress areas of all nonresidential uses intended to be utilized at night shall be provided with adequate lighting for such use per IECC that dictates the maximum watts per square foot for various property areas. Lighting-level requirements vary by occupancy and proximity to structures that are or can be occupied. Lighting designers shall comply with the IECC, Lighting Power Densities for Building Exteriors, that provides maximum lighting levels for various areas and allows trading among applicable areas to aid in achieving an efficient yet compliant design.
- [5]** Fixture height shall be considered in the design so as to preclude objectionable light trespass and not present a hazard to create a nuisance to adjoining properties.
 - [a]** Lighting design review shall take fixture height in consideration to ensure compliance with FAA and any other regulations in place in the Township.
 - [b]** Any proposed lighting fixtures which will be located within 100 feet of an adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts shall also be limited in height to a maximum of 16 feet above finished grade within said one-hundred-foot area. The one-hundred-foot distance shall be measured from the furthest extent of the proposed fixture to the nearest adjacent residential use or zoning district property line.

- (c)** Exemptions.

- [1]** Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements in Subsection B(9).

- [2] Overhead streetlighting, warning, emergency, and traffic signals are exempt for the requirements in Subsection B(9).
- [3] Temporary construction or emergency lighting is exempt from the requirements in Subsection B(9). Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- [4] Nothing in Subsection B shall apply to lighting required by the FAA or any other federal regulatory authority.

(10) In order to determine whether a proposed use will conform to the requirements in this section, Fairview Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

§ 300-37. Keeping of pets.

In all zoning districts, unless provided elsewhere in the Chapter 84, relating to animals, the outdoor keeping of pets is permitted subject to the following criteria:

- A. The keeping of pets outdoors and any related structure shall comply with Chapter 84 relating to animals, Chapter 215, relating to code enforcement, International Property Maintenance Code, and other applicable health and safety codes, as well as any applicable state regulations.
- B. The keeping of pets outdoors and any related structure shall not create a serious nuisance (including noise or odor), a health hazard, or a public safety hazard. The owner of the pet(s) shall be responsible for collecting and properly disposing of all fecal matter from pets.
- C. The keeping pets outdoors and any related structure shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.

§ 300-38. Repair of personal, passenger, or recreational motor vehicles.

In all zoning districts, the routine maintenance, repair and servicing of personal, passenger, or recreational motor vehicles, including go-carts and racing vehicles, and other similar motor vehicles that are owned or leased by the owner or occupant of the residential use, is permitted as an accessory use to the residential use, when the owner or the occupant is performing such services outside of a building, and are subject to the following criteria:

- A. All vehicles shall be maintained with current, valid license plates and inspection stickers (when applicable), and shall be kept in operable condition.
- B. All work shall be performed on the vehicle owner's or lessee's property of residence.
- C. Work shall be limited to the following:
 - (1) Servicing and replacement of spark plugs, batteries, distributors, distributor parts, and brakes;
 - (2) Repair and replacement of tires and wheels, excluding recapping or regrooving;
 - (3) Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;
 - (4) Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;
 - (5) Cleaning and flushing of radiators only when flushed into watertight containers;

- (6) Repair and replacement of fuel/gas pump and line repairs;
 - (7) Minor servicing and adjustments;
 - (8) Minor motor adjustments that do not involve the removal of the motor head or crankcase, or the prolonged revving of the motor;
 - (9) Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
 - (10) Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.
- D. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
 - E. No vehicle shall be stored in a "jacked-up" position, on blocks or other similar type of lift or support equipment for more than 72 consecutive hours in a seven-day period when located in the front yard between the principal building and the public street (excluding alleys), nor within any required setback, unless completely covered.
 - F. Neither of the following shall be maintained or repaired upon residential lots in the RL, RS, RMU, VR, and/or VMU Zoning Districts:
 - (1) Trucks with an aggregate gross vehicle weight rating of more than 14,000 pounds;
 - (2) Vehicles not owned or leased by an owner or occupant of the lot.

§ 300-39. Satellite dish antennas.

In all zoning districts, satellite dish antennas are permitted, subject to the following criteria:

- A. Consideration shall be given to the physical characteristics of the surrounding neighborhood, the property, the location of existing structures, and the feasibility of obtaining reception in the siting of satellite dish antennas.
- B. Satellite dish antennas may be located on accessory structures, such as garages or sheds.
- C. Satellite dish antennas should be attached to the rear of the principal structure in the following locations (in order of preference):
 - (1) On the rear building line (wall) of any structure;
 - (2) The rear slopes of the roof; or
 - (3) The center of a flat roof;
- D. Satellite dish antennas attached to a structure shall be at least 8 1/2 feet above adjoining ground level.
- E. All freestanding, detached, ground-mounted and freestanding satellite dish antennas shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- F. In no case shall satellite dish antennas project into any public right-of-way (including streets, alleys, sidewalks, etc.).
- G. The location of the satellite dish antennas shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - (1) Traveling within a public right-of-way including sidewalks and streets;

- (2) Entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - (3) Shall be not located within a clear-sight triangle as set forth in Chapter 260, relating to subdivision and land development.
- H. Notwithstanding the standards in this section, these standards shall not conflict with or supersede any rule or regulation relating satellite dishes as governed by the Federal Communications Commission under the Federal Telecommunications Act of 1996.

§ 300-40. Private household swimming pools.

In all zoning districts, private household outdoor swimming pools are permitted, subject to the following criteria:

- A. All swimming pools shall comply with the requirements of Chapter 113, relating to code enforcement, Uniform Construction Code.
- B. No swimming pool shall be permitted to be located in the front yard between the principal building and the public street (excluding alleys) or within any required front setback.
- C. Swimming pools shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- D. Water shall not be discharged from a swimming pool directly onto any public right-of-way or within 10 feet of any adjacent property without the applicable owner's consent.
- E. Pools shall not be located over a drainage, utility, or access easement.
- F. All on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and shall comply with all provisions for lighting in Article VII of this chapter relating to performance standards for all uses.
- G. These standards shall not apply to "kiddie" or "wading" pools, or pools designed with pools walls not capable of holding water at a depth of more than 24 inches of water.

§ 300-41. Temporary structures.

In all zoning districts, the following temporary structures are permitted on a temporary basis are permitted subject to the following criteria:

- A. Temporary construction sheds and trailers are permitted on a temporary basis, subject to the following criteria:
 - (1) Temporary construction sheds and trailers shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every 180 days.
 - (2) Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within 10 feet of any lot line abutting an existing residential use.
 - (3) Temporary construction sheds and trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
 - (4) Temporary construction sheds and trailers may be permitted to be used as a temporary sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be 500 square feet.
- B. Temporary, nontraditional storage units (including those commercially known as "PODS" or

enclosed containers of a box trailer, with or without wheels) are permitted on a temporary basis, subject to the following criteria:

- (1) Temporary, nontraditional storage units shall be permitted for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding 180 days.
- (2) Temporary, nontraditional storage units shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- (3) No temporary, nontraditional storage unit shall be used for permanent storage.

§ 300-42. Unenclosed Class I and Class II recreational vehicles (including towable utility and cargo trailers) parking, storage, and temporary occupancy.

In all zoning districts, the temporary unenclosed parking and long-term unenclosed storage of Class I and II recreational vehicles (which also include towable utility and cargo trailers) registered to the owner and/or occupant of the lot are permitted, subject to the following criteria:

- A. The temporary unenclosed parking and long-term unenclosed storage of Class I and II recreational vehicles (which also include towable utility and cargo trailers) registered to the owner and/or occupant of the lot shall comply with Chapter 113, relating to code enforcement, International Property Maintenance Code, and Chapter 282, relating to motor vehicles.
- B. On residential lots in the RL, RS, RMU, VR, and/or VMU Zoning Districts:
 - (1) The temporary, unenclosed parking and long-term unenclosed storage of Class I and Class II vehicles shall be maintained with current, valid license plates and inspection stickers (when applicable).
 - (2) The temporary, unenclosed parking (as opposed to long-term unenclosed storage) of Class I and Class II vehicles for a period not to exceed 72 consecutive hours in a seven-day period, shall be permitted so long as all vehicles are set back at least one foot from any lot line.
 - (3) The long-term, unenclosed storage (as opposed to temporary parking) of Class I and Class II vehicles, a period that exceeds 72 consecutive hours in a seven-day period, shall be permitted on the basis of not more than two Class I vehicles per lot; and one Class II vehicle per each 1/2 acre (or portion thereof) of lot area up to a maximum of two Class II vehicles. [Amended 1-25-2016 by Ord. No. 2016-1]
 - (4) The long-term, unenclosed storage of Class I and Class II vehicles shall not be permitted in the front yard between the principal building and the public street (excluding alleys) or within any required front setback.
 - (5) The long-term, unenclosed storage of Class I and Class II recreation vehicles shall be provided with screening of no less than eighty-percent opacity, which shall be provided along any abutting side or rear lot lines (excluding alleys) in accordance Article VII of this chapter relating to buffer and screening regulations. Exception: long-term storage may take place without the required screening if the storage complies with all other setback criteria and the location of the recreational vehicle is a minimum of 100 feet from a side or rear property line. [Amended 1-25-2016 by Ord. No. 2016-1]
- C. The long-term, unenclosed storage of Class I and Class II recreation vehicles shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- D. In order to prevent dust, erosion or excessive water flow across streets or abutting property, all areas used for the long-term, unenclosed storage of Class I and Class II vehicles shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily

accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township.

- E. The long-term, unenclosed storage of Class I and Class II vehicles shall not displace otherwise required off-street parking spaces provided on the lot.
- F. All areas used for long-term, unenclosed storage of Class I and II recreation vehicles shall be maintained so to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain current, valid license plates and inspection stickers (when applicable), shall be in operable condition, and shall not be permitted to leak fuels or lubricants onto the ground.
- G. The temporary unenclosed parking and/or long term unenclosed storage of any trailer other than those that are accessory to a principal residential use shall be prohibited.
- H. The temporary unenclosed parking and/or long-term unenclosed storage of Class I and Class II vehicles shall comply with all other applicable standards of this chapter.
- I. A Class I or Class II recreational vehicle may be used for temporary occupancy on any lot, and are permitted, subject to the following criteria:
 - (1) All temporary recreational vehicle occupancies covered shall receive a temporary occupancy use permit from the Codes Department. The permit will be issued upon proof of compliance with the applicable standards. A fee may be collected for issuance of the permit. Said fee shall be established by the Board of Supervisors of the Township of Fairview by resolution and may be adjusted from time to time.
 - (2) Seasonal usage/stays in a recreational vehicle are permitted for the owners of any lot with no permanent residential dwelling thereon, not to exceed a total of 90 days between April 1 and October 31 of any one calendar year.
 - (3) Temporary, overnight guest stays in a recreational vehicle shall be permitted for nonpaying guests of the occupants of any legally established permanent residential dwelling on a lot, not to exceed a total of 90 days in any calendar year.
 - (4) All setback requirements for the zoning district in which the temporary recreational vehicle occupancy is conducted shall be applicable to the recreational vehicle utilized for the temporary recreational vehicle occupancy.
 - (5) No more than one recreational vehicle may be occupied per lot for any and all permitted occupancies.
 - (6) Proof of an approved method for both sewage disposal and potable water supply for the temporary recreational vehicle occupancy shall be submitted with the temporary occupancy use permit application.
 - (7) No ancillary or accessory structures are permitted to be erected or placed which are associated with the temporary recreational vehicle occupancy.
 - (8) No rent or services may be charged or collected by the property owner associated with the temporary recreational vehicle occupancy.

§ 300-43. Yard and setback exceptions and alterations.

In all zoning districts, required yard and setback exceptions and alterations are permitted, subject to the following criteria:

- A. Projections into required yards and/or setbacks.
 - (1) Stoops and related awnings and hand railings may project into required yards and

setbacks not more than five feet.

- (2) Patios, terraces, decks, and other similar uncovered (at any point) structures, provided the structure elevation shall not be more than three feet above the yard grade, may extend or project into any required side yard and rear yard and/or side setback and rear setback not more than five feet, as long as there is a minimum of five feet remaining between the structure and the lot line.
- (3) Cornices, eaves, sills, or other similar architectural features such as gutters, bay windows, window awnings, chimneys, or similar structures, including solar energy systems, attached to the wall of any building may extend or project into any required yard and/or setback not more than three feet.
- (4) Exterior stairways, fire escapes, or other required means of egress, ground-mounted doors for basement access, or other similar structures that do not include space usable by persons may extend or project into a required side yard and rear yard and/or side setback and rear setback of a lot not more than five feet as long as there is a minimum of five feet remaining between the structure and the lot line.
- (5) Covered porches and those porches with enclosed habitable spaces shall be considered as part of the principal building and shall not extend or project into any required yard and/or setback.
- (6) Exterior walkways, sidewalks, stairs (and related hand railings), window wells, and such other structures customarily incidental to the principal or accessory building, may extend or project into any required yard and/or setback of a lot, provided the structure height shall be not more than 12 inches above the yard grade. The maximum structure height shall not apply to related hand railings.
- (7) Accessory air-conditioning units, generators, and heat pumps and other such heating and cooling appurtenances may extend or project into the required yard and/or setback of a residential lot.
- (8) For all handicapped ramps, landings, and other features necessary to provide entrance and accessibility to a building which project into any required yard and/or setback, see Chapter 113 relating to code enforcement, Uniform Construction Code, and reasonable accommodation provisions set forth in Article XII of this chapter relating to administration.
- (9) Mailboxes, flagpoles, lights and light pole standards, statues, decorative fountains, and other similar structures may extend or project into the required front yard and/or setback.

B. Yard and setback alterations.

- (1) Except as otherwise provided in this chapter, within a block containing a lot proposed for development, where the required front setback and yard regulations for the zoning district are greater than the actual distances of the existing buildings on abutting lots set back from the street right-of-way, the required front setback and front yard may be altered to be similar to those distances between existing principal buildings within 100 feet on the abutting lots and the abutting street right-of-way.
- (2) Using this exemption, the front building line of the principal building on the lot proposed for development shall be no closer toward, and no farther away from, the street right-of-way line than the front building line of the existing principal buildings within 100 feet on the abutting lots.
- (3) Otherwise, the building on the lot proposed for development shall comply with all front building setback and yard standards defined in the zoning district in which it is situated.
- (4) No principal building shall extend into any street right-of-way.

Chapter VIII. Lot Access, Parking, and Loading Regulations

§ 300-44. General provisions.

A. The lot access, parking, and loading provisions of this chapter shall apply as follows:

- (1) For all structures erected and all uses established after the effective date of this chapter, lot access, parking, loading, and stacking lanes shall be provided as required in this Chapter VIII of this chapter.
- (2) Change in use or expansion. Any existing structure or use at the effective date of this Chapter VIII of this chapter that expands or results in a change of use shall be required to provide all of the required parking and loading for the entire size and type of the resulting use, except as follows:
 - (a) If an existing use includes less parking or loading than would be required via this Chapter VIII of this chapter relating to parking requirements and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking or loading, then that deficit of parking or loading shall be "grandfathered" for new uses.

Example 1:

If an existing business office included five existing parking spaces, but would be required to provide 10 spaces via this chapter, there is a deficit of five spaces. Therefore, if that business office is proposed to be converted to a retail business that would need 15 spaces, the proposed retail business would need to provide a total of 10 spaces (15 minus the preexisting deficit of 5).

- (b) When the intensity and/or density of any existing structure or use is increased by not more than 10% in the applicable measurement (e.g., dwelling units, gross floor area, seating capacity, lot area, impervious lot coverage, or other units of measurement specified in this chapter) for required parking and loading facilities, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking or loading, then no additional parking or loading shall be required.

Example 2:

If an existing building included 2,500 square feet and a minor addition of 250 square feet to the existing building was proposed, then additional parking would not be required.

- (3) No parking or loading facility shall be used for any use that interferes with its availability for the parking and/or loading need it is required to serve.
 - (a) The nonresidential required parking and/or loading facilities shall be available to patrons, guests, deliveries, etc. throughout the hours of operation of the particular business or use for which such facilities are provided.
 - (b) The residential required parking facilities shall be available to residents at all times for which such facilities are provided.
- (4) Except where on-street parking is permitted to count toward required parking spaces as provided in this Chapter VIII of this chapter relating to parking reductions and alterations, the term "parking space" includes either covered garage space or uncovered, improved and stabilized parking space located outside of the public street right-of-way.

- (5) Required lot access, parking, loading, stacking lanes, on-lot traffic circulation channels, and access aisles shall not be deemed to be part of the open space of the lot on which it is located.
- (6) Required lot access, parking, loading, stacking lanes, on-lot traffic circulation channels, and access aisles shall not encroach onto any required buffer yards as required in Chapter V of this chapter relating to buffer and screening regulations.
- (7) All proposed lot access entrances and exits (ingress-egress) to the site or operation, parking, and loading facilities shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting streets.
- (8) Unrestricted lot access along the entire length of a lot's street frontage shall not be permitted. Lot access shall be limited to driveway entrances/exits and access drive entrances/exits and shall be physically separated from public street rights-of-way by a grassed strip or other effective and suitable barrier (e.g., curbing, wheel stops/bumpers, bollards, etc.) against the ingress and egress of unchanneled motor vehicles.
- (9) Traffic flow and ingress-egress from lots shall not cause traffic hazards or vehicle backups upon abutting streets. Patron and customer vehicles waiting to enter and/or exit an establishment shall not be permitted to stack within the right-of-way of streets.
- (10) All access drives, other lot access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall be clearly marked with paint, and permitted directional signs, as applicable.
- (11) All driveways, access drives, other lots access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer.
- (12) All driveways, access drives, other lots access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall comply with all applicable provisions of Chapter 255, relating to streets and sidewalks, Chapter 282, relating to motor vehicles, and Chapter 260, relating to subdivision and land development.
- (13) In addition to the standards in this Chapter VI of this chapter, lighting for driveways, access drives, other lot access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall comply with Chapter V of this chapter, relating to performance standards for all uses.
- (14) When an existing unimproved parking area on a nonresidential property is altered to an improved durable and dustless surface or an alteration to an existing improved parking area on a nonresidential property is being proposed, compliance with all the regulations noted in this chapter and the regulations in Chapter 260, relating to subdivision and land development, shall be adhered to and approved prior to the alteration. **[Added 1-25-2016 by Ord. No. 2016-1]**

§ 300-45. Lot frontage onto public streets.

All lots in all zoning districts shall front on and have access to a public street (excluding alleys) and shall comply with Chapter VI relating to multiple frontage lots, Chapter VI of this chapter, and Chapter 260, relating to subdivision and land development.

§ 300-46. Multiple frontage lots.

In all zoning districts, lots with multiple frontages shall be subject to the following criteria:

Reverse frontage lots and double frontage lots shall be subject to the following criteria:

- A.** Reverse frontage lots and double frontage lots shall comply with Chapter 260, relating to subdivision and land development. Any required planting screen easement shall be considered as a buffer yard, provided with screening of no less than seventy-percent opacity, and otherwise comply with the regulations in Chapter V relating to buffer and screening regulations.
- B.** Reverse frontage lots and double frontage lots shall have the primary lot frontage, front lot line, front yard and front setback, building and development orientation, and lot access on, toward, and from the street conveying the lesser amount of existing or proposed daily traffic.

Triple frontage lots shall be subject to the following criteria:

- A.** The side lot line coinciding with the lot line abutting the street frontage shall have a buffer yard and planting screen easement of at least 20 feet, across which there shall be no right of access. The required buffer yard and planting screen easement shall be provided with screening of no less than seventy-percent opacity, and otherwise comply with the regulations in Chapter V, relating to buffer and screening regulations.
- B.** Access on, toward, and from the lot shall be provided from the street conveying the lesser amount of existing or proposed daily traffic.

§ 300-47. Driveways and access drives.

Unless otherwise specified elsewhere in this chapter, Chapter 260, relating to subdivision and land development, Chapter 255, relating to streets and sidewalks, or Chapter 282, relating to motor vehicles and traffic, driveways and access drives are subject to the following criteria:

- A.** On corner lots or where more than one intersecting street abuts the lot, a new curb cut or access for a driveway or access drive shall be provided on the street conveying the lesser amount of existing or proposed daily traffic. This specifically includes alleys.
- B.** Access to nonresidential lots and/or developments within the VB, CB, IB, and/or AB Zoning Districts shall not be permitted through the RS and/or VR Zoning Districts or existing residential neighborhoods.
- C.** Driveways and access drives providing direct access to off-street parking facilities or loading facilities and which intersect alleys are not required to provide adequate turnaround on the lot.
- D.** Access drives shall have a minimum width of 24 feet if two-way traffic is to be permitted and shall have a minimum width of 12 feet if only one-way traffic is to be permitted, and no tractor-trailer traffic will use the access drive. If tractor trailer traffic is to be provided as required in Table 8-10 relating to off-street loading requirements, a minimum access drive width of 18 feet shall be provided and appropriate curve radii shall be provided to accommodate such traffic.
- E.** Access drives shall meet the abutting street at a ninety-degree angle and shall be clearly defined and designated.
- F.** Where access drives and/or driveways are permitted along a street right-of-way at the front of the lot, and where sidewalks are installed (or will be installed), then the access drive and driveway surfacing shall end at the back side (building side) of the sidewalk, and on the front side (street side) of the sidewalk. No access drive or driveway surfacing or related material shall extend over any sidewalk area. Sidewalk materials, including the use of painted striping in accordance with

Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer, shall be continued across all access drives and driveways.

- G. Any driveway or access drive intersecting with a state- or Township-owned street or road shall require the obtainment of a highway occupancy permit (HOP) from the applicable entity.
- H. Driveway and access drive locations shall be delineated on all plans/permits.

§ 300-48. Parking requirements.

- A. See Tables 8-1 through 8-7 for minimum required parking spaces as set forth by this chapter.
- B. ADA handicapped accessible parking requirements.
 - (1) The required number of handicapped-accessible parking spaces required by the Americans with Disabilities Act (ADA) shall be in accordance with the most recent version of the ADA Standards for Accessible Design of the United States Department of Justice and Chapter 113, relating to code enforcement, Uniform Construction Code, whichever is more restrictive. The applicant shall certify in writing or plan note that the application for development complies with all relevant ADA requirements.
 - (2) ADA handicapped accessible parking spaces may count toward the total number of required parking spaces for uses.
- C. Computation of spaces. When determination of the number of required parking spaces results in a requirement of a fractional space, any fraction shall be interpreted as one parking space.
- D. Mixed uses and more than one use per lot. Except as otherwise provided in this Chapter VI of this chapter relating to parking reductions or alterations, for mixed uses and lots accommodating more than one use, the total requirements shall be the sum of the requirements of the component uses computed separately.

Table 8-1
Parking Schedule - Residential

Residential Uses	Minimum Required Spaces
Apartment conversion	2 per dwelling unit
Group home	2 per dwelling unit, plus 1 for each 4 residents
Mobile/manufactured home park	See Chapter 360 relating to subdivision and land development
Multifamily dwelling	2 per dwelling unit, plus additional 1/2 space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within 300 feet walking distance to any unit served.
Single-family attached dwelling	2 per dwelling unit, plus additional 1/2 space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots

	shall be sized, arranged, and located so that the spaces are within 300 feet walking distance to any unit served.
Single-family detached dwelling	2 per dwelling unit
Single-family semidetached dwelling	2 per dwelling unit
Two-family detached dwelling	2 per dwelling unit
Other residential uses	Other residential uses not specified in this parking schedule: Number of spaces normally required for similar uses listed elsewhere within this parking schedule table

Table 8-2

Parking Schedule — Nonresidential – Commercial

Commercial Uses	Minimum Required Spaces
Airport	1 per 4 air vehicles stored, plus 1 for each employee on the peak shift. For uses beyond the airport: number of spaces normally required for uses listed elsewhere within these parking schedule tables.
Animal hospital	2 per exam table, plus 1 per employee on the peak shift
Automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/service, washing, and/or fuel/gas sales (individual or in combination of the following):	1 per employee on the peak shift plus: Rental/sales: 1 per 15 vehicles or units of motor vehicle equipment Repair/service: 2 per service bay Washing: 1 per 200 square feet of office floor area Fuel/gas sales/distribution: 1 per fuel/gas pump, which may be provided at fuel/gas pumps at a ratio of not more than 2 per each pump (one on each side), plus 1 for each employee on the peak shift
Bank	1 per 400 square feet of gross floor area, plus 1 per employee on the peak shift
Beer and ale wholesale distribution	1 per 400 square feet of gross floor area open to and accessible to the public, plus 1 per employee on the peak shift
Boarding house	2 per dwelling unit of owner/resident manager and other permanent residents, plus 1 space for each sleeping/rooming unit for let
Business park	1 per 400 square feet of gross floor area

Campground or recreational vehicle park	1 per campsite, plus 1 per employee on the peak shift, plus (1/2) of the spaces normally required for accessory uses listed elsewhere within these parking schedule tables
Commercial recreation, indoor	1 per 200 square feet of gross floor area, plus 1 per employee on the peak shift
Commercial recreation, outdoor	1 per 200 square feet of gross floor area for enclosed structures, plus 1 per employee on the peak shift; or if completely outside of a structure, 1 per each 3 users at maximum utilization, plus 1 per employee on the peak shift
Convenience store/Retail Component	Convenience stores and similar retail establishments shall provide a minimum of one (1) off-street parking space for every two hundred fifty (250) square feet of gross floor area devoted to retail sales, exclusive of fuel pump areas.
Copy shop/business service	1 per 200 square feet of net floor area, plus 1 per employee on the peak shift
Craftsman/artisan studio	1 per 300 square feet of gross floor area, plus 1 per employee on the peak shift
Financial service, other	1 per 400 square feet of gross floor area, plus 1 per employee on the peak shift
Food service	1 per employee on the peak shift, plus: Delivery: 1 per vehicle stored on site Direct patron food sales/consumption: 1 per 6 seats if restaurant is provided or 1 per 200 square feet of gross floor area open to and accessible to the public, whichever is greater
Funeral home	25 for first parlor, plus 10 for each additional parlor
Golf course	4 per hole, plus 1 per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within these parking schedule tables
Home improvement center, lumber sales, and building materials sales	1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the peak shift
Hotel	1 per guest/sleeping room, plus 1 per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within these parking schedule tables
Kennel, commercial	1 per each 15 animals based on maximum animal capacity, plus 1 per employee on the peak shift
Landscaping service	1 per 750 square feet of office gross floor area, plus 1 per employee on the peak shift
Laundry and dry-cleaning establishment (personal)	1 per 300 square feet of net floor area, plus 1 per employee on the peak shift

Liquor store	1 per 200 square feet of net floor area, plus 1 per employee on the peak shift
Mini-storage warehouse	1 per 25 storage units, plus 1 per employee on the peak shift
Motel	1 per guest/sleeping room, plus 1 per employee on the peak shift, plus 1/2 of the spaces normally required for accessory uses listed elsewhere within these parking schedule tables
Motor vehicle auction	2 per 1,000 square feet of gross floor area of building, plus 1 per employee on the peak shift
Nightclub	1 per 100 square feet of net floor area, plus 1 per employee on the peak shift
Off-track betting parlor	1 per 100 square feet of gross floor area, including related dining, restaurant and snack bar areas
Offices, business and professional	1 per 300 square feet of gross floor area
Offices, medical	2 per patient examination room, plus 1 per employee on the peak shift
Outdoor shooting range	1 per firing lane/target, plus 1 per employee on the peak shift
Parking lot/structure	No minimum required
Personal service	1 per 300 square feet of net floor area, plus 1 per employee on the peak shift
Restaurant (fast food)	1 per 2 seats, plus 1 for each 2 employees on the peak shift
Restaurant (sit down)	1 per 4 seats, plus 1 for each 2 employees on the peak shift
Retail business	1 per 200 square feet of net retail floor area, plus 1 per employee on the peak shift
School, commercial	1 per 4 students, plus 1 per employee on the peak shift
School, vocational	1 per 4 students, plus 1 per employee on the peak shift
Sexually oriented business and/or related uses	1 per 200 square feet of net floor area, plus 1 per employee on the peak shift
Shopping center	Number of spaces normally required for uses listed elsewhere within this parking schedule table
Shopping center, large	Number of spaces normally required for uses listed elsewhere within this parking schedule table
Sit-Down Dining Component	Sit down dining areas, cafés, or restaurants accessory to a convenience store shall provide a minimum of one (1) off street parking space for every three (3) seats, including bar, counter, and table seating. For the purposes of this section, seating capacity shall be determined by the maximum number of seats approved on the floor plan submitted with the zoning or land development application.

Slot Machines/Gaming Terminals	Slot machines, video gaming terminals, or similar gaming devices permitted as an accessory use shall provide a minimum of one (1) additional off street parking space for each gaming device. Gaming machines shall be counted as a separate parking demand even where such devices are accessory to another permitted commercial use.
Tattoo parlor/body piercing business	1 per 300 square feet of net floor area, plus 1 per employee on the peak shift
Tavern/bar	1 per 4 seats, plus 1 for each 2 employees on the peak shift
Theater, indoor	1 per 4 seats based on maximum seating capacity, or 1 per 400 square feet of gross floor area, whichever is larger
Therapeutic massage business	1 per table, plus 1 per employee on the peak shift
Travel plaza	1 per employee on the peak shift, plus number of spaces normally required for uses listed elsewhere within these parking schedule tables (i.e., restaurant, convenience store, etc.), in addition to truck and trailer parking
Veterinary office	2 per exam table, plus 1 per employee on the peak shift
Other commercial uses	Other commercial uses not specified in this parking schedule: number of spaces normally required for similar uses listed elsewhere within this parking schedule table

Table 8-3

Parking Schedule — Nonresidential – Industrial

[Amended 7-28-2025 by Ord. No. 2025-3]

Industrial Uses	Minimum Required Spaces
Automobile wrecking, junk and scrap storage and sales	1 per 1/2 acre, plus 1 per employee on the peak shift
Data center	1 per employee on the peak shift
Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck, and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing, and/or fuel/gas sales	1 per employee on the peak shift plus:
	Rental/sales: 1 per 15 vehicles or units of motor vehicle equipment
	Repair/service: 2 per service bay
	Washing: 1 per 200 square feet of office floor area

	Fuel/gas sales/distribution: 1 per fuel/gas pump which may be provided at fuel/gas pumps at a ratio of not more than 2 per each pump (one on each side), plus 1 for each employee on the
Industrial use, general	1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1
Industrial use, light	1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be
Laundry and dry cleaning (industrial)	1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to
Industrial Uses	Minimum Required Spaces
	loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.

Mineral extraction	1 per employee on the peak shift, plus 1 per stored vehicle
Outdoor storage	1 per employee on the peak shift
Research and development	1 per 400 square feet of gross floor area
Sawmill	1 per employee on the peak shift
Solid waste transfer	1 per employee on the peak shift
Truck drop lot	1 per on-site employee on the peak shift, in addition to truck and trailer parking

Warehousing, distribution, and wholesaling	1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to
Other industrial uses	Other industrial uses not specified in this parking schedule: Number of spaces normally required for similar uses listed elsewhere within this parking schedule table

Table 8-4

Parking Schedule — Nonresidential — Institutional/Civil

Institutional/Civic Uses	Minimum required spaces
Animal rescue shelter	1 for 400 square feet of gross floor area, plus 1 per employee on the peak shift
Cemetery	5, plus 1 per employee on the peak shift
Clinic, medical	4 per patient examination room, plus 1 per employee on the peak shift
Clubhouse or lodge, private	1 per 200 square feet of gross floor area, plus 1 per employee on the peak shift
Community center	1 per 400 square feet of gross floor area open to and accessible to the public, plus 1 per employee on the peak shift
Continuing care retirement community	Personal care or nursing care: 1 for each 4 beds, plus 1 space per employee on largest
	Apartment units: 1 per dwelling unit
	Cottage units (single-family units): 1 per dwelling unit, plus 1 per 5 units for guest
	Other uses not specified in this parking schedule: Number of spaces normally required for uses listed elsewhere within these parking schedule tables
Convention center	1 per 4 seats based on maximum seating capacity, or 1 per 400 square feet of gross floor area, whichever is larger
Daycare, commercial	1 per employee on the peak shift plus 1 per 6 nonresident (adult or child) enrolled or being cared for
Emergency services	1 for 400 square feet of gross floor area, plus 1 per stored vehicle

Government facility other than municipal-owned uses	Number of spaces normally required for uses listed elsewhere within these parking schedule tables
Group care	2 per dwelling unit, plus 1 for each 4 residents
Hospital	2 per 3 beds, plus 1 per employee on the peak shift
Hunting club	1 per acre, plus 1 for each guest/sleeping room
Library	1 per 400 square feet of gross floor area open to and accessible to the public, plus 1 per employee on the peak shift
Long-term care nursing or personal care	Personal care or nursing care: 1 for each 4 beds, plus 1 per employee on largest shift
	Other uses not specified in this parking schedule: Number of spaces normally
Museum	1 per 400 square feet of gross floor area open to and accessible to the public, plus 1
Municipal owned uses	Number of spaces normally required for uses listed elsewhere within these parking
Natural preserve and wildlife sanctuary	1 per acre
Park and other noncommercial outdoor recreational uses	3 per acre
Place of worship and related uses	1 per 4 seats based on maximum seating capacity, or 1 per 400 square feet of gross
Public/private utility	1 per employee on the peak shift, plus 1 per vehicle stored on site
School, public or private	Primary (grades K - 6): 1 per each 30 students enrolled, plus 1 per employee,
	Secondary and above (grades 7+): 1 per each
Treatment center	1 for each 3 patients/clients, plus 1 per employee on the peak shift
University/college	1 per 5 students enrolled, plus 1 space per employee, plus 1 per every 30 seats for
Other institutional/civic uses	Other institutional/civic uses not specified in this parking schedule: number of spaces

Table 8-5

Parking Schedule — Nonresidential — Forestry/Agriculture

Forestry/Agriculture Uses	Minimum Required Spaces
Agri-business	2 per dwelling unit, plus 1 for each nonresident employee on the peak shift
Agricultural operation	2 per dwelling unit, plus 1 for each nonresident employee on the peak shift

Agricultural support business	1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the
Community garden	3 per acre
Forestry (commercial timber harvesting)	1 per employee on the peak shift
Greenhouse/plant nursery	1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the
Riding school and boarding stable	1 per 2 stalls, plus 1 per every 4 seats of spectator seating plus 2 per dwelling unit
Other forestry/agriculture uses	Other forestry/agriculture uses not specified in this parking schedule: number of spaces normally required for similar uses listed elsewhere within this parking schedule table

Table 8-6

Parking Schedule — Nonresidential — Miscellaneous

Miscellaneous Uses	Minimum Required Spaces
Adaptive reuse of existing agricultural structure	Number of spaces normally required for uses listed elsewhere within these parking schedule tables
Billboard	1 per billboard structure
Solar energy production	1 per employee on the peak shift, plus 1 per vehicle stored on site
Telecommunications signal site	Fully automated site: 1 per site
	Not fully automated site: 1 per employee on peak shift
Wind energy production	1 per employee on the peak shift, plus 1 per vehicle stored on site
Other miscellaneous uses	Other miscellaneous uses not specified in this parking schedule: number of spaces normally required for similar uses listed elsewhere within this parking schedule table

Table 8-7
Parking Schedule — Accessory

Accessory Use	Minimum Required Spaces
Accessory apartment	2 per dwelling unit
Agri-tainment/agri-tourism	2 per dwelling unit as part of principal use, plus 1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 for each nonresident employee on the peak shift
Automated banking facility	2 when not associated with on-site principal bank or other financial service; otherwise, no minimum required
Bed-and-breakfast	2 per dwelling unit of owner/resident manager and other permanent residents of the dwelling, plus
	Other uses beyond the dwelling unit and guest/sleeping rooms, and open to the public: number of spaces normally required for uses listed elsewhere within these parking schedule
Community garden	No minimum required
Day care, accessory	2 per dwelling unit as part of principal use
Day care, family	2 per dwelling unit as part of principal use, plus 1 per nonresident employee, plus 1 for patron
Drive-thru facility for permitted use	No minimum required
Farm occupation	2 per dwelling unit as part of principal use, plus 1 per nonresident employee
Home occupation	2 per dwelling unit as part of principal use, plus 1 per nonresident employee
No-impact occupation	2 per dwelling unit as part of principal use
Non-commercial keeping of livestock	2 spaces per dwelling unit as part of principal
Outdoor cafe/dining	In addition to the spaces required as part of the principal use, 1 per 4 seats provided
Outside displays and sales	No minimum required
Roadside stand	In addition to the spaces required as part of the principal use, 1 space per 50 feet of gross floor area, or 2 spaces, whichever is
Rural occupation	2 per dwelling unit as part of principal use, plus 1 per nonresident employee

E. Sit-Down Dining Component

Sit-down dining areas, cafés, or restaurants accessory to a convenience store shall provide a minimum of one (1) off-street parking space for every three (3) seats, including bar, counter, and table seating. For the purposes of this section, seating capacity shall be determined by the maximum number of seats approved on the floor plan submitted with the zoning or land development application.

F. Shared or Reduced Parking

The Zoning Hearing Board or Zoning Officer, as applicable, may approve a reduction in the total number of required off-street parking spaces where the applicant demonstrates that the peak parking demands of the individual uses occur at different times of the day or week.

Any request for a parking reduction shall be supported by a shared-parking analysis, professional traffic or parking study, or other documentation acceptable to the reviewing body. In no case shall the approved parking be reduced below seventy percent (70%) of the total off-street parking otherwise required for the applicable convenience store, retail component, sit-down dining component, and slot machine/gaming terminal component under this section.

G. Future Changes in Use

Any increase in retail floor area, dining seating capacity, or number of slot machines shall require the provision of additional off-street parking in compliance with this section. Conversion of floor area to sit-down dining or installation of additional gaming devices without required parking expansion shall constitute a zoning violation.

§ 300-49. Location and design of parking areas.

A. Parking for single-family and two-family dwellings.

- (1) Lot access and off-street parking spaces for single-family and two-family dwellings shall consist of an improved and stabilized parking area, driveway, garage, carport, or combination thereof and shall be located on the lot it is intended to serve.
- (2) Off-street parking shall not be located between the principal building and the public street right-of-way, except for that part of the front yard that is occupied by a driveway leading to a garage or an improved and stabilized parking area (including turnaround).
- (3) No parking area shall be designed to require parked vehicles to back into a street right-of-way of an arterial or a collector street in order to access a parking space.

B. Parking for nonresidential, mixed, and residential uses on common lot(s).

- (1) Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- (2) No parking area shall be designed to require parked vehicles to back into a street right-of-way (except alleys) in order to access a parking space.
- (3) Unless the applicant meets the requirements for shared parking provided in this Chapter VI relating to parking reductions or alterations, required parking spaces shall be located in the same zoning district as the principal use.
 - (a) For institutional/civic uses:
 - [1] Off-street parking areas shall be provided and arranged so that persons do not have to cross arterial or collector streets abutting the site.
 - [2] Primary passenger dropoff and pickup areas should be provided on site and arranged so that the passengers do not have to cross traffic streets abutting the site, and passenger dropoff and pickup areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (4) Unless otherwise provided in this chapter, all zoning districts except for the CB, IB and/ or AB Zoning Districts, common and/or off-street parking facilities open to residents, employees, and patrons shall:

- (a) Be provided in behind the rear building line of the principal building first and, if not possible, then may be located in the side yard behind the front facade or front building line of the principal building.
 - (b) Not be located in the front yard between the principal building and the public street (excluding alleys).
 - (c) Not be located on corner lots abutting the intersection of two streets.
- (5) Required parking shall not encroach onto any required buffer yards as required in Chapter V of this chapter relating to buffer and screening regulations.
- (6) Setbacks for parking facilities shall be at least five feet from any building. The five-foot corridor thus established between the parking area and building shall be for the purpose of providing a pedestrian access walkway.
- (7) In addition to all standards for parking facilities provided in accordance Chapter 260, relating to subdivision and land development, parking facilities shall also comply with the following:
- (a) Parking area and lots buffering, landscaping and trees.
 - [1] A planting strip at least five feet in depth shall be provided between the edge of the street right-of-way, access drive, lot line, and any off-street parking area which abuts said street, access drive, or lot line. Planting strips between said right-of-way, access drive, lot line, and said parking area shall be landscaped and maintained with ground cover, shrubbery, trees or other landscaping, fences or walls, or decorative materials across the entire portion of the lot where the parking area is provided, in accordance with Chapter V of this chapter, relating to landscaping and vegetation preservation, to prohibit vehicular and pedestrian access. The planting strip may be interrupted at approved ingress and egress points, and when the parking area is permitted as part of an approved joint use and/or interconnected parking facility.
 - [2] The required planting strip for the parking areas abutting public street rights-of-way shall be provided with a continuous street-fronting screening of no less than eighty-percent opacity and no less than 3 1/2 feet in height along the public street right-of-way.
 - [3] Required planting strips and screening may be located within any required setback or yard.
 - [4] Required planting strips and screening shall not be required in yards where buffering and screening is provided as required in Chapter V relating to buffer and screening regulations.
 - (b) Internal landscaped islands. In parking areas or lots containing more than 10 new parking spaces, internal landscaped islands shall be provided in accordance with the following:
 - [1] One internal landscape island shall be provided for every 10 parking spaces (or 20 double-loaded spaces).
 - [2] Internal landscaped islands shall have a minimum width of nine feet.
 - [3] Internal landscape islands shall be placed at between double-loaded parking spaces and at each end of rows of parking, between parking spaces and adjacent drives and access aisles.

- [4] No more than 15 parking spaces shall be provided in an unbroken row without the provision of an internal landscape island designed to be parallel to the direction of the adjacent parking spaces, and which connects into the perpendicular internal landscaped island. Each internal landscape island shall have a minimum width of nine feet and minimum length of 18 feet.
- [5] Internal parking islands shall be landscaped with plantings including one shade tree, a minimum diameter of 2 1/2 inches measured at 4 1/2 feet above the finished grade, for each five parking spaces.
- [6] The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with turf grass, shrubs or perennials, either of which should not exceed two feet in height, or with another material acceptable to the Township Engineer.
- [7] Unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer, for promoting sustainable stormwater management practices, all landscape islands and planting strip areas shall be enclosed by appropriate curbing in accordance with Chapter 255, relating to streets and sidewalks, and Chapter 260, relating to subdivision and land development, or a similar device at least six inches wide and six inches in height above the paving surface (e.g., wheel stops/ bumpers, bollards, etc.), and shall be acceptable to the Township Engineer.
- (c) Additionally, parking lot landscaping trees, plantings, and screening shall be:

 - [1] Planted with adequate unpaved surface around each for water and air.
 - [2] Free of insect pests and diseases.
 - [3] Perpetually maintained in a healthy condition by the property owner. Any required planting that dies, is removed, or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.
 - [4] Parking lot screening shall be provided in accordance with Chapter V of this chapter relating to buffer and screening regulations.
- (d) Lighting standards.

 - [1] Parking lots and structures shall be lit during evening, nighttime, and early morning operating hours, as applicable.
 - [2] All lighting standards shall be located on interior landscaped islands and not on the parking lot surface.
 - [3] All on-site, outdoor lighting of off-street parking areas shall comply with Chapter V of this chapter, relating to performance standards for all uses.
- (e) Surfacing and maintenance standards.

 - [1] Parking facilities shall be so arranged as to provide for orderly and safe parking and short-term storage of motor vehicles.
 - [2] All parking spaces shall be marked with paint, provided with wheel stops/ bumpers, or other methods so as to indicate their location.

[3] Parking facilities shall be kept clean and free from rubbish and debris.

(8) Motorized vehicle parking facilities.

(a) Size standards.

[1] See Table 8-8 below for minimum required parking space, access aisle, and other design standards.

Table 8-8 Parking Standards

Angle	Minimum Required Parking Space Width (measured from inside edge of any parking space striping) (feet)	Minimum Required Parking Space Depth (feet)	Minimum Required Parking Access Aisle Width: One-Way Traffic (feet)	Minimum Required Parking Access Aisle Width: Two-Way Traffic (feet)
Parallel	8	22	12	20
0.1° to 34.99°	10	19	12	20
35° to 54.99°	10	21	15	20
55° to 89.99°	10	22	18	22
90°	9	18	20	22

[2] Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turnover rate.

[3] Tractor and trailer minimum required parking space sizes.

[a] Tractor-only parking shall be a minimum width of 12 feet and a minimum length of 31 feet.

[b] Tractor and trailer parking shall be a minimum width of 12 feet and a minimum length of 70 feet.

(b) General standards.

[1] On-street parking on at least one side of an access drive is permitted on access drives with speeds equal to or less than 30 mph.

[2] Where parking is permitted and provided along access drives, no parking shall be located within any required clear sight triangle set forth in Chapter 260, relating to subdivision and land development.

[3] Off-street parking areas shall be oriented to, and within a reasonable walking distance of, the uses they are designed for, and shall be designed to be consistent with adjacent uses, properties, and neighborhoods.

- [4]** Parked vehicles adjacent to sidewalks and pedestrian walkways shall not overhang or extend over the sidewalk or pedestrian walkways in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a five-foot minimum clearance width from any obstacles.
 - [5]** Not less than a two-foot radius of curvature shall be permitted for horizontal curves in parking areas.
 - [6]** All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls. This shall include designing the end spaces to prevent backing up into an access aisle, other than the one on which the end space directly accesses.
 - [7]** Painted solid lines of at least four inches in width on the pavement, arrows, dividers, and/or other methods acceptable to the Township shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
 - [8]** The typical cross-section of any parking facility shall be prepared to meet the minimum standards set forth in this Chapter VI of this chapter.
- (c) Parking garages and structures.**
- [1]** Inside lighting and reflective materials/flat paint shall be used inside the parking garage or structure and within all pedestrian areas to increase the feeling of safety. Glossy or semigloss paint shall not be permitted.
 - [2]** Indoor lighting design shall address reduction of shadows.
 - [3]** Directional and related warning signage shall be provided at exits of the parking garages and structures.
 - [4]** Open-structure wall areas for natural ventilation or mechanical ventilation shall be provided.
 - [5]** Interaction between vehicles and pedestrians shall be provided in a safe manner.
 - [6]** Traffic flow by vehicles entering the parking garage or structure shall be mitigated by either on-site or external deceleration lanes based on the traffic impact study if required by Chapter 260, relating to subdivision and land development.
 - [7]** Parking garage and structure entries shall be internalized in building groupings or oriented away from public streets (excluding alleys).
 - [8]** Access to below-grade parking shall be either from the side or rear of buildings/structures.
- (9)** ADA handicapped accessible parking facilities. The design and location of all required ADA handicapped accessible parking facilities shall be in accordance with the most recent versions of the ADA Standards for Accessible Design of the United States Department of Justice, and Chapter 113, relating to code enforcement, Uniform Construction Code, whichever is more restrictive. The applicant shall certify in writing or plan note that the application for development complies with all relevant ADA requirements.
- (10)** Bicycle parking facilities. The design and location of bicycle parking facilities shall be provided in accordance with the following regulations:
- (a)** Bicycle parking facilities and areas may be located within any required front or side yard area.
 - (b)** Each bicycle space shall be equipped with a device to which a bicycle frame and one

wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.

- (c) The location of bicycle parking spaces shall be in close proximity and convenient to the structure or use for which they are provided. They shall be visible from at least one entrance to the structure.
- (d) Bicycle parking spaces shall be at least two feet by six feet.

§ 300-50. Parking reductions or alterations.

- A. Except for residential uses, this section is a means for applicants for nonresidential uses and mixed uses to meet the parking requirements by alternative means other than providing parking via paved off-street parking spaces located on the same lot. The maximum reduction in the total number of required parking spaces shall not exceed 50%, except for in the VMU Zoning District, where there is no maximum reduction.
 - (1) Township parking facilities. Within the VMU Zoning District, for all nonresidential uses located within a six-hundred-foot radius of a public parking facility owned and/or operated by Fairview Township or its agent, may include the parking spaces provided in said public parking facility as a part of the parking requirements set forth in this Chapter VI of this chapter relating to parking requirements.
 - (2) On-street parking. Within the VMU Zoning District for all nonresidential uses where on-street parking is proposed, the following on-street parking standards shall apply:
 - (a) On-street parking may be provided within street rights-of-way parallel to the curblines, only when parking on that street right-of-way has been approved by PennDOT, for all state-owned streets, or the Board of Supervisors of the Township of Fairview for Township-owned streets.
 - (b) Such on-street parking may be counted toward the required parking for permitted uses as set forth in this Chapter VIII of this chapter relating to parking requirements.
 - (c) On-street parking areas may only be counted within the street rights-of-way abutting the lot lines of the lot owned by the applicant or landowner, exclusive of any driveway, access drive, or other curb cut, and exclusive of any existing cartway and perpendicular street, alley, or access drive.
 - (d) A bona fide on-street parking space, parallel to the curblines, shall measure at least eight feet in width and 22 feet in length, exclusive of any street cartway. Otherwise, if angled parking is permitted along the street by the Township or PennDOT, then dimensions and number of on-street parking spaces shall be acceptable to the Township Engineer and/or PennDOT and comply with this Chapter VIII of this chapter.
 - (e) All eligible on-street parking areas shall be graphically depicted and other indicated upon any permits and/or plans required by the Township. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any street, access drive, driveway, sidewalk, crosswalk, other accessway, or fire hydrant.
 - (3) Shared parking. Within the VMU, VB, CB, IB, and/or AB Zoning Districts, where shared parking is proposed, the following shared parking standards shall apply:
 - (a) If parking is proposed to be shared by two or more uses, both uses shall be located upon the same lot, or upon lots which are abutting. An agreement in a form acceptable to the Township and recorded in the York County Recorder of Deeds shall be

presented assuring use of the required parking spaces until or unless the required parking spaces are located on the same lot as the use they serve; see Subsection A(3)(d).

- (b) Users of shared parking facilities shall be required to show that some portion of the shared off-street parking area is within distance of an entrance, regularly used by patrons and/or occupants into the buildings served by the shared parking facilities in accordance with the following standards:

[1] Less than 250 feet for uses within the VB, CB, IB, and/or AB Zoning Districts; and

[2] Less than 500 feet for uses within the VMU Zoning District.

- (c) The minimum amount of shared parking required to be calculated according to the following:

[1] Calculate the required amount of parking required for each use as if it were a separate use.

[2] To determine the peak parking requirements, multiply the minimum parking required for each proposed use by the corresponding percentage in the Table 8-9 below for each of the six time periods:

Table 8-9
Shared Parking Calculations

Uses	Monday through Friday 8:00 a.m. – 6:00 p.m.	Monday through Friday 6:00 p.m. – 12:00 midnight	Monday through Friday 12:00 midnight – 8:00 a.m.	Saturday and Sunday 8:00 a.m. – 6:00 p.m.	Saturday and Sunday 6:00 p.m. – 12:00 midnight	Saturday and Sunday 12:00 midnight – 8:00 a.m.
Theater	40%	80%	10%	80%	100%	10%
Entertainment (including clubhouses and lodges)	40%	100%	10%	80%	100%	50%
Public/ institutional/ school (non-place of worship)	100%	40%	5%	10%	10%	5%
Places of worship	20%	40%	5%	100%	50%	5%

[3] Calculate the column total for each of the six time periods.

[4] The column total (time period) with the highest value shall be the minimum parking requirement.

(d) Written agreement to share parking.

[1] Shared parking between more than one use and/or more than one property may be permitted when the Zoning Officer has made a determination of the minimum number of required parking spaces for the applicable property(ies) and/or use(s), and the owner(s) and/or operator(s) of the property(ies) and/or use(s) and the Township have entered into a legal agreement in a recordable form approved to by the Township and recorded in the York County Recorder of Deeds setting forth the ownership, access, use, management, maintenance, and repair of the shared parking facilities. In the event the property(ies) and/ or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the use(s) or and/or the property(ies). No agreement shall be terminable by any party except upon cessation of the use(s).

(4) Overflow parking held in reserve. Within the VMU, VB, CB, IB, and/or AB Zoning Districts, for all nonresidential uses where overflow parking reservations are proposed, the following parking standards shall apply.

(a) Overflow parking held in reserve, which shall include areas of required parking facilities that may remain unpaved, but shall be leveled and stabilized in a grass condition, but that also may be constructed with other pervious surfaces acceptable to the Township, so as to provide for possible "overflow" parking for other, seasonal or event peak times, shall be permitted subject to the following:

[1] The applicant shall submit a plan showing all required parking spaces, parking access aisles, turnaround and maneuvering areas, access drives, buffer yards, landscaping lighting, stormwater management facilities designed in strict conformance with all requirements of this chapter as well as Chapter 260 relating to subdivision and land development, and:

[a] All those required parking facilities and related improvements that are to be constructed.

[b] All stormwater engineering shall be designed based on total parking requirements, including the overflow parking reservation areas.

[c] All overflow parking reservation spaces which shall be delineated on the plan and designated as "reserved for future use," required to meet the number of required parking spaces, but otherwise not to be constructed in full compliance with the requirements of this Chapter VI of this chapter.

[2] Overflow parking reservation spaces shall not exceed 50% of the required parking spaces.

[3] No designated overflow parking reservation area shall count toward any required open space, yard, or buffer yards.

[4] The Township may require installation of the remaining overflow parking related improvements, including all related stormwater management improvements, which have not been previously constructed, under the following conditions:

[a] When there is evidence of continued or regular use of the reserved overflow parking spaces.

[b] When a reevaluation of the parking capacity by the Township shows that future parking needs will not be met. The parking capacity shall be reevaluated whenever there is a change in use, ownership, number of employees, number of residents, building size, and/or land area.

- [5] The applicant shall enter into an agreement with the Township agreeing to design and construct all parking-related improvements, including all related stormwater management improvements, which have not been previously constructed within six months of notification from the Township. Such agreement shall be in a form acceptable to the Township and recorded in the York County Recorder of Deeds.
- (5) Compact vehicle parking. Where compact vehicle parking is proposed, the following compact vehicle parking standards shall apply. Where more than 10 parking spaces are required and provided in an off-street lot or structure, a maximum of 40% of the required parking spaces may be provided for compact vehicles. Each such compact parking space shall be not less than eight feet wide by 17 feet long. All compact parking spaces shall be located in the same area of the off-street parking lot and be marked to indicate spaces designated for compact parking.
- (6) Bicycle parking facilities. Within the RMU, VMU, and/or VB Zoning Districts for all nonresidential uses, where bicycle parking facilities are proposed, the following bicycle parking standards shall apply:
- (a) Such bicycle parking may be counted toward the required parking for permitted uses as set forth in this Chapter VI of this chapter relating to parking reductions or alterations in accordance with the following standard. For every four bona fide bicycle parking spaces provided, the number of total number of required parking spaces for motor vehicles may be reduced by one, but not to exceed three required parking spaces for motor vehicles.

§ 300-51. Off-street parking interconnections for parking lots with nonresidential uses, mixed uses, and residential uses on common lot(s).

- A. In accordance with Chapter 260 relating to subdivision and land development where a nonresidential use's, and/or mixed use's parking lot abuts another similar a nonresidential use's, and/or mixed use's off-street parking lot, said parking facilities shall be interconnected to one another via internal vehicular connections, access drives, or a rear alley. This section shall also apply to parking lots for residential developments involving dwelling units on common lot(s), abutting parking lots or other residential developments involving dwelling units on common lot(s).
- B. In accordance with Chapter 260 relating to subdivision and land development, each nonresidential use and/or mixed use shall provide cross-access easements for its parking areas and access drives guaranteeing access to an abutting nonresidential use's and/or mixed use's off-street parking lot area and/or access drive. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow. This section shall also apply to parking lots for residential developments involving dwelling units on common lot(s) abutting parking lots for other residential developments involving dwelling units on common lot(s).
- C. Where vehicle interconnections and cross-access easements are proposed, the owner(s) and/ or operator(s) of the property(ies) and/or use(s) and the Township have entered into a legal agreement in a recordable form approved to by the Township and recorded in the York County Recorder of Deeds setting forth the ownership, access, use, management, maintenance, and repair of the interconnected parking and access facilities. In the event the property(ies) and/or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the use(s) and/or the property(ies). No agreement shall be terminable by any party except upon cessation of the use(s).

§ 300-52. Parking of buses, commercial trucks, truck tractors, and truck trailers.

- A. The parking of buses and commercial trucks, truck tractors, and truck trailers shall be permitted on residential lots and within the RL, RS, RMU, VR, and/or VMU Zoning Districts in accordance with the following:

- (1) Such vehicle is used by residents of the dwelling pursuant to their occupation and/or to travel to and from work.
 - (2) The maximum number of vehicles per lot shall be one vehicle; and
 - (3) The maximum aggregate gross vehicle weight of the vehicle shall be 14,000 pounds.
- B.** The parking of buses and commercial trucks, truck tractors, and truck trailers shall be permitted on:
- (1) Any lot with at least 80,000 square feet within the RL Zoning District.
 - (2) Nonresidential lots in the CB, IB, and/or AB Zoning Districts; and
 - (3) All lots with agricultural uses where the parking of said vehicles is incidental to the agricultural operation(s).

§ 300-53. Prohibited uses of off-street parking facilities.

Off-street parking facilities are for the sole purposes of accommodating the passenger vehicles of persons associated with the use that requires them. Parking facilities shall not be used for the following:

- A.** The sale, display, or storage of automobiles or other merchandise, other than an approved temporary use.
- B.** Parking/storage of vehicles accessory to the use, except during hours when operations are suspended.
- C.** Performing services (including services to vehicles).
- D.** Loading purposes, except during hours when operations are suspended.
- E.** Temporary storage units and trash/waste disposal (e.g., pallets, cardboard).
- F.** Overnight truck tractor, truck trailer and recreational vehicle parking/storage. Additionally, parking areas shall include appropriate signs throughout the required parking areas, indicating the prohibition of overnight truck tractor, truck trailer, and recreational vehicle parking/storage.

§ 300-54. Loading standards.

Loading and unloading spaces are subject to the following criteria:

- A.** Except as otherwise provided in this chapter, an off-street loading space shall be an area of land, open or enclosed, other than a street, used primarily for the standing, loading or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading along an alley.
- B.** The off-street loading space shall be not less than:
 - (1) Twelve feet wide, 35 feet in length, and when covered, no less than 13 feet in height; and
 - (2) Fourteen feet wide and 70 feet long when covered, no less than 15 feet in height, for warehouse buildings or buildings accommodating tractor trailers.
- C.** All dead-end loading spaces shall be designed to provide sufficient backup and turnaround area for all vehicles intended to use them.
- D.** Off-street loading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, designated fire lane, or adjacent property.

- E. Off-street loading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation during hours of operation.
- F. The following off-street loading space requirements for specific uses shall be provided as listed in Table 8-10 below:

Table 8-10
Off-Street Loading Requirements

Type of Use	Gross Floor Area (square feet)	Number of Spaces
Commercial (retail/service) Wholesale Industrial/manufacturing Hospitals Laundry Institutional/civic and similar uses	< 5,000	0
Commercial (retail/service) Wholesale Industrial/manufacturing Hospitals Laundry Institutional/civic and similar uses	5,000 to 50,000	1
Commercial (retail/service) Wholesale Industrial/manufacturing Hospitals Laundry Institutional/civic and similar uses	> 50,000 to 100,000	2
Commercial (retail/service) Wholesale Industrial/manufacturing Hospitals Laundry Institutional/civic and similar uses	> 100,000 to 250,000	3
Commercial (retail/service) Wholesale Industrial/manufacturing Hospitals Laundry Institutional/civic and similar uses	Each additional 200,000	1
Office buildings and hotels	< 5,000	0
Office buildings and hotels	5,000 to 100,000	1
Office buildings and hotels	> 100,000 to 300,000	2
Office buildings and hotels	> 300,000	3

- G. For lots within the VMU Zoning District, off-street loading facilities are not required.
- H. When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one off-street loading space.

- I. Where there are multiple uses within a development or on the same lot, shared loading spaces shall be used among as many uses as practical. Loading spaces shall be adjacent to the use or building served, except that in a group of buildings in the same use on the same lot, one building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.
- J. In all zoning districts except for the IB Zoning District, off-street loading facilities shall not be permitted within any front yard between the principal building and the public street (excluding alleys).
- K. Off-street loading facilities shall be located on the side(s) of the building not facing an abutting RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- L. No off-street loading spaces shall be permitted within any required building setback, yard, or buffer yard area.
- M. Off-street loading facilities shall comply with all buffering and screening requirements set forth in Chapter V of this chapter relating to buffer and screening regulations.
- N. Loading area and lots buffering, landscaping and trees.
 - (1) A planting strip at least 10 feet wide shall be provided between the edge of the street right-of-way, access drive, lot line, and any off-street loading area which abuts said street, access drive, or lot line. Planting strips between said right-of-way, access drive, lot line, and said loading area shall be landscaped and maintained with ground cover, shrubbery, trees or other landscaping, fences or walls, or decorative materials across the entire portion of the lot where the loading area is provided, in accordance with Chapter V of this chapter, relating to landscaping and vegetation preservation, to prohibit vehicular and pedestrian access. The planting strip may be interrupted at approved ingress and egress points, and when the parking area is permitted as part of an approved joint use and/or interconnected loading facility.
 - (2) The required planting strip for the loading areas abutting public street rights-of-way shall be provided with a continuous street-fronting screening of no less than eighty-percent opacity and no less than 3 1/2 feet in height along the public street right-of-way.
 - (3) Required planting strips and screening may be located within any required setback or yard.
 - (4) Required planting strips and screening shall not be required in yards where buffering and screening is provided as required in Chapter V, relating to buffer and screening regulations.

§ 300-55. Stacking standards.

Stacking spaces and lanes are subject to the following criteria:

- A. Stacking facilities associated with any use having a drive-through and/or drive-up facilities or other uses provided in Table 8-11 below, shall be provided to prevent vehicle backups on adjoining streets.
- B. Stacking lanes shall begin at the window or communication/mechanical device (e.g., menu board) first encountered by the vehicle user.
- C. Stacking lanes shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (i.e., open vs. closed).
- D. Stacking spaces and lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.

- E. Stacking lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
- F. The minimum required dimensions of one stacking space shall be not less than 12 feet wide and 20 feet in length.
- G. The following stacking space requirements for specific uses shall be provided as listed in Table 8-11 below.

Table 8-11
Stacking Lane Requirements

Use	Required Stacking Space
Bank and other financial institution with drive-through/drive-up window and/or ATM	4 vehicles per lane or kiosk
Restaurant or food service (fast food)	4 vehicle lengths behind menu board; and 4 vehicle lengths behind first window
Photo processing/pharmacy	2 vehicles per window or kiosk
Laundry and dry cleaning	2 vehicles per window or kiosk
Motor vehicle service station/fueling/gas pump	2 vehicles per fuel/gas pump
Gated parking lot entrance	1 vehicle per gate
Gated unit or overhead door	1 vehicle per door
Hospital	4 emergency vehicles
Motor vehicle washing	2 vehicle lengths per bay; and 2 vehicle lengths for drying

Chapter IX. Exterior Signs and Outdoor Display Structures

Section 300-64 Signs permitted in all zoning districts without permits

The following listed signs are permitted in all zoning districts, shall not require a permit, and shall not be counted when calculating the number of signs on a premises or the area of signs on a premises, but shall otherwise conform with the general regulations for signs in this chapter, including the specific prohibitions contained in this Article IX of this chapter relating to signs prohibited in all zoning districts.

A. Single-family residential name and address sign. One single-family residential name and address sign, not to include any commercial advertising and not to exceed six inches by 18 inches. Such sign may be illuminated. Additionally, properties used for residential purposes in the RL, RS, and VR Districts are permitted one additional sign for each lot frontage no larger than 10 square feet in size. This regulation applies unless other regulations are more stringent in terms of sign area.

B. No-trespassing signs. No-trespassing signs or other such signs regulating the use of property such as no hunting no fishing, of no more than two square feet in sign area in RL, RS, and/or VR Zoning Districts, and of no more than five square feet in sign area in all other zoning districts. Such signs shall not be illuminated.

C. Construction or repair signs. One combined sign shall be permitted for all contractors, professional firms, mechanics or craftsmen and lending institutions on premises under construction or repair not to exceed six square feet in sign area in the RL, RS, and/or VR Zoning Districts and not to exceed 32 square feet in all other zoning districts. Such sign shall be confined to the site of construction or repair and shall be removed within seven days of completion of construction or repair. Such sign shall not be illuminated.

D. Real estate signs.

(1) Real estate signs which advertise the sale or lease of the premises on which the sign is located, limited to one such sign for each frontage of the premises. In the RL, RS, and/or VR Zoning Districts, such sign shall not exceed five square feet of sign area if single-faced, nor more than 10 square feet of sign area if double-faced. In all other zoning districts, such sign shall not exceed 25 square feet in sign area if single-faced, nor more than 50 square feet in sign area if double-faced. The top of such signs shall not be over three feet above immediately surrounding grade. Such signs shall be removed within seven days after settlement of the transaction. Such signs shall not be illuminated.

(2) Real estate directional signs not exceeding five square feet in such area of single-faced or not more than 10 square feet in area if double-faced, not exceeding four in number, displaying no more than the name of realtor, a directional arrow and "open house," on approach routes to the premises to be sold or leased. The top of such signs shall not be over three feet above immediately surrounding grade. Such signs shall be removed immediately after an open house is concluded. No more than one such sign shall be placed for each 500 feet of the street frontage. If the signs are placed on private property, written permission of the property owner shall be required. Such signs shall not be illuminated.

(3) Signs indicating the location of and directions to premises available for or in the process of development, having thereon the name of the owner, developer, builder or agent if such signs do not exceed 10 square feet in sign area if single-faced, nor more than 20 square feet in sign area if double-faced. No more than one such sign shall be placed for each 500 feet of street frontage. The top of such signs shall not be over three feet above immediately surrounding grade. Such signs shall not be illuminated.

(4) Signs advertising the development of a subdivision when placed upon the premises in the process of development by a builder, contractor, developer or other person interested in such

subdivision not exceeding 80 square feet in sign area if single-faced, nor more than 160 square feet in sign area if double-faced and no more than two such signs are placed upon any subdivision held in single and separate ownership unless such subdivision fronts upon more than one street, in which event, two such signs may be newer on each frontage. Such signs shall be removed within seven days after the last lot, tract or parcel of land in the subdivision is sold or leased.

(5) Signs bearing the word "sold" or word "rented" with the name of the person affecting the sale or rental may be added to a real estate sign. Such signs shall be removed within 14 days after settlement of the transaction. Such signs shall not be illuminated.

E. Window signs. Signs shall be permitted on inside of windows. The area of window signs shall be counted as part of the total permitted sign area for a property.

F. Integral. Signs indicating name of building, date of erection, monumental citation, commemorative tablets and the like when carved into stone, concrete or similar materials or made of bronze, steel or other permanent-type construction or material and made an integral part of the structure.

G. Public, charitable or place of worship civic/institutional signs.

(1) Signs of schools, colleges, universities, places of worship, hospitals, public sanitariums, charitable religious, and civic/institutions when located on the premises thereof, with a sign area of no more than 40 square feet if single-faced, nor more than 80 square feet if double-faced, used exclusively for noncommercial purposes, and the top of which is not more than eight feet above ground. No more than one such sign shall be placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be placed on each frontage.

(2) Directional signs for the aforesaid institutions, not exceeding three square feet of sign area if single-faced, nor more than six square feet of sign area if double-faced. The top of such signs shall not be more than eight feet above immediately surrounding grade. Not more than one such sign shall be erected on each 500 feet of frontage, and no more than four such signs shall be permitted. Such signs shall not be illuminated.

H. Permanent residential development signs. Permanent residential development signs at major entrances designed to identify a residential subdivision, containing no commercial advertising, and with a sign area not to exceed 80 square feet.

I. Auction, garage or yard sales, special events of charitable or public service groups. Signs for auctions, garage or yard sales and special events or functions of public service, charitable, religious, educational and civic organizations, when placed on the premises thereof, with a sign area not to exceed four square feet if single-faced, nor more than eight square feet if double-faced. Such signs shall be permitted no more than seven days prior to the event or function, and such signs shall be removed immediately as soon as the event or function advertised thereon has taken place. Such signs shall not be illuminated.

J. Signs erected by a governmental body. Signs erected by a governmental body, or under direction of such body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs or signs identifying public parks, playgrounds or facilities.

K. Private traffic directions. Signs regulating traffic movement into a property or within a property, not exceeding eight square feet in sign area for each sign. Standard traffic signs, railroad crossing signs, safety signs or signs identifying public parks, playgrounds or facilities.

L. Flag, pennants or insignia. The flag, pennant or insignia of any government, or any religious, charitable, educational or fraternal organization.

M. Bulletin boards. Bulletin boards for public, charitable, religious, educational, service or civic organizations when placed on the premises thereof with a sign area not to exceed 20 square feet if single-

faced, nor more than 40 square feet if double-faced, and if used exclusively for noncommercial announcements.

N. Political signs. Signs announcing candidates for seeking public office and other data pertinent thereto shall be permitted with an individual sign area not to exceed nine square feet in the RL, RS, and/or VR Zoning District a total area of 24 square feet in all other zoning districts. Such signs shall not be illuminated.

O. Professional signs. On-premises signs containing name and profession of a doctor, dentist, osteopath, chiropractor, lawyer, accountant, architect, engineer, planner, landscape architect, or minister not to exceed four square feet, not over three feet above surrounding grade and containing no commercial advertising. Such signs may be illuminated.

P. Outdoor display of merchandise. An outdoor display of merchandise containing thereon the name of the merchandise or product and related matters.

Q. New or relocated business. One temporary sign which is used for directing persons to a new or relocated commercial or industrial business or facilities. Such sign shall not exceed five square feet in sign area if single-faced nor more than 10 square feet if double-faced. Such sign shall be removed not later than 30 days after such opening or relocation. Such sign shall not be illuminated.

R. Home occupations and day care, family. One sign will be allowed, not to exceed two square feet.

S. Rural occupations. One sign will be allowed, not to exceed four square feet.

Section 300-65 Signs prohibited in all zoning districts.

The following signs shall not be permitted, erected, constructed or maintained in any zoning district, notwithstanding anything contained in this chapter elsewhere to the contrary.

A. Except as provided Article IX of this chapter relating to specific sign uses, signs which have any visible revolving parts or visible mechanical movement of any description, or by actions of normal wind currents. A hanging sign which simply swings in the wind, and a clock, time or temperature sign, digital sign, or a barber pole, shall not be considered as a prohibited sign if it complies with the other provisions of this chapter.

[Amended 1-25-2016 by Ord. No. 2016-1]

B. Signs containing light sources which cast light on signs not shielded by opaque material making the bulbs, floodlights or tubes visible off the property on which signs are located.

C. Signs advertising activities that are illegal under federal, state or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.

D. Signs which by reason of size, location, movement, content, coloring or manner of illumination, obstruct the vision of drivers either when leaving or entering a public street from another street, access drive, or driveway, obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.

E. Signs which ~~may make use of words such as "stop," "look," "one way," "danger," "yield," "go slow," "caution," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with,~~ mislead or confuse traffic, or which imitate an official traffic sign or signal except as provided in § **300-64J** above.

F. Signs which advertise an activity, business, product or service no longer produced or conducted. ~~In such case, such sign shall be removed within 30 days after the same is no longer produced or conducted.~~

G. Signs painted on, pasted or attached to, or supported by utility poles or fences, or trees, stones, cliffs or other natural objects, except that signs permitted in § **300-64I** above may be affixed to poles, fences or natural objects by means not permanent or causing damage to the object.

H. Signs which are placed or located within the public right-of-way, except as provided in § **300-64K** above.

I. Permanent use of signs which consist of pennants, spinners, banners, streamers, or searchlights. These signs may be permitted as a one-time temporary use for no more than 30 days and one 30-day extension.

J. String lights other than temporary holiday decorations or special events or functions of public service, charitable, religious, educational and civic organizations, which are unshielded from outside the property on which they are located.

K. Signs which obstruct free ingress to, or egress from a fire escape door or window. ~~or other exitway.~~

L. Signs which are structurally unsafe or in a state of disrepair.

M. Signs which are located so as to encroach upon any required clear sight triangle at street intersections and at points where access drives and driveways intersect public streets, as set forth in Chapter **260**, relating to subdivision and land development.

N. Signs which are attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

(1) The primary purpose of such a vehicle or trailer is not the display of signs.

(2) The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

(3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for the use in the daily function of the business to which such signs relate.

O. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

Section 300-66 Nonconforming signs

A. Any Sign lawfully existing at the effective date of this Article that does not conform to the requirements of this Article shall be considered nonconforming, and the nonconforming use, location, area, height and/or size may be continued until such time as replacement or rebuilding becomes necessary. Replacement of copy or panels upon which copy is displayed does not constitute replacement or rebuilding of the sign, provided that the structure supporting the copy or copy panels is not rebuilt or replaced, and the new copy or copy panels are not larger in any dimension than those being replaced. The following limitations apply:

1. Any Nonconforming Sign removed for a period of 6 months or more shall be replaced with a conforming Sign.
2. Any Nonconforming Sign not properly repaired or maintained for a period of 12 months or more shall be replaced with a conforming Sign.

B. When a nonconforming sign is replaced or rebuilt, the following limitations shall apply:

1. A nonconforming sign damaged by fire, explosion, windstorm or other sudden natural or criminal act may be reconstructed or restored, provided that the reconstruction or restoration does not conflict with any regulation of the Commonwealth of Pennsylvania and the degree of nonconformity of the original sign is not increased.

2. When the land upon which a nonconforming sign is located is taken for public purposes through eminent domain proceedings, the nonconforming sign may be relocated or replaced elsewhere on the residual property, provided that the degree of nonconformity of the original is not increased.
3. All other nonconforming signs may only be replaced with or rebuilt as conforming signs, in accordance with all applicable provisions of this Article.

Section 300-67 Sign permits.

- A. General provisions.
 1. All signs except for those enumerated in this Article **IX**, relating to signs permitted in all zoning districts without permits, shall require a zoning permit as set forth in Article **XII** of this chapter.
 2. Application for a zoning permit for sign shall be made on a form provided by the Zoning Officer. Zoning permits for signs shall be kept on the premises, except for off-premises signs, which zoning permit shall be shown to the Zoning Officer at his request.
 3. Permits for signs are valid until revoked, or until the sign is replaced, structurally altered or moved, in which case a new permit shall be required.
- B. Permits to erect new signs or to alter or move existing signs. No sign shall hereafter be erected, enlarged, structurally altered or moved until a zoning permit has been obtained therefor from the Zoning Officer in accordance with Article **XII** of this chapter.

Section 300-68 Determination of Sign Area and Height

- A. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the sign area is the smallest rectangle or smallest combination of rectangles that encompasses all the letters, designs, and symbols.
- B. Multifaceted Signs. In computing the square foot area of a double-faced sign, all sides of the signs are considered in calculating the sign area.
- C. The permitted maximum Sign Area for all Signs is determined by the Sign type and its location as specified in this Chapter.
- D. Height.
 1. The height of any building sign is limited to the actual height of the building. The height limit for a freestanding sign shall be established in the specific regulations for the district in which it is located, but in no case may it be greater than the maximum permitted building height of the respective district.
 2. The height limit of any freestanding sign shall be measured relative to the surface elevation of the road from which the freestanding sign is intended to be viewed. If the center-line elevation of the road cartway has a higher elevation than the ground elevation at the proposed sign location, when measured along a line connecting these two points and running perpendicular to the intersecting lot line, the sign height limit may be increased by the resulting difference in elevation. If this same measurement methodology indicates that the ground at the proposed sign location has a higher elevation than the center-line elevation of the roadway from which the sign is intended to be viewed, then the sign height limit prescribed by the appropriate section within this Article may not be adjusted, and any lot elevation increase achieved by mounding the proposed sign location shall be subtracted

from the maximum allowable height. When a proposed sign is readable from multiple roads, the greatest sign height resulting from application of this section shall be permitted.

Section 300-69 General provisions for all signs.

- a. Limit on sign area for signs advertising products sold on premises. Except as provided in this Article IX of this chapter, the total sign area per property shall not exceed four square feet per lineal front foot of the principal building on the premises. If the principal building has multiple frontage, an additional sign area of two square feet for each additional lineal foot of main building frontage shall be allowed. Where there is multiple frontage, only the amount of added sign area allowed by each additional frontage shall be allowed to face that frontage. The total area of all signs erected, maintained or located on the premises and buildings shall be within the allowable square footage, and shall not exceed 600 square feet ~~per sign~~.
- b. The sign area for awning signs shall be measured starting with the beginning character of the sign and ending at the last character of the sign.
- c. Height of signs. Signs shall not exceed 35 feet in height above the average ground-level base of the sign, and said base may not be raised by use of fill if the purpose of filling is to get a sign of greater height.
- d. Location of signs. No point of any sign, including trim, border and supports, shall be located within 10 feet of any ~~property line or public right-of-way line~~, and 10 feet from side property lines, in the VB, CB, IB, and AB zoning districts, and 20 feet from the public right-of-way line in the RL, RS, RMU, VR, and VMU zoning districts.
- e. Roof signs. A roof sign may project 10 feet above the roof of a building, but said sign shall not be more than 35 feet above immediately surrounding grade.
- f. Projecting signs. In addition to the general provisions of this chapter, the following regulations shall apply to all projecting signs:
 - (1) No projecting sign or supporting structure shall project more than 36 inches from the wall of a building, nor shall any portion of any projecting sign or supporting structure extend above the roof line.
 - (2) No portion of any projecting sign or supporting structure shall be less than 10 feet above grade level.
 - (3) No single face of a projecting sign shall exceed 16 square feet in sign area.
 - (4) No projecting sign or supporting structure shall be more than 26 feet to the top of the sign above grade level.
 - (5) There shall be no more than one projecting sign for any premises unless the premises is located on a corner lot or has public entrances on two or more public streets, in which case, one projecting sign may be erected for and toward each public street.
- g. Condition of signs. Every sign shall be kept in a state of good repair to insure that it is safe, not a fire hazard and of good appearance. The Zoning Officer may require such maintenance, and in the event of failure of sign owner to correct unsafe conditions or dilapidated appearance within a specified time, the Zoning Officer may remove the sign at the owner's expense. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name and address. Signs with no such imprint shall be presumed to be owned by that person whose product or service is being advertised.
- h. Electrical. Construction and wiring of all electric signs requiring transformers or ballast shall comply with the requirements of the National Electric Code, as part of Chapter 113, relating to code enforcement, Uniform Construction Code. No sign shall be so illuminated as to constitute a nuisance by spilling light into any adjacent property.

- i. Removal by owner. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. ~~If the owner or lessee fails to remove the sign within 30 days after the same is no longer conducted, it shall be considered a violation of this chapter.~~ These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this chapter or change copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this chapter.
- j. Alterations; replacing; enlarging. No sign shall be replaced, structurally altered, enlarged or relocated except in conformity with the provisions of this chapter for new signs, nor until a required permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, the repainting or re-posting of display matter or making of ordinary and necessary repairs shall not be deemed an alteration; provided, that conditions of the original approval and requirements of this chapter are not violated.
- k. All signs shall be located so as not to encroach upon the required clear sight triangle as defined in this Ordinance at all street intersections and at all points where access drives and driveways intersect public streets, in accordance with Chapter **260**, relating to subdivision and land development.

300-70 Specific sign uses.

A. Outdoor advertising structures, billboards and poster panels. In addition to the general provisions of this chapter, the following regulations shall apply to all outdoor advertising structures, billboards, and poster panels:

- (1) Outdoor advertising structures, billboards and poster panels, sometimes referred to also as "billboards," which advertise products or businesses or activities not connected with the site or building on which they are located, shall be permitted only on property in the CB, IB, and/or AB Zoning Districts. Signs painted on agricultural buildings advertising an agricultural use shall not be considered an off-premise sign.
- (2) Such signs shall be subject to the following regulations:
 - (a) No such sign shall be more than 40 feet in height as measured from the grade of the nearest highway adjacent to the sign location, but in no event shall such sign be more than 50 feet in height to the top of the sign from ground level. The Zoning Hearing Board of the Township of Fairview may grant a special exception for an additional 10 feet of height if it can be shown that excessive grades, building interference, bridge obstruction or similar visual obstruction exists.
 - (b) Such signs may be single-faced, double-faced, back-to-back or "V" type, but no such sign shall contain more than four signs or panels and shall not exceed in aggregate a total area of ~~825-672~~ square feet per facing.
 - (c) Along the interstate system and limited-access highways on the primary system, no two such sign structures shall be spaced less than 500 feet apart and no such structure may be erected adjacent to or within 500 feet of an interchange or safety rest area, measured along the interstate or limited-access highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
 - (d) Along non-limited-access highways on the primary system, no two such structures shall be spaced less than 1,000 feet apart.
 - (e) Directional and official signs and notices, which signs and notices including, but not limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, as defined and regulated in Title 23, United States Code, § 131(c), shall not be counted nor shall measurements be made from them for purposes of determining spacing requirements.
 - (f) The distance between sign structures shall be measured along the nearest edge of the pavement, between points directly opposite the signs along the same side of the traveled way.

(g) All such signs shall conform to the setback requirements of § 300-69C of this chapter.
(h) The definition of "interstate system" and "primary system," as defined in the Outdoor Advertising Control Act of 1971, as amended,^[1] are incorporated by reference.

(i) Such signs may be illuminated.

(j) In addition to the requirements of Subsection A(2)(a) above, all digital and electronic billboard signs shall also comply the following requirements:

[1] The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall have a maximum nits level of 7,000 nits; provided the brightness of the digital and/or electronic sign shall not exceed 0.3 footcandle of light above the normal ambient light levels. Such sign shall be equipped with automatic dimming technology which automatically adjusts the brightness of the sign based on ambient light conditions. Such sign shall be dimmed to 500 nits between sunset and sunrise.

[a] The sign luminance specification shall be determined by a footcandle-metering device held at a height of five feet and aimed towards the sign, from a distance of 175 feet.

[b] The metering device should be at a location perpendicular to the sign center (as seen in plain view), as this angle has the highest luminance.

[c] This check shall include the measurement of an all-white image displayed by the sign to evaluate the worst-case condition.

[d] If the difference in illuminance between the sign "on" and the sign "off" conditions is 0.3 footcandle or less, then the sign luminance is in compliance.

[2] Applicant shall permit message access for local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed in this Subsection A(2)(j).

[3] Audio speakers and/or any form of pyrotechnics are prohibited.

[4] Signs may have changeable messages, but:

[a] Each message shall be displayed for a minimum of eight seconds and a change of message shall be accomplished within one second.

[b] A change of message shall occur simultaneously on the entire sign face.

[5] Message default mechanism. All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.

[6] When applicable, such billboards shall be located, constructed and maintained in accordance with all applicable PennDOT regulations, in addition to all other regulations of the Township. Where there is a conflict between regulations, the more restrictive regulation shall apply.

[7] No digital or electronic sign shall directly face the RS and/or VR Zoning Districts and/or existing residential uses in the RL, RMU and/or VMU Zoning Districts.

B. Directional signs. In addition to the general provisions of this Article IX, the following regulations shall apply to all directional signs:

(1) Directional signs shall only be permitted:

(a) For nonresidential uses located within the R-L Zoning District; and

(b) To be located within the R-L Zoning District.

(2) Directional signs may be erected along streets to direct vehicles or pedestrians to premises not located on such streets, but the access to which is from such streets.

(3) Directional signs shall be ground signs with a maximum area of six square feet on a single-faced, or 12 square feet on a double-faced sign.

(4) The content of directional signs shall be limited to the name of the establishment and directions and distance information.

(5) Directional signs shall:

- (a) Be limited to a maximum of two total per business;
- (b) Be limited to a maximum of one sign per property; and
- (c) Not be placed closer than 350 feet from other directional signs.

(6) When more than two directional signs are requested at single location, all information shall be combined in one sign which shall not exceed an area of 12 square feet for a single-faced sign, or 24 square feet for a double-faced sign.

(7) Directional signs shall be located on private property with permission from property owners.

C. Shopping center and business park. In addition to the general provisions of this Article **IX** of this chapter, the following regulations shall apply to shopping centers and business parks:

(1) One multiple-use ground sign stating the name of the shopping center or business park, name of tenants and the name of entertainment and rating thereof if any, and advertising matter, shall be permitted. The area of the sign shall be determined independently from the sign area allowed under this Article **IX** of this chapter relating to general provisions for all signs, for building frontage, and shall be one square foot for each lineal foot of building frontage or not more than 500 square feet overall, whichever is smaller. The sign may be double-faced. If the shopping center or business park has a frontage on more than one street, one such sign shall be allowed for each frontage. The height of such sign shall not exceed 50 feet from grade at the base of the sign.

(2) Such signs may be illuminated.

(3) All other signs identifying each individual business shall be in accordance with the provisions of this Article **IX**, except that each individual business shall be permitted not less than one identification sign which shall not exceed 80 square feet in sign area, shall not exceed four feet in height and shall not exceed 20 feet in width. No ground sign shall be permitted for any business.

(a) Shopping center. No monument signs shall be permitted for any business within a shopping center.

(b) Business park. Individual uses within a business park may erect one monument sign per lot within a business park. This monument sign may be located at the entrance of the parking lot of the business, subject to the applicable setbacks under this Article **IX** of this chapter. The monument sign may not exceed 80 square feet in sign area, shall not exceed 10 feet in height, and shall not exceed 20 feet in width. The monument sign may be illuminated. A permit for the monument sign shall be obtained from the Zoning Officer, subject to Article **XII** of this chapter.

300-71 Temporary Sign Regulations

A. General regulations for temporary signs.

1. Placement, public rights-of-way. The only temporary signs permitted in a public right-of-way are those classified as traffic control devices or emergency signs. They may only be installed by, or at the direction of, the authority having jurisdiction over the right-of-way.
2. Placement, private property. All other temporary signs must be located on private property. In the case of off-premises temporary signs, written permission of the private property owner must be obtained, and the signs must bear the name, address and telephone number of the person responsible for placement of the sign.
 - a. Temporary signs may be freestanding or attached to permanent buildings or structures.
 - b. All temporary signs located at least five feet from any adjacent property line.
3. Permits. A zoning permit shall be obtained prior to displaying any temporary sign except opinion, election campaign, real estate, and on-premises residential sale signs.
4. Duration. A Temporary Sign may not be posted for more than 90 days. The Sign and Sign Structure must be kept in good repair throughout the duration the Temporary Sign is posted.
5. Number permitted.
 - a. One Temporary Sign is permitted per lot with one street frontage.
 - b. Two Temporary Signs are permitted per lot with two or more street frontages, provided each sign faces a separate street.
6. Maximum Sign Area:
 - a. Six feet in the Agricultural Conservation, Resource Conservation, Village, Mixed-Use and Residential Zoning Districts.
 - b. Thirty-two feet in the Highway Commercial and Industrial Zoning Districts.
7. Illumination. The only temporary signs that may be illuminated are on-premises commercial signs and community event signs that are located on properties used for nonresidential purposes.
8. Height limits. Attached temporary signs may not exceed the height of the building upon which they are fastened and may not be installed as projecting signs. Freestanding temporary signs are limited to 3.5 feet in height when installed within ten feet of the dedicated right-of-way line. When installed greater than or equal to ten feet from the dedicated right-of-way line, they may be up to six feet in height if located on a property used for residential purposes, and up to ten feet in height located on a property for nonresidential uses.
9. Off-premises outdoor advertising. The temporary sign regulations are not intended to preclude or limit the legitimate use of off-premises outdoor advertising signs, commonly referred to as Billboards. Temporary signs displayed on a public transportation shelter located in a public right-of-way shall be regulated in a manner prescribed by the authority having jurisdiction over the right-of-way.

B. Specific regulations for temporary signs.

1. Residential sales. This type of temporary sign is intended for use with garage sales, yard sales, auctions and similar events. These temporary signs may be displayed not more than ten days before the event and must be removed not more than one day after the event.

2. Commercial signs. This type of temporary sign provides an opportunity for businesses to replace or supplement permanent signs on a short-term basis. They also provide an opportunity for businesses to display public information regarding special events, new products and services, changes in ownership or management, employment opportunities and similar messages. Temporary commercial signs shall be on-premises signs and must be placed and maintained in accordance with the general regulations of temporary signs. Home occupations are excluded from using this type of sign.

Chapter X. Specific Criteria and Supplemental Regulations for Specific Uses

§ 300-72 Additional supplemental standards and requirements for specific principal residential uses.

- A. Accessory Dwelling Unit. Accessory Dwelling Units are permitted, subject to the following criteria:

(1) No more than two (2) Accessory Dwelling Units are permitted to be placed on a property accessory to the principal residential dwelling unit.

(2) Accessory Dwelling Units (ADUs) are permitted by Special Exception in the RL Rural Living District subject to the following express minimum standards and criteria:

(a) The accessory dwelling shall not be greater than 30% of the principal dwelling unit's total floor area.

(b) The minimum lot size for a principal dwelling and an accessory dwelling shall be four (4) acres.

(c) The accessory dwelling shall not be placed in the front yard.

(d) Side yard setbacks for accessory dwellings shall be 50 feet.

(e) Rear yard setbacks for accessory dwellings shall be 75 feet.

(f) Sewage disposal for the accessory dwelling must be approved by the Department of Environmental Protection (DEP).

(g) Parking for the accessory dwelling shall be provided in accordance with Chapter VI of the Zoning Ordinance.

(h) Access to the accessory dwelling will be provided off of the existing driveway for the primary dwelling. A separate driveway access to the road is not permitted.

- B. Apartment conversions. Apartment conversions are permitted, subject to the following criteria:

(1) The building shall be a single-family detached dwelling that existed on the effective date of this chapter, and contained (at that time) at least 2,000 square feet of habitable floor area. Additionally, the gross floor area, building footprint, and building height that existed on the effective date of this chapter shall not be increased to accommodate the proposed apartment conversion.

(2) All apartment conversions shall comply with the applicable density, lot area, and all other area and design requirements for the applicable use in the applicable zoning district [i.e., an apartment conversion resulting in not more than two total dwelling units (including the original dwelling unit), then two-family detached dwelling area and design requirements apply; an apartment conversion resulting in not more than three or more total dwelling units (including the original dwelling unit), then multifamily dwelling area and design requirements apply].

(3) All principal buildings permitted as part of an apartment conversion use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the

lot and in the neighborhood. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

- (4) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - (5) All units contained on floors above or below grade shall have a direct means of escape to ground level.
 - (6) No dwelling unit shall be less than 400 square feet.
 - (7) All dwelling units shall be located within the principal building.
 - (8) All dwelling units shall have separate kitchen and bathroom facilities as well as living/sleeping spaces.
 - (9) Public water and public sewer shall be required.
- C. Beekeeping. Beekeeping is permitted, subject to the following criteria:
- (1) Maximum of 2 hives per residential lot.
 - (2) Hives must be located at least 10 feet from property lines and 25 feet from public rights-of-way.
 - (3) A water source must be provided on-site.
 - (4) A site plan shall be submitted by the applicant showing location of all hives.
- D. Free Little Libraries and Free Little Food Pantries. Free Little Libraries and Free Little Food Pantries are permitted, subject to the following criteria:
- (1) FLLs and FLFPs shall not exceed 4 feet in height and 2 feet in width.
 - (2) FLLs and FLFPs must be located entirely on private property and shall not obstruct sidewalks, driveways, or public rights-of-way.
 - (3) FLLs and FLFPs must be securely anchored to the ground or a structure.
 - (4) FLLs and FLFPs must be maintained in good condition, free of graffiti, litter, and structural damage.
 - (5) No commercial advertising is permitted on FLLs and FLFPs.
 - (6) Lighting, if provided, must be low-intensity and directed downward to minimize light spillover.
 - (7) Residents wishing to install a FLL or FLFP must submit the following to the Zoning Officer:
 - (a) A site sketch showing the proposed location of the FLL or FLFP in relation to property lines and structures.
 - (b) A description or photo of the proposed FLL or FLFP design.
 - (c) Written consent from the property owner, if different from the applicant.
 - (d) A maintenance plan outlining responsibilities for upkeep.
 - (e) Approval shall be granted administratively if all requirements are met.
 - (8) No stacking of books or food items outside of the structure is permitted.
- E. Group home. Group homes are permitted, subject to the following criteria:
- (1) All principal structures permitted to be group home uses shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (2) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.

- (3)** Under no circumstances shall any uses qualifying for or falling under the definition of a "treatment center" or other similar establishment be considered a group home.
- (4)** Occupants of the group home shall live as a family unit.
- F.** Mobile/manufactured home park. Mobile/manufactured home parks are permitted, subject to the following criteria:
- (1)** Mobile/manufactured home parks and individual mobile/manufactured homes shall comply with the provisions set forth in Chapter 113, relating to code enforcement, Uniform Construction Code, and Chapter 260, relating to subdivision and land development, respectively, as well as the following:
- (a)** Each individual mobile/manufactured home within a mobile/manufactured home park shall comply with the following density, area, and design requirements as if said mobile/manufactured home was located on an individual lot. In addition the standards set forth in this subsection, each individual mobile/manufactured home shall comply with the density, lot area, and all other area and design requirements of applicable zoning district:
- [1]** For interior lots, the minimum lot width at the lot frontage shall be 45 feet.
- [2]** For corner lots, the minimum lot width at the lot frontage shall be 60 feet.
- [3]** The minimum required front setback shall be 25 feet.
- [4]** The minimum required side setback shall be 10 feet.
- [5]** The minimum required rear setback shall be 10 feet.
- (b)** No mobile/manufactured home lot shall be within 35 feet of the mobile/manufactured home park boundary, nor within 35 feet of an external public street right-of-way located outside of the mobile/manufactured home park site.
- (c)** Each mobile/manufactured home lot shall contain no more than one mobile/manufactured home, nor shall it contain more than one family.
- (d)** Individual mobile/manufactured home owners may install accessory or storage sheds, exterior patio areas, and other unattached outdoor structures and areas. All such facilities so installed shall not intrude into any required front, side, or rear setback, and, in every case, shall substantially conform in style, quality, and color to the existing mobile/manufactured homes.
- (e)** All mobile/manufactured homes shall abut an access drive or an approved access easement of the mobile/manufactured home park's internal access drive network. In no case shall access to such mobile/manufactured homes and mobile/manufactured home lots be provided directly onto, have frontage, or otherwise abut an external public street rights-of-way.
- G.** Multifamily dwelling. Multifamily dwellings are permitted, subject to the following criteria:
- (1)** In addition the standards set forth in this subsection, all multifamily dwelling buildings shall comply with the applicable density, and all other area and design requirements for applicable use in the applicable zoning district:
- (a)** The minimum lot area per dwelling unit shall be 2,000 square feet.
- (b)** For interior lots, the minimum lot width at the lot frontage shall be 85 feet.
- (c)** For corner lots, the minimum lot width at the lot frontage shall be 100 feet.

(2) In those instances where more than one multifamily dwelling building is located on the same lot, the following separation distances will be provided between each building:

- (a) Front-to-front or rear-to-rear parallel buildings shall have at least 45 feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance to the other end.
- (b) A minimum distance of 25 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 15 feet.
- (c) A minimum distance of 25 feet is required between end walls and front or rear faces of buildings.
- (d) All multifamily dwelling buildings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands.

(3) Public water and public sewer shall be required.

H. Short-term rental shall be permitted by right in the CB Commercial Business District subject to the following express minimum standards and criteria:

(1) STRs are permitted only on the upper floors of buildings in the CB District

(2) Applicant shall comply with all applicable tax requirements.

(3) One parking space shall be provided for each bedroom contained in the STR.

(4) No signage advertising the rental is permitted on the property.

(5) Quiet hours must be observed between 10:00 PM and 7:00 AM.

(6) The rental unit must be inspected and certified for fire safety and habitability.

(7) The host must maintain a local contact available 24/7 to respond to complaints or emergencies.

(8) Applicants seeking approval for a short-term rental must submit the following:

(a) Completed zoning application form.

(b) Site plan showing parking, access, and dwelling layout.

(c) Proof of ownership or authorization from the property owner.

(d) Fire safety inspection certificate.

(e) Host contact information and emergency response plan.

(f) Annual registration renewal documentation.

I. Single-family attached dwelling. Single-family attached dwellings are permitted, subject to the following criteria:

- (1) In addition the standards set forth in this subsection, all individual single-family attached dwelling units shall comply with the applicable density, and all other areas and design requirements for applicable use in the applicable zoning district, as if said single-family attached dwelling unit was located on an individual lot.

- (a) The minimum lot area per dwelling unit shall be 2,400 square feet.
 - (b) For interior lots, the minimum lot width at the lot frontage shall be 24 feet.
 - (c) For corner lots, the minimum lot width at the lot frontage shall be 39 feet.
 - (d) Side setbacks shall be the minimum required for the applicable zoning district, except zero feet at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.
 - (e) The maximum impervious coverage shall be 60%.
 - (2) The maximum number of abutting single-family attached dwelling units in a row shall be six.
 - (3) No more than two abutting single-family attached dwelling units shall have the same front building setbacks, front building lines, and rooflines.
 - (4) In addition, each single-family attached dwelling unit shall be distinguished from the abutting single-family attached dwelling unit in some appropriate manner such as by varying unit width, use of different exterior materials, or varying arrangements of entrances or windows.
 - (5) The minimum variation of the front building setback and front building line between single-family attached dwelling units shall be four feet.
 - (6) Public water and public sewer shall be required.
- J. Single-family semidetached dwelling.** Single-family semidetached dwellings are permitted, subject to the following criteria:
- (1) In addition the standards set forth in this subsection, all individual single-family semidetached dwelling units shall comply with the applicable density, area, and design requirements for applicable use in the applicable zoning district, as if said single-family semidetached dwelling unit was located on an individual lot.
 - (a) For interior lots, the minimum lot width at the lot frontage shall be 40 feet.
 - (b) For corner lots, the minimum lot width at the lot frontage shall be 55 feet.
 - (c) Side setbacks shall be the minimum required for the applicable zoning district, except zero feet at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building.
- K. Two-family detached dwelling.** Two-family detached dwellings are permitted, subject to the following criteria:
- (1) In addition the standards set forth in this subsection, all buildings accommodating two-family detached dwellings shall comply with the applicable density, lot area, and all other area and design requirements for applicable use in the applicable zoning district.
 - (a) For interior lots, the minimum lot width at the lot frontage shall be 90 feet.
 - (b) For corner lots:
 - [1] The minimum lot width at the lot frontage shall be 105 feet; and
 - [2] For those proposed two-family detached dwelling buildings designed in a

side-by-side configuration, there shall be at least one dwelling unit with its primary front facade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets (excluding alleys).

L. Wedding and Event Venues, and Catering Facilities. Wedding and Event Venues, and Catering Facilities are permitted subject to the following criteria:

- (1) All events must conclude by 10:00 PM. In the RL Rural Zoning District, adequate off-street parking must be provided for guests and staff. Disabled parking spaces and paths to the entrance of the Wedding or Event Venue must be paved. In the RL Rural Zoning District, no parking shall be permitted within 50 feet of a property line or dwelling unit. In the CB Commercial Business Zoning District, parking shall be provided in accordance with Chapter VI of the Zoning Ordinance, and all parking spaces are required to be paved
- (2) Noise levels must comply with township noise ordinances.
- (3) Outdoor lighting must be shielded and directed away from adjacent properties.
- (4) Sanitary facilities and facility access shall comply with requirements of the Americans with Disability Act.
- (5) Maximum occupancy shall be determined based on building and fire codes.
- (6) Alcohol service must comply with Pennsylvania Liquor Control Board regulations.
- (7) Seasonal limitations may apply to outdoor venues.
- (8) Applicants must submit the following:
 - (a) Site plan showing layout of venue, parking, and access points.
 - (b) Description of proposed operations including hours, capacity, and services.
 - (c) Noise and traffic mitigation plan.
 - (d) Proof of notification to adjacent property owners.
 - (e) Copies of relevant licenses and permits (e.g., PLCB, health department).
 - (f) Emergency response and safety plan.
- (9) The minimum lot size for a Wedding or Event Venue shall be 10 acres.
- (10) No part of a Wedding or Event Venue shall be located within 75 feet of any side or rear lot line, nor 150 feet from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (11) Vehicular access to the Wedding or Event Venue shall be limited to the same driveway or access drive connection, as applicable, with the public street right-of-way that serves the active farm, agricultural operation, or agri-business. No additional roadway connection shall be permitted for the Wedding or Event Venue."
- (12) No outdoor amplified music or music events is permitted.
- (13) No more than two (2) events may be held in the Wedding or Event Venue each calendar month. No events may be held in the Wedding or Event Venue before April 1st or after October 31st of each calendar year. In the CB Commercial Business Zoning District, events may be held throughout the year."

§ 300-73. Additional supplemental standards and requirements for specific principal residential uses.

A. Agribusiness. Agribusinesses are permitted, subject to the following criteria:

(1) The following setbacks shall be required:

- (a)** Dwellings and residential accessory uses and structures shall comply with the residential area and design requirements of the applicable zoning district, and except for fences and the special setback requirements set forth in Subsection A(1)(b) below, all structures shall be set back a minimum of 50 feet from any lot line.
- (b)** Special setback requirements. Slaughter areas and buildings and areas used in the housing and raising of livestock shall be set back a minimum of 300 feet from any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts. The special setback requirements may be reduced by special exception, where the applicant demonstrates that because of nature of the agricultural operation, prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect abutting lands from odor, dust, or other hazards; or that the agricultural operation is in accordance with the Pennsylvania Right-to-Farm Law. [Editor's Note: See 3 P.S. § 951 et seq.] In no case, however, shall the special setback requirements be reduced to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
- (c)** Any manure storage facility shall be located in accordance with the building/ structure setback requirements established by Act 38 of 2005, known as ACRE. [Editor's Note: See 3 Pa.C.S.A. § 311 et seq.]

(2) The maximum height of any agribusiness structure shall be 150 feet, provided each structure is set back a distance at least equal to its height from all property lines.

(3) The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PA DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

(4) The applicant shall demonstrate that the agricultural operation allows for the safe and efficient movement of all vehicles associated with the operation.

(5) All areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals and set back a minimum of 10 feet from all lot lines.

(6) A land development plan shall be submitted to, and approved by, the Township in accordance with the requirements of Chapter 260, relating to subdivision and land development.

(7) Where agribusiness operations which require a nutrient management plan in accordance with Act 38 of 2005, known as ACRE, and all current regulations, the applicant shall demonstrate that such plan has been prepared and submitted to the County Conservation District for review prior to the hearing for approval. Further, the applicant shall demonstrate that such plan has been approved by the County Conservation District prior to the issuance of the zoning permit.

B. Agricultural operation. Agricultural operations are permitted, subject to the following criteria:

(1) The raising and/or keeping of livestock and poultry shall only be permitted in the RL Zoning District.

- (a)** All areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and set back a minimum of 10 feet from all lot lines.

- (e) Processing of locally produced agricultural products;
 - (f) Feed and farm supply stores and distributors;
 - (g) Composting and other farm waste storage facilities;
 - (h) Warehousing, distribution, and wholesaling of farm products, supplies or equipment; and
 - (i) Outside display and sales of agricultural-related equipment; as long as it is directed at providing goods, materials, and services needed to farm and for agricultural operations and agribusinesses, rather than the distribution of goods produced on the farm, agricultural operation, and agribusiness.
- (2) Any structure or use permitted as an agricultural support business shall comply with the area and design requirements for agricultural operations in the RL Zoning District. Otherwise, all uses shall comply with such other applicable standards set forth elsewhere in this chapter, including screening, buffering, parking, loading, etc., except that:
- (a) Maximum impervious lot coverage shall be 40%.
- D. Airports. Airports are permitted, subject to the following criteria:
- (1) Takeoff/landing strip and/or pad shall be set back at least 300 feet from any lot line.
- E. Animal hospital. Animal hospitals are permitted, subject to the following criteria:
- (1) Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be located within the rear yard, and shall be a minimum of:
 - (a) Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least 300 feet.
 - (b) The Zoning Hearing Board may, as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
 - (c) Otherwise, the setback requirements of the applicable zoning district shall apply.
 - (2) All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six-foot-high fence to prevent the escape of animals.
 - (3) No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within 300 feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.
 - (4) All other areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and set back a minimum of 10 feet from all lot lines.
 - (5) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water

and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Chapter V of this chapter, relating to performance standards for all uses.

F. Animal rescue shelter. Animal rescue shelters are permitted, subject to the following criteria:

(1) Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be located within the rear yard, and shall be a minimum of:

(a) Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least 300 feet.

(b) The Zoning Hearing Board may, as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

(c) Otherwise, the setback requirements of the applicable zoning district shall apply.

(2) All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six-foot-high fence to prevent the escape of animals.

(3) No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within 300 feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.

(4) All other areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and set back a minimum of 10 feet from all lot lines.

(5) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Chapter V of this chapter relating to performance standards for all uses.

G. Automobile and other similar light-duty motor and passenger vehicles offered for rent or for sale are permitted, subject to the following criteria:

(1) Automobile and other similar light-duty motor and passenger vehicles offered for rent or for sale in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed, or serviced, shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.

~~**H. Automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/ service, washing, and/or fuel/gas sales. Automobile and other similar light-duty motor and passenger**~~

~~vehicle rentals/sales, repair/service, washing and/or fuel/gas sales are permitted, subject to the following criteria:~~

- ~~(1) Automobile and other similar light-duty motor and passenger vehicles offered for rent or for sale, in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed, or serviced, shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.~~
- ~~(2) All buildings and structures (including fuel/gas pumps, but excluding permitted signs) shall be set back at least 25 feet from any street right-of-way or lot line.~~
- ~~(3) All permitted activities except for the inventory display/sales, parking, and those normally required to be performed at the fuel/gas pumps and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.~~
- ~~(4) All outdoor display and sales areas shall comply with Chapter VII of this chapter, relating to outside display and sales.~~
- ~~(5) No more than three vehicles may be stored per repair/service bay.~~
- ~~(6) The demolition or junking of automobile and other similar light-duty motor and passenger vehicles is prohibited.~~
- ~~(7) The storage of inoperable automobile and other similar light-duty motor and passenger vehicles and related parts shall be within a completely enclosed building.~~
- ~~(8) The outdoor storage of automobile and other similar light-duty motor and passenger vehicles on the property without current registration is prohibited.~~
- ~~(9) No automobile and other similar light-duty motor and passenger vehicle, except those with current registration and offered for sales/rental, shall be stored upon the site for more than 30 days.~~
- ~~(10) Motor vehicle facilities for automobiles and other similar light-duty motor and passenger vehicles are permitted, subject to the following additional criteria:~~
 - ~~(a) All uses shall provide sufficient stacking areas for waiting motor vehicles, which shall include the minimum number of stacking spaces as set forth in Chapter VI of this chapter, relating to stacking standards.~~
 - ~~(b) The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.~~
 - ~~(c) Gray-water recycling is mandatory.~~
 - ~~(d) Water from the vehicle wash operation shall not flow onto sidewalks or streets.~~

~~I. Automobile wrecking, junk and scrap storage and sales. Automobile wrecking, junk and scrap storage and sales are permitted, subject to the following criteria:~~

- ~~(1) Automobile wrecking, junk and scrap storage and sales shall comply with the provisions set forth in Chapter 172, relating to licenses, permits and general regulations, junkyards and scrap yards, as well as the following:~~
 - ~~(a) All junk, scrap, machinery or equipment stored outside shall be set back at least:~~
 - ~~[1] One hundred feet from any abutting front lot line and/or street right-of-way line;~~

- ~~[2] One hundred feet from any abutting side lot line;~~
- ~~[3] Fifty feet from any abutting rear lot line; and~~
- ~~[4] Two hundred feet from any adjacent property in the RS and/or RS Zoning Districts, or existing residential use in the RL, RMU and/or VMU Zoning Districts.~~
- ~~(b) No junk, scrap, machinery or equipment of any kind shall be stored in a required front, side, or rear setback. All unpaved setbacks shall be covered with grass or similar vegetative material and shall at all times be kept clean, vacant, and well maintained.~~
- ~~(c) In addition to screening and buffering requirements set forth in Chapter V of this chapter relating to buffer and screening regulations, all materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six feet in height with no less than one hundred percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation. Township emergency personnel shall be provided with keys for all service gates.~~
- ~~(d) No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water, or other natural causes. All paper, cloth, rags, and other fibers, and activities involving the same other than loading and unloading, shall be within fully enclosed building.~~
- ~~(e) All junk shall be stored or arranged so as to permit access by emergency responders and to prevent the accumulation of water, and no junk, scrap, machinery or equipment shall be piled to a height greater than 10 feet.~~
- ~~(f) No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights of way.~~
- ~~(g) No material shall be burned or incinerated at any time.~~
- ~~(h) No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of 5%.~~
- ~~(i) All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air conditioning fluids.~~

J. Boarding houses. Boarding houses are permitted, subject to the following criteria:

- (1)** Accommodations shall be limited to the following:
 - (a)** In the VMU and/or VB Zoning Districts, the total number of tenant/guest rooms for rent shall be eight and the boarding house shall not accommodate more than 16 tenants/guests total.
 - (b)** In the CB Zoning District, the total number of tenant/guest rooms for rent shall be 16 and the boarding house shall not accommodate more than 32 tenants/guests total.
- (2)** All tenant/guest rooms shall be limited to two tenants/guests each.
- (3)** The owner of the facility or resident manager shall reside in the boarding house. Proof of residency shall be provided.
- (4)** All tenant/guest rooms available for boarding shall be located within the principal building.
- (5)** Access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.

- (6)** Residents on-site shall have access to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site shall be available to the residents, or daily meals must be provided on site for the residents of the boarding house.
- (7)** Meals for compensation shall be provided only to registered tenants/guests of the boarding house. No cooking facilities shall be provided or permitted in the individual tenant/guest rooms.
- (8)** All tenants/guests shall execute a lease before occupancy.
- (9)** Tenants/guest rooms shall be leased to the same tenant/guest for at least seven consecutive days.

K. Business park. Business parks are permitted, subject to the following criteria:

- (1)** The minimum lot area of the business park tract shall be five acres; following approval of the initial business park use, the tract can be subdivided into separate lots in accordance with the minimum lot area requirement of the applicable zoning district.
- (2)** Notwithstanding the maximum impervious lot coverage requirements in § 300-21 of this chapter, the maximum impervious lot coverage for the entire lot of the business park tract shall not exceed 75% of the lot as it existed on October 30, 2017, (date of adoption of this ordinance); provided, however, that each lot created by the subdivision of land within the business park shall not individually exceed 90% impervious lot coverage. [Added 10-30-2017 by Ord. No. 2017-3]
- (3)** The business park shall contain nonmotorized transportation facilities, including but not limited to sidewalks, walking paths, and trails, that shall be an integral part of the business park. The nonmotorized transportation facilities shall connect all proposed lots and building sites within the business park and provide linkages to abutting lots and future and existing development. The application shall identify the function or functions of each nonmotorized facility and shall design such pathway to adequately perform such function or functions.
- (4)** Principal buildings and structures shall be set back 50 feet from any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts. Additionally, the following separation distances will be provided between each building:
 - (a)** Front-to-front and rear-to-rear, parallel buildings shall have at least 50 feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance to the other end.
 - (b)** A minimum distance of 50 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 25 feet.
 - (c)** A minimum distance of 50 feet is required between end walls and front or rear faces of buildings.
- (5)** All distribution and service lines or pipes for utilities shall be underground.
- (6)** In addition to the sign standards set forth in Chapter VII of this chapter, relating to signs, business parks shall be permitted to erect business parks signs to identify the name of the business park and name(s) of individual uses within the business park at major entrances. At least 50% of the total sign area shall be devoted to the business park's name. Additionally, individual uses within the business park may have signs in accordance with the standards as set forth Chapter VII of this chapter.

(7) In addition to the information required to be submitted in Chapter IX of this chapter, relating to applications for zoning permits, applications for business parks shall also include:

- (a)** A phasing plan and schedule for implementation; and
- (b)** Declaration of covenants and restrictions pertaining to the maintenance of all shared and common development improvement facilities, including but not limited to: private streets, parking compounds, loading areas, access drives, sidewalks, walkways, trails, landscaping, easements, stormwater management facilities, and common areas and shall be in a recordable form approved by the Township and recorded in the York County Recorder of Deeds. In the event the property(ies) and/ or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the uses and the properties. No agreement shall be terminable by any party except upon cessation of the use(s).

L. Campground or recreational vehicle park campground or recreational vehicle parks are permitted, subject to the following criteria:

(1) All camping or recreational vehicle spaces shall be located at least 50 feet from any side or rear lot line and at least 100 feet from any public street right-of-way.

(2) Each camping or recreational vehicle space shall be numbered.

(3) The minimum size, dimensions and separation from other sites of each camping or recreational vehicle space shall be as follows:

(a) Primitive tent space: 400 square feet; 20 square feet by 20 square feet.

(b) Standard tent space: 1,600 square feet; 40 square feet by 40 square feet.

(c) Recreational vehicles: 3,600 square feet; 60 square feet by 60 square feet.

(4) Each recreational vehicle space shall be provided with individual electrical, sewage, and water connections. These element provisions generally do not apply to primitive and standard tent sites.

(5) Every campground and recreational vehicle park shall be provided with a public comfort station including showers, rest room facilities and a sheltered drinking fountain in accordance with requirements of the Commonwealth of Pennsylvania including Title 28, Chapter 19, relating to organized camps and campgrounds.

(6) Every campground and recreational vehicle park shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks that shall be set back a minimum of 100 feet from any lot line. All sanitary stations shall be designed in accordance with PA DEP requirements and other applicable laws of the commonwealth.

(7) Every campground and recreational vehicle park shall be provided with centralized garbage collection facilities that shall be set back a minimum of 100 feet from any lot line.

(8) A minimum of 10% of the gross area of the campground or recreational vehicle park or 500 square feet per camping or recreational vehicle space, whichever is greater, shall be set aside for recreation and open space use exclusively by all registered occupants (and their guests) of the facility. Such facilities shall be set back at least 50 feet from any lot line, and 100 feet from property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

(9) Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a durable,

dust-free all-weather surface.

- (10) Standard tent sites (non-primitive) shall be provided with a leveling area (tent pad) for the placement of tents.
 - (11) Camping and recreational vehicle spaces shall be appropriately segregated and buffered to promote safety and compatibility among users, and to eliminate nuisances.
 - (12) No permanent structures shall be permitted on any individual campsite or recreational vehicle site other than fireplaces, improved pads, and required utility facilities.
 - (13) Existing trees and vegetation shall be preserved to keep the area as close as possible to its original condition.
 - (14) Any accessory retail or service commercial uses shall be solely designed and constructed to serve only the campground's or recreational vehicle park's registered occupants and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's or recreational vehicle park's internal street rather than the public street right-of-way.
 - (15) Campgrounds and recreation vehicle parks shall be designed for intermittent recreational use. No persons or occupants shall be permitted to permanently reside on any campsite or recreational vehicle site, except the campground or recreational vehicle park owner and/or resident manager.
- M. Car wash facilities for automobiles and other similar light-duty motor and passenger vehicles are permitted, subject to the following additional criteria:
- (1) All uses shall provide sufficient stacking areas for waiting motor vehicles, which shall include the minimum number of stacking spaces as set forth in Chapter VI of this chapter, relating to stacking standards. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on a public ROW is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public ROW by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means of notification.
 - (2) The car wash shall have direct access to an arterial or collector road as defined by this Chapter or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.
 - (3) The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
 - (4) Gray-water recycling is mandatory.
 - (5) Water from the vehicle wash operation shall not flow onto sidewalks or streets.
 - (6) A 150-foot setback from car wash operations to any residential dwelling unit is required.
 - (7) All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots. A car wash that adjoins an existing nonresidential lot shall provide a buffer yard. The buffer yard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses, or ground covers as defined by Section 300-33 of this Chapter. Grass, sod, or turf shall not be considered an acceptable plant for use within landscaped buffer yards.

- N. Cemetery.** Cemeteries are permitted, subject to the following criteria:
- (1)** The total impervious lot coverage shall not exceed 10% of the lot area.
 - (2)** All burial plots and all structures shall be located at least 25 feet from any lot line or street right-of-way line.
 - (3)** No burial plot shall be permitted in any floodway or flood fringe as provided for in Chapter IV of this chapter relating to Floodplain Overlay Zoning District (FPO), and Chapter 151, relating to floodplains.
 - (4)** Where permitted, any materials not within completely enclosed buildings shall, in addition to the requirements set forth in Chapter V of this chapter, relating to buffer and screening regulations, be surrounded by a fence or wall at least six feet in height, and provided with screening of not less than eighty-percent opacity.
 - (5)** The owner(s) and operator(s) of a cemetery shall incorporate best managements practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
 - (6)** At no time shall a corpse be exposed or visible from a public right-of-way or adjacent property.
 - (7)** Any escrow account provided for by state or federal law shall be established in favor of the Township.
- O. Clubhouse or lodge, private.** Private clubhouses and lodges are permitted, subject to the following criteria:
- (1)** Where permitted, all outdoor recreation and activity areas shall be set back at least 100 feet from any lot line.
- P. Commercial recreation, outdoor.** Outdoor commercial recreation facilities are permitted, subject to the following criteria:
- (1)** The required minimum setbacks:
 - (a)** All outdoor recreation and activity areas shall be set back at least 100 feet from the street right-of-way and any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
 - (b)** Any structures exceeding the maximum permitted height may be permitted as long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional 25 feet.
 - (c)** Otherwise, all structures shall comply with the applicable zoning district setback requirements.
- Q. Community garden.** Community gardens are permitted, subject to the following criteria:
- (1)** The following shall be permitted as part of a community garden:
 - (a)** Greenhouses, hoop houses, cold frames, and similar structures used to extend the growing season.
 - (b)** Open space associated with and intended for use as garden areas.
 - (c)** Signs limited to identification, information and directional signs, including sponsorship

information, where the sponsorship information is clearly secondary to other permitted information on any particular sign.

- (d) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops (limited to RL Zoning District), beehives (limited to RL Zoning District), and children's play areas.
- (e) Buildings, limited to tool or utility/storage sheds, shade pavilions, barns, rest room facilities with composting toilets, and planting preparation houses.
- (f) Off-street parking and walkways.
- (g) Uses and structures shall be developed and maintained in accordance with the following regulations:
 - [1] Location. All buildings shall be subject to the applicable setback requirements specified within the applicable zoning district, except that all buildings housing animals shall be set back a minimum of 50 feet from any lot line.
 - [2] Height. No building or other structure shall be greater than 25 feet in height.
 - [3] Building footprint. The combined area of all buildings, excluding greenhouses and hoop houses, shall not exceed 15% of the garden site lot area.
 - [4] Parking and walkways. Off-street parking shall be required only for those garden sites exceeding 15,000 square feet in lot area. In addition to the parking reduction and alternative accommodations (especially for drainage, surface, and maintenance) and provided for in Chapter VI of this chapter relating to parking reductions and alterations, such parking shall be limited in size to 10% of the garden site lot area and shall be shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer. Walkways shall be unpaved except as necessary

to meet the needs of individuals with disabilities.
 - [5] Signs. Signs shall not exceed four square feet in area per side and shall not exceed four feet in height, and shall otherwise comply with Chapter VI of this chapter.
 - [6] Seasonal farm stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (2) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Chapter V of this chapter, relating to performance standards for all uses.

R. Continuing care retirement community. Continuing care retirement community facilities are

permitted, subject to the following criteria.

- a.** Whenever a party or parties seeks to establish a continuing care retirement facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot. Such statement shall detail the proposed number and nature of the anticipated occupants and uses. The statement shall identify how said use satisfies a demonstrated need and how it will be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- b.** The continuing care retirement community facility is designed primarily for persons aged 55 and over.
- c.** The continuing care retirement community facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration of the residents of the continuing care retirement community facility.
- d.** The following uses shall be permitted as principal uses within a continuing care retirement community facility:
 - i.** Residential uses:
 - [1]** Single-family attached dwellings.
 - [2]** Single-family detached dwellings.
 - [3]** Single-family semidetached dwellings.
 - [4]** Two-family detached dwellings.
 - [5]** Multifamily dwellings.
 - ii.** Institutional/civic uses:
 - [1]** Parks, and other outdoor noncommercial recreational uses.
 - [2]** Libraries and community activity buildings.
 - [3]** Indoor recreation uses and structures.
 - [4]** Post office.
 - [5]** Places of worship.
 - [6]** Long-term care nursing.
 - [7]** Personal care centers.
- e.** The following uses shall be permitted as accessory uses in the continuing care retirement community facility for the use of residents and guests:
 - i.** Accessory uses:
 - [1]** Day care;
 - [2]** Medical offices and clinics;
 - [3]** Common dining facilities;
 - [4]** Indoor recreation;
 - [5]** Banks;

- [6]** Food services;
 - [7]** Retail businesses;
 - [8]** Personal services; and
 - [9]** Restaurants (no-drive in or drive-through facilities).
- ii. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
 - iii. Each accessory commercial use shall not exceed 2,500 square feet of net floor area.
 - iv. The total area reserved of accessory commercial uses shall not exceed 4% of the total gross land area of the original tract/lot, or no more than 25,000 square feet, whichever is less.
- f.** In addition the standards set forth in this subsection, all continuing care retirement community facilities shall comply with the applicable density, lot area, and all other area and design requirements for applicable use in the applicable zoning district.
- i. Maximum impervious lot coverage shall be 60%.
 - ii. Minimum vegetative coverage shall be 30%.
 - iii. No building shall be within 25 feet of the lot or property line of the continuing care retirement community facility, or within 35 feet of a public street right-of-way.
 - iv. In instances where there is more than one building on a single lot, the following minimum building separation requirements shall apply:
 - [1]** Front to front: 70 feet.
 - [2]** Front to side: 50 feet.
 - [3]** Front to rear: 40 feet.
 - [4]** Side to rear: 20 feet.
 - [5]** Side to side: 15 feet.
 - [6]** Rear to rear: 30 feet.
 - [7]** Corner to corner: 20 feet.
- g.** In addition to the information required to be submitted in Chapter IX of this chapter, relating to applications for zoning permits, applications for continuing care retirement community facilities shall also include:
- i. A phasing plan and schedule for implementation; and
 - ii. Declaration of covenants and restrictions pertaining to the maintenance of all shared and common development improvement facilities, including but not limited to: private streets, parking compounds, loading areas, access drives, sidewalks, walkways, trails, landscaping, easements, stormwater management facilities, and common areas and shall be in a recordable form approved by the Township and recorded in the York County Recorder of Deeds. In the event the property(ies) and/or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the uses and the properties. No agreement shall be terminable by any party except upon cessation of the use(s).

- S. Convenience store.** Convenience stores are permitted, subject to the following criteria:
- a.** If motor vehicle washing and/or fuel/gas sales are provided as part of the convenience store, then such use shall comply with all applicable provisions of other similar light-duty motor and passenger vehicle washing, and/or fuel/gas sales contained in this Chapter VII of this chapter relating to automobile and other similar light-duty motor and passenger vehicle rental/sales, repair/service, washing, and/or fuel/gas sales, except that no sale/rental or repair/service of motor vehicles shall occur.
 - b.** All activities, except parking and those normally required to be performed at the fuel/gas pumps, and air pumps, washing, and vacuuming areas shall be performed within a completely enclosed building.
 - c.** If restaurant and food service facilities are provided as part of the convenience store, then such use(s) shall be subject to the specific standards for each use in accordance with all applicable provisions set forth in this chapter.

- T. Data center** shall be permitted by conditional use, subject to the following conditions:

- a.** Power and utility infrastructure. The data center shall be designed to meet applicable local utility and power supply requirements, and where appropriate, incorporate sustainability measures such as renewable energy sources, efficient cooling systems, and backup power provisions. Evidence must be provided from the public utility serving the facility that an application for service is approved. Public water and sewer facilities shall be available to the property where Data Centers are located and shall be sufficient to fulfillment of the Data Center's intended use.
- b.** Emergency backup systems. Provisions for emergency backup power and cooling systems shall be integrated into the facility design, and all emergency systems must comply with fire safety and emergency response standards as specified by local building and fire codes.
- c.** Minimum lot size. Data Centers shall only be permitted to be built or operated on parcels of land with a minimum size of 50 acres.
- d.** Security and lighting. Adequate security measures, including fencing, lighting, and surveillance, shall be implemented to ensure the safety of the facility and surrounding structures. Lighting should be designed to minimize off-site glare and light pollution, in accordance with § 300-46B(9). All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. A photometric plan shall be provided that demonstrates that light levels at the property line do not exceed

0.1 footcandles.

- e.** Fencing. A security fence shall be installed and maintained at a minimum of 30 feet from all adjacent residential property lines, and a minimum of 15 feet from property lines adjacent to nonresidential properties. The fence shall be constructed of commercial-grade, anti-climb chain link, ornamental steel, or similar material designed to provide security while minimizing visual obtrusiveness.
 - i.** The fence shall be a minimum of six feet in height, unless a different height is required by state or federal regulation applicable to the use.
 - ii.** The fence shall include features such as closed vertical pickets or mesh with openings no larger than two inches to deter climbing, and may include additional security enhancements (e.g., angled tops, tamper-resistant fasteners).

- iii. The design and placement of the fence shall not create a nuisance or safety hazard to adjacent residential uses.
 - f. Buffer yard requirement: A buffer yard is required in order to screen the Data Center and any Data Center Accessory Use from adjacent residentially zoned or planned properties. A buffer yard shall be provided adjacent to residential properties, residentially zoned properties, or properties with an approved residential development, as required by the Township. This buffer yard shall consist of a minimum of two rows of dense screen of evergreen and deciduous trees having a minimum height of six feet, and a berm or other sound attenuation facilities.
 - g. Noise. Any proposal for a Data Center use and any Data Center Accessory Use shall include pre- and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The sound study shall identify compliance with Township Ordinance, as applicable. A post-construction sound study shall be submitted six months after the Data Center is fully operational.
 - i. All rooftop equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.
 - ii. All ground-mounted equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall not be placed or operated on any side of a building that directly abuts or faces a residential property line. Placement of such equipment shall be limited to non-residential-facing sides of the structure to mitigate noise and visual impacts.
 - h. Height restrictions. Maximum building height for any Data Center or Data Center Accessory Use shall be 55 feet in the Commercial Business Zoning District and shall be 65 feet in the Industrial Business Zoning District.
 - i. Setback restriction. Any Data Center or Data Center Accessory Use shall be set back 150 feet from any property line that directly abuts any residential use or residentially zoned property.
- U.** Day care, commercial. Commercial day cares are permitted, subject to the following criteria:
- a. An outdoor play area for children shall be provided. Off-street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street right-of-way (excluding alleys). All outdoor play areas shall be provided with a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.).
 - i. Additionally, outdoor play areas shall be located at least 20 feet from any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts, provided with fence of at least four feet in height, and screened in accordance with Chapter V of this chapter relating to buffer and screening regulations. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
- V.** Forestry (commercial timber harvesting). Forestry or commercial timber harvesting operations where the value of the trees, logs, or other timber products removed exceeds \$1,000, but excluding the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement are permitted, subject to the following criteria:
- (1)** All forestry and commercial timber harvesting operations shall comply with the following:

- (a)** Timber harvesting practices shall protect nearby structures and utility lines.
 - (b)** Felling or skidding on or across any public street right-of-way is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the public street.
 - (c)** No tops or slash shall be left within 25 feet of any public or private street right-of-way (or easement, as applicable) providing access to abutting residential property.
 - (d)** All tops and slash shall be lopped to a maximum height of four feet above the ground in the following circumstances:
 - [1]** Between 25 feet and 50 feet from a public or private street right-of-way (or easement, as applicable) providing access to adjacent residential property; and
 - [2]** Within 50 feet of an abutting residential property.
 - (e)** No tops or slash shall be left on or across any property line of any abutting property without the consent of the owner thereof.
 - (f)** Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- (2)** All applications for timber harvesting shall include the information required for approval pursuant to Chapter IX of this chapter relating to applications for zoning permits. In addition, the applicant shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation. This written notification shall also specify any roads affected, dates of effect, plans to restore any damages to roads and contact information for the logging operations submitted to owners abutting the street right-of-way used to access the logging site.
 - (3)** Preparation of a logging plan. Every landowner on whose land timber harvesting is to occur shall prepare and submit a written logging plan as set forth in this subsection, and shall submit the logging plan as part of the information required for approval pursuant to Chapter IX of this chapter relating to applications for zoning permits. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.
 - (4)** Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
 - (5)** Contents of the logging plan.
 - (a)** As a minimum, the logging plan shall include the following:
 - [1]** Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - [2]** Design, construction and maintenance of water control measures and structures such as culverts, broad-based clips, filter strips and water bars.
 - [3]** Design, construction and maintenance of stream and wetland crossings.
 - [4]** The general location of the proposed operation in relation to Township streets and state highways, including any accesses to those streets and highways.
 - (b)** Each logging plan shall include a site map containing the following information:
 - [1]** Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed

harvest area within that property.

- [2] Significant topographic features related to potential environmental problems.
- [3] Location of all earth disturbance activities such as roads, landings and water control measures and structures.
- [4] Location of all crossing of waters of the commonwealth.
- [5] The general location of the proposed operation to Township streets and state highways, including any accesses to those streets and highways.
- (6) Compliance with state laws and regulations. The logging plan shall address and comply with the requirements of all applicable state laws and regulations, including, but not, limited to, the following:
 - (a) Soil erosion and sedimentation control regulations and standards of the County Conservation District and/or PA DEP requirements.
 - (b) Stream crossing and wetlands protection regulations of PA DEP and/or the U.S. Army Corps of Engineers.
- (7) Relationship of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Section 25 of the Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated site map, provided that all information required by these subsections is included or attached.
- (8) Responsibility for road maintenance and repair; road bonding. The landowner and/or the operator shall be responsible for repairing any damage to Township streets caused by traffic associated with the timber harvest operation pursuant to the provisions of Section 67 of the Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Township may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.

W. Funeral home. Funeral homes are permitted, subject to the following criteria:

- (1) All rooms available for funerals and viewing shall be located within the principal building.
- (2) There shall be no receiving vault, preparation room, or display of merchandise visible from outside of any building.

X. Gas stations/Fuel Stations. Gas stations/fuel stations are permitted, subject to the following criteria:

- (3) All buildings and structures (including fuel/gas pumps but excluding permitted signs) shall be set back at least 25 feet from any street right-of-way or lot line and at least 30 feet from the intersection of any public streets.
- (4) All permitted activities except for the inventory display/sales, parking, and those normally required to be performed at the fuel/gas pumps and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
- (5) All outdoor display and sales areas shall comply with Chapter VII of this chapter, relating to outside display and sales.
- (6) Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet from any property line.

Y. Golf course. Golf courses are permitted, subject to the following criteria:

- (1)** In no case shall the design of a golf course permit or encourage a golf ball to be driven across any building, building lot, parking lot, or street.
- (2)** Golf cart paths.
 - (a)** In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all golf course paths shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township.
 - (b)** The golf course design shall minimize golf cart path crossings of streets and access drives. Easily identifiable golf cart paths shall be provided for crossings of streets and access drives. The golf course design shall both discourage random crossing and require use of the golf cart path crossings of streets and access drives. Golf cart path crossings shall conform to the following:
 - [1]** Each crossing shall be perpendicular to the traffic movements.
 - [2]** Only one street may be crossed at each location.
 - [3]** No crossing is permitted between a point 15 feet and 150 feet from the cartway edge of a street or access drive.
 - [4]** Clear sight triangle and site distances shall be provided in accordance with Chapter 260, relating to subdivision and land development.
 - [5]** The golf cart path shall not exceed a slope of 8% within 25 feet of the cartway crossing.
 - [6]** Golf cart path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf cart path shall be brightly painted with angle stripes.
 - [7]** Golf cart path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
- (3)** All golf course buildings shall be set back 75 feet from any adjoining street rights-of-way and 100 feet from property in RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (4)** The following accessory uses, customarily incidental to the use of a golf course, including:
 - (a)** Clubhouse, which may consist of:
 - [1]** Restaurant, snack bar, lounge and banquet facilities.
 - [2]** Locker and rest rooms.
 - [3]** Pro shop.

- [4] Offices.
- (b) Golf cart and course maintenance equipment storage and service facilities.
- (c) Accessory recreational facilities and areas including active and passive recreation:
 - [1] Parks and other noncommercial outdoor recreational uses.
 - [2] Indoor commercial recreation facilities.
- (5) Additionally, accessory uses, customarily incidental to the use of a golf course, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the golf course use, and do not encumber activities of surrounding lots.

Z. Group care. Group care facilities are permitted, subject to the following criteria:

- (1) Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- (2) No portion of a group-care facility shall be located within 500 feet of the furthest extent of another group-care facility, group home, halfway house, and/or treatment center.
- (3) A group-care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the group-care facility.
- (4) Under no circumstances shall any uses qualifying for or falling under the definition of a "halfway house" or "treatment center" be considered a group-care facility.

~~**AA.** Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck, and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing, and/or fuel/ gas sales. Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicle rental/sales, repair/service, washing and/ or fuel/gas sales are permitted, subject to the following criteria:~~

- ~~a. Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicles offered for rent/sale, in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed or serviced shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.~~
- ~~b. All buildings and structures (including fuel/gas pumps, but excluding permitted signs) shall be set back at least 25 feet from any street right of way or lot line.~~
- ~~c. All permitted activities, except for the inventory display/sales, parking, and those normally required to be performed at the fuel/gas pumps and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.~~
- ~~d. All outdoor display and sales areas shall comply with Chapter VII of this chapter relating to outside display and sales.~~
- ~~e. No more than three vehicles may be stored per repair/service bay.~~
- ~~f. The demolition or junking of heavy equipment, boat, mobile/manufactured home,~~

~~recreational vehicle, truck and other similar large or heavy-duty motor vehicles is prohibited.~~

~~g. The storage of inoperable heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicles and related parts shall be within a completely enclosed building.~~

~~h. The outdoor storage of heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicles on the property without current registration is prohibited.~~

~~i. No heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicle, except those with current registration and offered for sales/rental, shall be stored upon the site for more than 30 days.~~

~~j. Heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicle washing facilities are permitted, subject to the following additional criteria:~~

~~i. All uses shall provide sufficient stacking areas for waiting motor vehicles, which shall include the minimum number of stacking spaces as set forth in Chapter VI of this chapter relating to stacking standards.~~

~~ii. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.~~

~~iii. Gray water recycling is mandatory.~~

~~iv. Water from the vehicle wash operation shall not flow onto sidewalks or streets.~~

BB. Home improvement center, lumber, and building materials sales. Home improvement centers, lumber, and building materials sales are permitted, subject to the following criteria:

- (1)** All outdoor display and sales areas shall comply with Chapter VII of this chapter, relating to outside display and sales.
- (2)** All permitted activities, including drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, except for inventory display/sales, and parking, shall be conducted within a completely enclosed building.

CC. Hospital. Hospitals are permitted, subject to the following criteria:

- (1)** Emergency entrances shall not be located or oriented directly toward any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

DD. Kennel, commercial. Commercial kennels are permitted, subject to the following criteria:

- (1)** Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways, shall be located within the rear yard, and shall be a minimum of:
 - (a)** Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least 300 feet.
 - (b)** The Zoning Hearing Board may, as a special exception, however, reduce the above

special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

(c) Otherwise, the setback requirements of the applicable zoning district shall apply.

- (2) All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six-foot-high fence to prevent the escape of animals.
- (3) No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within 300 feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.
- (4) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Chapter V of this

chapter, relating to performance standards for all uses.

- (5) The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

EE. Landscaping service. Landscaping services are permitted, subject to the following criteria:

- (1) No machinery, equipment, or materials shall be stored in required front, side, or rear building setback areas.
- (2) Except in the IB Zoning District, all permitted accessory activities which are clearly incidental to the principal use, including drilling, cutting, sawing, mixing, crushing, or some other preparation of materials, as well as the testing or repairing of motorized equipment used as part of the landscaping service, shall be conducted within a completely enclosed building.
- (3) Accessory uses, customarily incidental to the use of a landscaping service, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the landscaping service use, and do not encumber activities of surrounding lots.

FF. Long-term-care nursing or personal care. Long-term-care nursing facilities or personal care facilities are permitted, subject to the following criteria:

- (2) Whenever a party or parties seeks to establish a long-term-care nursing facility or personal care facility on a lot or occupy a dwelling or other building as a long-term-care nursing home or personal care facility, the party or parties shall file a detailed statement of intent with the Township describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and

neighborhood.

- (3) In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory uses may be provided for the use of residents and their guests:

- (a) Medical offices and clinics;
- (b) Common dining facilities;
- (c) Community gardens;
- (d) Parks and other noncommercial recreational uses;
- (e) Indoor recreation uses;
- (f) Day care;
- (g) Bank;
- (h) Retail business;
- (i) Food services;
- (j) Personal services; and
- (k) Place of worship.

- (4) In instances where there is more than one building on a single lot, the following minimum building separation requirements shall apply:

- (a) Front to front: 70 feet.
- (b) Front to side: 50 feet.
- (c) Front to rear: 40 feet.
- (d) Side to rear: 20 feet.
- (e) Side to side: 15 feet.
- (f) Rear to rear: 30 feet.
- (g) Corner to corner: 20 feet.

- (5) Minimum vegetative coverage shall be 35%.

- (6) A long-term-care nursing facility or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long-term-care nursing facility or personal care facility.

GG. Micro-brewery/brewpub, Micro-distillery, brewery, distillery. Micro-brewery/brewpub, Micro-distillery, brewery, distillery is permitted, subject to the following criteria:

- (1) No outdoor amplified music is permitted.
- (2) If the listed use includes an accessory use such as a restaurant, tasting room, or store the accessory use must meet all of the zoning requirements for that accessory use as well as the principal use.
- (3) Products produced on the premises may be sold for on-site consumption or off-site package sales, consistent with the facility's state license. Limited sales of other Pennsylvania-produced alcoholic

beverages may be permitted, where authorized by the Liquor Code.

(4) Tasting Room Area. A tasting room shall be clearly delineated on the floor plan submitted with the zoning or land-development application.

- i. No outdoor seating or customer area may be located closer than:
 - i. 100 feet from the property line of a residential use in a residential district; or
 - ii. 50 feet from a residential use in a non-residential district.
- ii. Vegetative screening and a noise-attenuation barrier (e.g., privacy fence) shall be installed where outdoor seating abuts a residential use
- iii. No outdoor entertainment or amplified music shall occur within 150 feet of any residential property line.

(5) Hours of Operation.

- (a) Outdoor tasting areas shall cease seating new customers after 10:00 PM.
- (b) Indoor tasting room hours may extend in accordance with the Pennsylvania Liquor Code, provided they comply with any local noise regulations.

(6) Parking and Access.

- (a) Parking shall comply with Chapter VI of this Ordinance; additionally parking may be required based on tasting room floor area and expected patron volumes.
- (b) Delivery/loading areas must be screened from public streets and residential properties.

(7) Operational Standards.

- (a) Odor, noise, or waste by-products from production or tasting areas shall not create a nuisance to surrounding properties.
- (b) All alcohol service must comply with PLCB rules governing sampling, sales, and server requirements.

(8) Signage for tasting rooms and retail areas shall comply with the sign regulations of the applicable zoning district.

(9) Application Requirements. Applicants shall submit:

- (a) A floor plan showing the tasting room, outdoor seating areas, entrances, and internal circulation.
- (b) A statement describing anticipated patronage, hours of operation, noise-control measures, and security protocols.
- (c) Documentation demonstrating compliance with PLCB licensing.

HH. Mineral extraction. Mineral extraction is permitted, subject to the following criteria:

- a.** All areas of excavation shall be set back from property that is not owned by the owner

or operator of the mineral extraction use at least:

- i. One hundred feet from existing public street rights-of-way and from all exterior lot lines of the property.
 - ii. One hundred fifty feet from commercial or industrial uses, unless provided with written consent of the owner of the abutting lot and building.
 - iii. One hundred fifty feet from any abutting lot line of any existing publicly owned recreation area.
 - iv. Two hundred fifty feet from any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
 - b. In addition to screening and buffering requirements set forth in Chapter V of this chapter relating to buffer and screening regulations, except as provided in this subsection, the site shall be surrounded by a seventy-five-foot buffer yard, and a fence or wall at least six feet in height shall be provided along all exterior lot lines that are within 250 feet of an area of excavation and provide with screening of not less than one-hundred-percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
 - c. In addition to any requirements in Chapter VI of this chapter and/or Chapter 260, relating to subdivision and land development, all access drives serving the site shall have a paved minimum thirty-five-foot wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot long gravel section of access drive should be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
 - d. Warning signs shall be placed at intervals of not less than 100 feet along all exterior lot lines that are within 250 feet of an area of excavation.
 - e. Any new operation or expansion of an existing mineral extraction establishment shall not be approved by the Township until a soil erosion and sedimentation control plan has been prepared, and found to be satisfactory by the County Conservation District.
 - f. A copy of all site plan information required by the state DEP shall also be submitted to the Township as part of the application.
 - g. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Township.
 - h. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state to enable some productive or beneficial future use.
- II. Mini-storage warehouse.** Mini-storage warehouses are permitted, subject to the following criteria:
- (1) Parking may be provided along interior traffic aisles adjacent to the buildings. These aisles shall be at least 26 feet wide when storage units open onto one side of the aisle only, and at least 30 feet wide when storage units open onto both sides of the aisle.
 - (2) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas, or accessways.
 - (3) All recreational vehicles, boats and trailers stored outside of an enclosed building shall be:

- (a) Maintained with current, valid license plates and inspection stickers (when applicable), and be in operable condition; and
 - (b) Surrounded by a fence or wall at least six feet in height.
- (4) Mini-storage units shall be used solely for the storage of property. The following uses are expressly prohibited upon the site:
- (a) Auctions, commercial wholesale or retail sales, or garage/yard sales.
 - (b) Offices or residential dwellings.
 - (c) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (d) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - (e) The establishment of a warehousing, distribution, and wholesaling business.
 - (f) The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - (g) The applicant shall adequately demonstrate that all mini-storage rental or use contracts shall specifically prohibit the uses listed in Subsection N(4)(a) through (f).
- (5) All "overhead" or "rollup" doors on mini-storage units or outdoor storage areas shall not be located directly facing toward any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

JJ. Motor vehicle auction. Motor vehicle auctions are permitted, subject to the following criteria:

- (1) Vehicles as part of inventory display/sales may be located in the front yard between the principal building and the public street right-of-way (excluding alleys), but shall not be within any required setback.
- (2) Except for the storage, inventory, display/sales, parking, and those normally required to be performed at the fuel/gas pumps and air pumps, and washing and vacuuming areas, all permitted activities shall be performed within a completely enclosed building.
- (3) All ventilation equipment outlets, fume collection, and other similar equipment associated with the service/repair work area(s) and/or service/repair and wash bay doors/opening shall not be located or oriented directly toward any property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (4) The demolition or junking of vehicles is prohibited. The storage of vehicles and related parts shall be within a completely enclosed building.
- (5) Except those vehicles with current registration and offered as part of the inventory display/sale vehicle, no vehicles shall be stored upon the site for more than 35 days.

KK. Municipal-owned uses. Municipal-owned uses are permitted in all zoning districts, subject to the following: **[Added 10-30-2017 by Ord. No. 2017-3]**

- a. Where a municipal-owned use is proposed for a lot or lots, the applicable area and design requirements shall apply; provided, however, that in the event a licensed engineer or design professional certifies to the Zoning Officer, in writing, that one or

more of the area and design requirements cannot be met due to sound engineering, design or planning principles, the applicable area or design requirement(s) may be modified (increased or decreased, as the case may be) by the Zoning Officer to up to a maximum of two times the requirement(s). For example, if a minimum front setback is 100 feet and a licensed engineer certifies that due to sound design principles, a proposed municipal-owned use cannot meet the one-hundred-foot front setback, the Zoning Officer may reduce the minimum front yard setback up to 50 feet.

LL. Nightclubs. Nightclubs are permitted, subject to the following criteria:

- (1) A nightclub serving alcohol shall be located in accordance and otherwise comply with the provisions of the Pennsylvania Liquor Control Board.

MM. Outdoor shooting range. Outdoor shooting ranges are permitted, subject to the following criteria:

- (1) All shooting ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
- (2) The design of the shooting range shall be compared by the applicant with any applicable published guidelines of the National Rifle Association.
- (3) A shooting range and any firing stations shall not be located a within 250 feet of any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
 - (a) Clay pigeon shooting areas shall be directed away from homes and streets.
- (4) Warning signs shall be placed at intervals of not less than 100 feet along all exterior lot lines.

NN. Pet Grooming Facilities. Pet Groom Facilities are permitted, subject to the following criteria:

- (1) Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways, shall be located within the rear yard, and shall be a minimum of:
 - (a) Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least 300 feet
 - (b) The Zoning Hearing Board may, as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
 - (c) Otherwise, the setback requirements of the applicable zoning district shall apply.
- (2) All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six-foot-high fence to prevent the escape of animals.
- (3) No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within 300 feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.

- (4) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Chapter V of this chapter, relating to performance standards for all uses.
- (5) The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.

OO. Public/private utility. Public/private utility facilities are permitted, subject to the following criteria:

- a. The applicant shall demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
- b. In the RL, RS, RMU, VR, and/or VMU Zoning Districts, any permitted public utility building shall maintain an exterior appearance that resembles and is compatible with any existing dwellings and buildings in the neighborhood, and building height and setbacks shall be consistent with surrounding development in the neighborhood. In all other zoning districts, all building height, area/footprint, setback, and impervious lot coverage standards within the applicable zoning district shall apply.
- c. In the RL, RS, RMU, VR, and/or VMU Zoning Districts, the outdoor storage of vehicles, materials, and equipment shall not be permitted.
- d. Principal buildings and structures shall be set back a minimum of 50 feet from any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

F. Riding school and boarding stable. Riding schools and boarding stables are permitted, subject to the following criteria:

- (1) Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be located within the rear yard, and shall be a minimum of:
- (a) Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least 300 feet.
 - (b) The Zoning Hearing Board may, as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 75 feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

- (c) Otherwise, the setback requirements of the applicable zoning district shall apply.
- (2) All other areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and set back a minimum of 10 feet from all lot lines.
- (3) The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 260, relating to subdivision and land development, and approved by the Township Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Chapter V of this chapter, relating to performance standards for all uses.

PP. Sexually oriented business and/or related uses. Sexually oriented businesses and related uses are permitted, subject to the following criteria:

- (1) No portion of a sexually oriented business and/or related use shall be located within 500 feet of the furthest extent of another sexually oriented business and/or related use.
- (2) No portion of a building occupied by a sexually oriented business and/or related use shall be located within 500 feet of the furthest extent of any adjacent property:
 - (a) In the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts; and
 - (b) Which contains any one or more of the following specified land uses where minors may congregate:
 - [1] Commercial recreation, indoor or outdoor;
 - [2] Day care, primarily for children;
 - [3] Library;
 - [4] Park, playground, playfield;
 - [5] Place of worship;
 - [6] School, private/public;
 - [7] Swimming pool, public; or
 - [8] Other lands, buildings, and uses where minors are permitted to congregate.
- (3) No materials, merchandise, or film offered for sale, rent lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- (4) Any building or structure used and occupied as a sexually oriented business and/or related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- (5) All signs shall comply with Chapter VII of this chapter. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- (6) Each entrance to the premises shall be posted with a notice specifying that persons under

the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

- (7) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (8) No unlawful sexual activity or conduct shall be permitted.

QQ. Shopping center. Shopping centers are permitted, subject to the following criteria:

- (1) Maximum impervious lot coverage shall be 60%.
- (2) The proposed retail establishment shall be constructed in accordance with an overall plan and shall be designed as a single architectural scheme with appropriate common landscaping.
- (3) In addition to the information required to be submitted in Chapter IX of this chapter relating to applications for zoning permits, applications for shopping centers shall also include:
 - (a) A phasing plan and schedule for implementation; and
 - (b) Declaration of covenants and restrictions pertaining to the maintenance of all shared and common development improvement facilities, including but not limited to: private streets, parking compounds, loading areas, access drives, sidewalks, walkways, trails, landscaping, easements, stormwater management facilities, and common areas and shall be in a recordable form approved by the Township and recorded in the York County Recorder of Deeds. In the event the property(ies) and/ or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the uses and the properties. No agreement shall be terminable by any party except upon cessation of the use(s).

RR. Shopping center, large. Large shopping centers are permitted, subject to the following criteria:

- (1) In addition to the provisions in this subsection, all large shopping centers shall also comply with the standards set forth for shopping centers.
- (2) Indoor recreation facilities are exempt from this requirement.
- (3) Development standards.
 - (a) Site design and relationship to surrounding community.
 - [1] Pedestrian entrances. The site design shall incorporate the location of customer entrances on at least two sides of the large shopping center. The two sides shall be those planned to have the highest level of public pedestrian activity, and one of the sides shall be that which most directly faces a street right-of-way with pedestrian access. The other of the two sides may face a second street right-of-way with pedestrian access, and/or a main parking lot area. All entrances shall be architecturally prominent and clearly visible from the abutting public street right-of-way. (See Figure 10.1.) Movie theaters are exempt from this requirement.

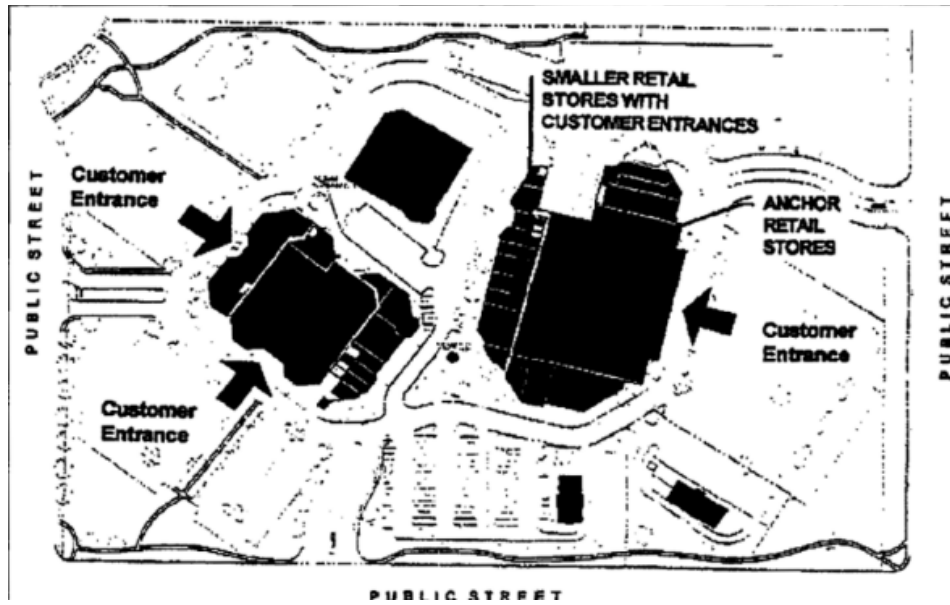


Figure 8.1 Example of a development with customer entrances on all sides that face a public street.

- [2] Parking lot location. No more than 75% of the off-street parking area for the lot, tract or area of land devoted to the large shopping center shall be located between the front facade of the large shopping center and the abutting street rights-of-way (the front parking area). The front parking area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than 180° , then the line shall be adjusted to create an angle of 180° , when connected to the plane of the front facade of the building. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than 90° , then the line shall be adjusted to create an angle of 90° when connected to the plane of the front facade of the building. Parking spaces in the front parking area shall be counted to include all parking spaces within the boundaries of the front parking area, including:
 - [a] All partial parking spaces, if the part inside the front parking area boundary lines constitutes more than $1/2$ of said parking space; and
 - [b] All parking spaces associated with any pad sites located within the front parking area boundaries. Supermarkets are exempt from this requirement.
- [3] Building setbacks. The minimum setback for any large retail establishments building facade shall be 75 feet from the nearest property line. Where a facade faces abutting existing residential uses, an earthen berm, no less than six feet in height, containing screening in accordance with Chapter V, relating to buffer and screening regulations, shall be provided.
- [4] Connectivity. The site design shall provide direct connections and safe street right-of-way crossings to adjacent nonresidential land uses, when possible.
- [5] Pedestrian circulation.
 - [a] Sidewalks at least five feet in width shall be provided along all sides of the lot that abut a public street right-of-way.

- [b]** Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50% of the length of the walkway.
 - [c]** Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be unobstructed and located at least six feet from the facade of the building to provide planting beds for foundation landscaping or integral planters, except where features such as arcades or entryways are part of the facade.
 - [d]** Internal pedestrian walkways provided in conformance with Subsection T(3)(a)[5][b] above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
 - [e]** All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- [6]** Central features and community space. Each retail establishment and the other similar and related establishments as part of a large shopping center development subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following features on the proposed site:
- [a]** Patio/seating area, including outdoor dining/cafe;
 - [b]** Pedestrian plaza with benches;
 - [c]** Transportation center;
 - [d]** Window shopping walkway;
 - [e]** Outdoor playground area;
 - [f]** Kiosk area;
 - [g]** Water feature;
 - [h]** Clock tower; and/or
 - [i]** Other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such community and public spaces.
- (4)** In addition to the information required to be submitted in Chapter IX of this chapter, relating to applications for zoning permits, applications for large shopping centers shall also include:
- (a)** A phasing plan and schedule for implementation; and
 - (b)** Declaration of covenants and restrictions pertaining to the maintenance of all shared and common development improvement facilities, including but not limited to private streets, parking compounds, loading areas, access drives, sidewalks, walkways, trails, landscaping, easements, stormwater management facilities, and common areas and

shall be in a recordable form approved by the Township and recorded in the York County Recorder of Deeds. In the event the property(ies) and/ or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the uses and the properties. No agreement shall be terminable by any party except upon cessation of the use(s).

SS. Solid waste transfer. Solid waste transfer facilities are permitted, subject to the following criteria:

- a.** All materials stored outside shall be set back at least:
 - i.** One hundred feet from any abutting front lot line and/or street right-of-way line;
 - ii.** One hundred feet from any abutting side lot line;
 - iii.** Fifty feet from any abutting rear lot line; and
 - iv.** Two hundred feet from any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- b.** No materials of any kind shall be stored in a required front, side, or rear setback. All unpaved setbacks shall be covered with grass or similar vegetative material and shall at all times be kept clean, vacant and well maintained.
- c.** In addition to screening and buffering requirements set forth in Chapter V of this chapter relating to buffer and screening regulations, all materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six feet in height with screening of not less than 100%. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation. Township emergency personnel shall be provided with keys for all service gates.
- d.** No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water, or other natural causes. All paper, cloth, rags and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed building.
- e.** All materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and no junk, scrap, machinery or equipment shall be piled to a height greater than 10 feet.
- f.** No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way.
- g.** No material shall be burned or incinerated at any time.
- h.** No solid waste transfer facility shall be located on land with a slope in excess of 5%.

TT. Taverns/bars. Taverns/bars are permitted, subject to the following criteria:

- (1)** A tavern/bar shall be located and operated in accordance with the provisions of the Pennsylvania Liquor Control Board.

UU. Tow Yards. Tow Yards are permitted, subject to the following criteria:

- (1) The minimum lot size for a tow yard is one (1) acre.
- (2) Tow yards shall be set back 50 feet from residential property lines and 25 feet from all other property lines
- (3) The entire storage area shall be enclosed with an opaque fence not less than eight (8) feet in height.
- (4) A landscaped buffer strip of 10 feet containing evergreen screening shall be installed along all property boundaries abutting residential or mixed-use districts. The landscaped buffer strip shall be installed on the exterior of the required fencing.
- (5) Storage areas must be paved or covered in a manner acceptable to the Township with all-weather surface to reduce mud/dust.
- (6) Customer access shall be limited to 8 AM – 7 PM unless otherwise approved. Towing operations are permitted 24 hours.
- (7) Lighting shall be shielded and directed away from adjoining properties.
- (8) Outdoor PA systems are prohibited.
- (9) Engine idling is limited to 10 minutes maximum.
- (10) All Vehicles must be stored within the fenced area.
- (11) No vehicle dismantling, salvage, or parts sales allowed unless separately permitted under the zoning code.

VV. Travel plaza. Travel plazas are permitted, subject to the following criteria:

- (1) Travel plazas may include a wide range of services and goods to professional drivers and the general public are congregated, such as:
 - (a) Fuel/gas sales;
 - (b) Motor vehicle services;
 - (c) Hotels/motels;
 - (d) Restaurants;
 - (e) Offices;
 - (f) Personal services;
 - (g) Motor vehicle washing facilities;
 - (h) Banks;
 - (i) Drive-throughs;
 - (j) Commercial recreation, indoor;
 - (k) Convenience stores; and
 - (l) Retail businesses, subject to the specific standards for each use in accordance with all

applicable provisions set forth in this chapter.

- (m)** Treatment center. Treatment centers are permitted, subject to the following criteria:
- a.** A treatment center shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the treatment center.
 - b.** A common cooking and eating area shall be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
 - c.** The residents of the treatment center shall reside on the premises.
 - d.** No portion of a treatment center shall be located within 500 feet of the furthest extent of another treatment center, group home, group-care facility, and/or halfway house.
 - e.** No portion of a building occupied by a treatment center use shall be located within 500 feet of any property which contains any one or more of the following specified land uses where minors may congregate:
 - i.** Commercial recreation, indoor/outdoor;
 - ii.** Day care, primarily for children;
 - iii.** Library;
 - iv.** Park, playground, playfield;
 - v.** Place of worship;
 - vi.** School, private/public;
 - vii.** Swimming pool, public; or
 - viii.** Other lands, buildings, and uses where minors congregate.
 - f.** Each application shall be accompanied by a statement describing the following:
 - i.** The composition of the treatment center;
 - ii.** The policies and goals of the treatment center and the means proposed to accomplish those goals;
 - iii.** The characteristics of the residents and number of residents to be served;
 - iv.** The operating methods and procedures to be used; and
 - v.** Any other facts relevant to the proposed operation of the treatment center.

OO. Vehicle Repair Garage. Vehicle Repair Garages are permitted, subject to the following criteria:

- (1)** No more than three vehicles may be stored per repair/service bay.
- (2)** The demolition or junking of automobiles and other similar light-duty motor and passenger vehicles is prohibited.
- (3)** The storage of inoperable automobiles and other similar light-duty motor and passenger vehicles and related parts shall be within a completely enclosed building.
- (4)** The outdoor storage of automobiles and other similar light-duty motor and passenger vehicles on the property without current registration is prohibited.

- (5) No automobile and other similar light-duty motor and passenger vehicle, except those with current registration and offered for sales/rental, shall be stored upon the site for more than 30 days.

§ 300-58. Additional supplemental standards and requirements for specific Accessory. Uses

- A. Accessory apartment. Accessory apartments are permitted, subject to the following criteria:
- (1) The principal use of the building and property shall be a single-family detached dwelling.
 - (2) No more than two total dwelling units shall be permitted per lot.
 - (3) The accessory apartment dwelling unit shall not be less than 350 and not more than 800 square feet.
 - (4) The accessory apartment shall have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
 - (5) The owner shall reside on the premises. Proof of residency shall be provided.
 - (6) Accessory apartments within the principal single-family detached building are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the principal building, including additional door/wall openings (except fire escapes) which would alter its residential character shall be permitted.
 - (7) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - (8) Accessory apartments in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
 - (9) All new accessory structures constructed for the exclusive use as an accessory apartment shall be designed to have an appearance that is architecturally compatible with the principal building (including design, materials, and colors, and roof pitch).
- B. Adaptive reuse of an existing agricultural building. Adaptive reuse of an existing agricultural buildings are permitted, subject to the following criteria:
- (1) Adaptive reuse of an existing agricultural building may involve a use permitted in the RL Zoning District, as well as a limited range of uses that otherwise are not permitted in the RL Zoning District, such as:
 - (a) Apartment conversion (not more than four) dwelling units;
 - (b) Commercial recreation, indoor;
 - (c) Mini-storage warehouse;
 - (d) Office, business and professional and medical;
 - (e) Personal services;
 - (f) Restaurant;

- (g) Retail business;
 - (h) School, commercial;
 - (i) School, vocational;
 - (j) Tavern/bar;
 - (k) Theater, indoor;
 - (l) Therapeutic massage business;
 - (m) Warehouse;
 - (n) Community center;
 - (o) Day care, commercial;
 - (p) Library;
 - (q) Museum;
 - (r) University/college;
 - (s) Outdoor cafe/dining; and as long as it remains and compatible with the existing agricultural building.
- (2) The agricultural building shall have existed on the effective date of this chapter.
 - (3) Except for setbacks and building heights, any structure permitted as an adaptive reuse of an existing agricultural building shall comply with the area and design requirements for single-family detached dwellings in the RL Zoning District. All uses shall comply with such other applicable standards for the specific uses set forth in this Chapter VII of this chapter, unless such standards are not applicable due to the presence and nature of conditions and circumstances of the existing agricultural building.
 - (4) Otherwise, all uses shall comply with such other applicable standards set forth elsewhere in this chapter, including screening, buffering, parking, etc.
 - (5) Any structure permitted as an adaptive reuse of an existing agricultural building shall maintain an exterior appearance that resembles and is compatible with any existing agricultural building on the lot and in the neighborhood. No modifications to the external appearance of the agricultural building (except fire and safety requirements) which would alter its agricultural character shall be permitted.
 - (6) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - (7) All parking, loading, and outdoor storage areas shall be provided with screening not less than eighty-percent opacity in accordance with Chapter V of this chapter, relating to buffer and screening regulations:
 - (a) Parking and loading areas shall be located to the side or rear (behind) of the agricultural building being adaptively reused; and
 - (b) Outdoor storage of goods and materials shall be located to the rear (behind) the agricultural building being adaptively reused.

C. Agri-tainment/agri-tourism. Agri-tainment/agri-tourism uses are permitted, subject to the

following criteria:

- (1)** Agri-tainment/agri-tourism use(s) may involve a wide range of uses, such as: corn mazes; hay rides; petting farms; on-farm tours with demonstrations of farming practices, techniques and methods; and other similar fee-based agricultural-related activities, as long as it is directly related to, remains secondary and clearly incidental to, and is compatible with the active farm, agricultural operation, or agri-business.
- (2)** Where practicable the agri-tainment/agri-tourism use(s) shall be conducted within an existing agriculture, farm, or other accessory building. All portable structures and signs used as part of the agri-tainment/agri-tourism use(s) shall be removed from the site at the end of the harvesting season, and shall be inconspicuously stored when viewed from adjacent lot lines.
 - (a)** However, any new building constructed for use by the agri-tainment/agri-tourism use(s) shall be located no less than 100 feet from any adjoining street rights-of-way and property lines.
 - (b)** Any new building constructed for use by the agri-tainment/agri-tourism use(s) shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the agri-tainment/ agri-tourism use(s) is discontinued.
- (3)** The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the agri-tainment/agri-tourism use(s) and directly related thereto.
- (4)** Activities associated with the agri-tainment/agri-tourism use(s) shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with Chapter V of this chapter, relating to performance standards for all uses.
- (5)** All parking, loading, and outdoor storage areas agri-tainment/agri-tourism use(s) shall be provided with screening of not less than eighty-percent opacity in accordance with Chapter V of this chapter, relating to buffer and screening regulations:
 - (a)** Parking and loading areas shall be located to the side or rear (behind) of an accessory building containing the agri-tainment/agri-tourism use(s) or other outbuildings used as part of the active farm, agricultural operation, or agri-business; and
 - (b)** Outdoor storage of goods and materials shall be located to the rear (behind) of an accessory building containing the agri-tainment/agri-tourism use(s) or other outbuildings used as part of the active farm, agricultural operation, or agri-business.
- (6)** No part of agri-tainment/agri-tourism use(s) shall be located within 75 feet of any side or rear lot line, nor 150 feet from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (7)** Vehicular access to the agri-tainment/agri-tourism uses shall be limited to the same driveway or access drive connection, as applicable with the public street right-of-way that serves the active farm, agricultural operation, or agri-business. No additional

roadway connection shall be permitted for the agri-tainment/agri-tourism use(s).

- (8)** The hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- (9)** Drive-through uses shall be prohibited.
- (10)** The agri-tainment/agri-tourism use(s) shall not involve any illegal activity.
- (11)** As permitted by special exception in the RS District subject to the following additional requirements:
 - (a)** Minimum lot size of 10 acres;
 - (b)** Property contains an existing agricultural operation;
 - (c)** Use does not include the erection or construction of any new structures for the agri-tainment/agri-tourism operation. It may utilize existing agricultural structures in compliance with the Township's applicable building codes.
 - (d)** The use will occur no more than two days a week with no more than 30 events per year.
 - (e)** Hours of operation are limited to 9:00 a.m. to 9:00 p.m. April 1 through October and 9:00 a.m. to 6:00 p.m. November through March. No Sunday operations.
 - (f)** No more than 150 guests per event plus staff.
 - (g)** No less than 15 days' prior to an event, the Owner shall submit an application for an event permit to the Township Zoning Officer to ensure compliance with the special exception approval decision. Such event permit application may be made for events scheduled to occur up to one year in advance, and may include multiple scheduled events in the same application.

D. Automated banking facility. Automated banking facilities are permitted, subject to the following criteria:

- (1)** Within the RMU and VMU Zoning Districts, drive-through facilities shall be prohibited.
- (2)** Otherwise, all drive-through automated banking facilities are permitted, subject to the criteria for drive-through uses set forth in this Chapter VII of this chapter, relating to drive-through facility for permitted uses.

E. Bed-and-breakfasts. Bed-and-breakfasts are permitted, subject to the following criteria:

- (1)** The lot proposed for development shall contain a single-family detached dwelling.
- (2)** All structures permitted to be bed-and-breakfasts shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
- (3)** Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
- (4)** Accommodations shall be limited to not more than the following:
 - (a)** In the RS Zoning District, the total number of guest bedrooms for rent shall not be more than four.

- (b) In the VR and/or RMU Zoning District, the total number of guest bedrooms for rent shall not be more than six.
 - (c) In the VMU and/or VB Zoning Districts, the total number of guest bedrooms for rent shall not be more than eight.
 - (d) In the CB and/or AB Zoning District, the total number of guest bedrooms for rent shall not be more than 16.
- (5) The owner of the facility or resident manager shall reside upon the premises. Proof of residency shall be provided.
- (6) Overnight guests shall not occupy the facility for more than 14 consecutive nights in a thirty-day period.
- (7) No cooking facilities shall be provided or permitted in individual guest bedrooms.
- (8) Accessory uses, customarily incidental to the use of a bed-and-breakfast, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the bed-and-breakfast use, and do not encumber activities of surrounding lots.
- F. Billboards. Billboards are permitted, subject to the criteria in Chapter VII of this chapter relating to outdoor advertising structures, billboard, and poster panels.
- G. Community gardens. Community gardens are permitted subject, to the criteria for community gardens set forth in Chapter VII of this chapter, relating to additional supplemental standards and requirements for specific principal nonresidential forestry/agricultural uses - community gardens.
- H. Day care, accessory. Accessory day cares are exempted from zoning permit requirements, except that the principal residential dwelling shall comply with all other applicable requirements of this chapter.
- I. Day care, family. Family day-care uses are permitted, subject to the following criteria:
 - (1) All principal structures permitted to be family day-care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 - (2) Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - (3) An outdoor play area for children shall be provided. Off-street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street right-of-way (excluding alleys). All outdoor play areas shall be provided with a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.).
 - (a) Additionally, outdoor play areas shall be located at least 20 feet from any abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts, provided with a fence of at least four feet in height, and screened in accordance with Chapter V of this chapter, relating to buffer and screening regulations. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

J. Drive-through facilities are permitted uses. Drive-through facilities for permitted uses are permitted, subject to the following criteria:

- (1) No part of the drive-through facility shall be located within 100 feet of any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (2) All drive-through facilities, including intercom, stacking lanes and spaces, and service windows shall be designed and planned to incorporate and be compatible with natural and built features of the site and area.
- (3) Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall be located along the side or rear faces of the building.
 - (a) In no event shall the drive-through facility be permitted in the front yard between the principal building and the public street right-of-way (excluding alleys).
 - (b) Drive-through facility shall be located on a building wall facing away or otherwise oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts, in accordance with Chapter V of this chapter, relating to performance standards for all uses.
- (4) Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall not be permitted within any required building setback, yard, nor buffer yard area.
- (5) Traffic Circulation & Stacking Requirements
 - (a) Stacking Lanes- Each drive-through must provide on-site stacking so vehicles do not back into parking areas or public roads.
 - (b) Minimum stacking capacity:
 1. Restaurants: 10 vehicles
 2. Banks: 4 vehicles per lane
 3. Pharmacies: 4 vehicles
 4. Coffee / Quick-service kiosks: 10 vehicles
- (6) All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
- (7) A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each, if the words on such signs are not readable from beyond the lot line.
- (8) Within the RL, RS, VR, RMU and/or VMU Districts, drive-through uses shall be prohibited.

~~K. Drive-through facility for permitted uses. Drive-through facilities for permitted uses are permitted, subject to the following criteria:~~

- ~~(1) No part of the drive-through facility shall be located within 100 feet of any adjacent property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.~~
- ~~(2) All drive-through facilities, including intercom, stacking lanes and spaces, and service windows shall be designed and planned to incorporate and be compatible with natural and built features of the site and area.~~
- ~~(3) Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall be located along the side or rear faces of the building.~~

- ~~(a) In no event shall the drive-through facility be permitted in the front yard between the principal building and the public street right-of-way (excluding alleys).~~
- ~~(b) Drive-through facility shall be located on a building wall facing away or otherwise oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts, in accordance with Chapter V of this chapter, relating to performance standards for all uses.~~
- ~~(4) Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall not be permitted within any required building setback, yard, nor buffer yard area.~~
- ~~(5) Sufficient stacking facilities for drive-through facilities shall be provided, in accordance with Chapter VI of this chapter, relating to stacking standards.~~
- ~~(6) All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.~~
- ~~(7) A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each, if the words on such signs are not readable from beyond the lot line.~~
- ~~(8) Within the RL, RS, VR, RMU and/or VMU Zoning Districts, drive-through uses shall be prohibited.~~

L. Farmers Market. Farmers Markets are permitted, subject to the following criteria:

- (1) No off-site parking is permitted.

M. Farm occupation. Farm occupations are permitted, subject to the following criteria:

- (1) Farm occupations may involve a wide range of business uses, as long as it remains secondary and clearly incidental to and compatible with the active farm, agricultural operation, or agri-business.
- (2) No more than four nonresidents shall be employed by the farm occupation, and at least one owner of the farm occupation shall be engaged in the farm occupation. Proof of residency shall be provided.
- (3) Except as otherwise provided in this subsection, all activities associated with the farm occupation shall take place within completely enclosed buildings. Where practicable, the farm occupation shall be conducted within an existing agriculture, farm, or other accessory building:
 - (a) However, any new building constructed for use by the farm occupation shall be located no less than 100 feet from any adjoining street rights-of-way and property lines.
 - (b) Any new building constructed for use by the farm occupation shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the farm occupation is discontinued.
- (4) The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the farm occupation and directly related thereto.
- (5) Activities associated with the rural occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety

hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with Chapter V of this chapter, relating to performance standards for all uses.

(6) All parking, loading, and outdoor storage, and outside display and sales areas shall be provided with screening of not less than 80% opacity in accordance with Chapter V of this chapter, relating to buffer and screening regulations:

(a) Parking and loading areas shall be located to the side or rear (behind) of the accessory building containing the farm occupation; and

(b) Outdoor storage of goods and materials and any outside display and sales area shall be located to the rear (behind) the accessory building containing the farm occupation.

(7) No part of a farm occupation shall be located within 75 feet of any lot line, nor 150 feet

from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

(8) The land area devoted to the farm occupation shall occupy not more than two acres of lot area. However, any driveway or access drive, as applicable, serving the farm occupation the active farm, agricultural operation, or agri-business, shall not be calculated as land serving the farm occupation.

(9) No more than 50% of the land area devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, storage/display areas or any other impervious surfaces.

(10) Vehicular access to the farm occupation shall be limited to the same driveway or access drive connection, as applicable with the public street right-of-way that serves the active farm, agricultural operation, or agri-business. No additional roadway connection shall be permitted for the farm occupation.

(11) Farm occupations shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.

(12) Drive-through uses shall be prohibited.

(13) The farm occupation shall not involve any illegal activity.

(14) If more than one farm occupation is accessory to the active farm, agricultural operation, or agri-business, the total aggregate impact of the farm occupations shall be considered in determining compliance with this chapter. In any case, no more than four nonresident employees shall be permitted to work on site at one time.

N. Home occupations. Home occupations are permitted, subject to the following criteria:

(1) In the RS and/or VR Zoning District, home occupations may involve a limited range of commercial uses such as: office, business and professional and medical; personal services; craftsman/artisan studio; and food service (excluding direct retail sales of goods to customers/patrons visiting the business and on-site consumption of products); as long as it remains secondary and clearly incidental to and compatible with the

residential dwelling.

- (2)** In all other zoning districts, home occupations may involve the limited range of commercial uses set forth in the underlying or base zoning district, as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
- (3)** No more than two nonresidents shall be employed by the home occupation.
- (4)** The owner of the home occupation shall reside on the premises, and at least one resident shall be engaged in the home occupation. Proof of residency shall be provided.
- (5)** The home occupation may be located in the principal dwelling unit and/or an accessory building.
 - (a)** Home occupations in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
- (6)** Any permitted home occupation use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the lot and in the neighborhood. No modifications to the external appearance of the building used for the home occupation (except fire escapes) which would alter its residential character shall be permitted.
- (7)** Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
- (8)** All business activities shall take place in a completely enclosed building. No outdoor storage, unenclosed storage, or outside display/sales related to the home occupation shall be permitted.
- (9)** Home occupations shall be limited to not more than 25% of the gross floor area of the principal dwelling unit, or 500 square feet of gross floor area, whichever is less, even if the home occupation is conducted within an accessory building.
- (10)** No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises or are customarily incidental to the accessory home occupation and directly related thereto, such as hair care products by a barber or beautician.
- (11)** No goods shall be displayed or stored so as to be visible from any property line.
- (12)** Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and compliance with other performance standards in accordance with Chapter V of this chapter, relating to relating to performance standards for all uses, is required.
- (13)** All parking areas shall be:
 - (a)** Located to the side or rear (behind) of the principal residential dwelling.
 - (b)** Provided with screening of not less than ninety-percent opacity in accordance with Chapter V of this chapter, relating to buffer and screening regulations.

- (14)** The home occupation shall not require delivery or pickup by tractor-trailer trucks.
- (15)** In the RS and/or VR Zoning Districts, home occupations shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance, or interruption.
- (16)** The home occupation shall not involve commercial repair of motor vehicles or similar type equipment, but may include lawn and garden equipment and similar type of equipment.
- (17)** Drive-through uses shall be prohibited.
- (18)** The home occupation shall not involve any illegal activity.
- O.** No-impact home occupation. No-impact home occupations are permitted, subject to the following criteria:
 - (1)** The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2)** The business shall employ no employees other than family members residing in the dwelling.
 - (3)** There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4)** There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lights.
 - (5)** The business activity may not use any equipment or process which creates noise, vibrations, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6)** The business activity may not generate any solid waste or sewage discharge, in volume or type, which is normally associated with residential use in the neighborhood.
 - (7)** The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8)** The business may not involve any illegal activity.
- P.** Noncommercial keeping of livestock. Noncommercial keeping of livestock are permitted, subject to the following specific criteria:
 - (1)** The minimum required lot area shall be one acre. Additionally, the following list specifies maximum permitted animal density and total number of livestock, by livestock type:
 - (a)** Group 1: Livestock whose average adult weight is less than 10 pounds shall be permitted at an animal density of 12 livestock per gross acre, with a maximum number of 50 livestock.
 - (b)** Group 2: Livestock whose average adult weight is greater than or equal to 10 but less than 64.99 pounds shall be permitted at an animal density of two livestock per gross acre, with a maximum number of 20 livestock.
 - (c)** Group 3: Livestock whose average adult weight is greater than 65 pounds shall be permitted at an animal density of one livestock per gross acre, with a maximum number of 10 livestock.

- (2) The keeping of a combination of livestock types (Groups 1, 2 and 3) shall require an animal density equal to the ratio of the number of livestock, by type. In no case shall a lot contain more than 50 total livestock.
- (3) The following lists minimum setbacks (from all lot lines) imposed upon the placement of any structure used to house noncommercial livestock. Should one structure be used to house a combination of livestock types, the most restrictive setback shall apply:
- (a) Group 1: A twenty-five foot setback.
 - (b) Group 2: A forty-foot setback.
 - (c) Group 3: A fifty-foot setback.
- (4) Structures directly related to and used as part of keeping the noncommercial livestock shall not be permitted in the front yard.
- (5) All areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and set back a minimum of 10 feet from all lot lines.
- (6) All livestock housing structures and all animal wastes shall be properly stored and disposed in accordance with Chapter V of this chapter, relating to nonresidential and other uses waste-handling requirements.
- (7) Surface water runoff from areas where animals are kept shall be diverted away from adjacent properties and shall not contaminate downstream watercourses. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.[Editor's Note: Said Act was repealed 7-6-2005 by P.L. 112, No. 38. See now 3 Pa.C.S.A. § 501 et seq.]
- (8) Noncommercial keeping of chickens.
- (a) Permit required. No person, corporation, limited-liability company, partnership or other entity shall raise, harbor or keep chickens for non-commercial purposes, within the Township without having first obtained a valid zoning permit to do so from the Township.
 - (b) Where permitted.
 - [1] The noncommercial keeping of chickens shall be permitted within any zoning district on any lot where the only principal use is residential and which is located a single-family dwelling.
 - [2] A minimum lot size of one acre (43,560 square feet) is required, subject to compliance with this section.
 - [3] Chickens shall not be kept on a two-family, duplex, multiple-family, quadruplex, townhouse, multi-family properties or in mobile home parks.
 - (c) Number and gender of chickens permitted.
 - [1] A property owner shall be permitted to keep up to 12 chickens on a residential lot with a maximum of 12 chickens per lot for noncommercial purposes as provided herein. Non-commercial keeping of chickens in excess of 12 shall be subject to the "Non Commercial Keeping of Livestock" regulations in § 300-76L(1) through (7) and as permitted in the Permitted Uses charts as prescribed in the Zoning Ordinance.

- [2] No roosters/male chickens are permitted. Only hens are allowed.
 - [3] All other fowl or poultry (duck, geese, turkey or pheasant, etc) shall be considered livestock and are subject to regulations associated with livestock.
 - (d) Noncommercial purposes. Chickens kept under this section may be kept for personal use and consumption only. The property owner(s) or occupant(s) shall not engage in any commercial sales, breeding or other endeavor with regard to the chickens permitted hereunder.
 - (e) Chicken coops, enclosures and fenced in areas.
 - [1] Chickens must be kept in a coop, enclosure or fenced area at all times.
 - [2] All chicken coops, enclosures and fenced in areas containing the chickens shall be at least 25 feet from any property line. No chicken coops, enclosures or fenced in areas for chickens shall be permitted in the front yard of any lot.
 - [3] Coops, enclosures and fenced areas shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
 - [4] Coops and enclosures shall provide adequate ventilation and adequate sun/shade and must be reasonably impermeable to rodents, wild birds and predators, including dogs, cats, raccoons, etc.
 - (f) Control and safety of chickens.
 - [1] The control and safety of chickens at all times shall be the responsibility of the property owner, tenant or person occupying the property.
 - [2] Chickens shall be provided with access to feed and clean water at all times. Feed and water shall be unavailable to rodents, wild birds and predators. In the absence of chickens, uneaten food shall be removed in a timely manner.
 - [3] Chicken manure shall be stored in a fully enclosed structure or watertight container. No more than three cubic feet of chicken manure may be stored on a lot. However, manure may be used as fertilizer. Any manure not used as fertilizer or in excess of the amount permitted to be stored shall be disposed of in a manner approved by the Pennsylvania Department of Agriculture. The coop, enclosure, fenced area and surrounding area shall be kept free of trash and accumulated feces.
 - [4] The chicken owner shall take actions necessary to reduce the attraction of rodents and predators and the potential infestation of insects and parasites. The owner shall immediately remove or have treated any chickens found to be infested with parasites or insects or that is sick/diseased.
 - [5] Dead chickens shall be removed and disposed of in accordance with Pennsylvania Department of Agriculture approved disposal procedures immediately upon discovery.
 - [6] The owner of such chickens shall not allow the chickens to roam off of the permitted lot or tract of land.
 - (g) Violations. The following acts shall be deemed to be violations of this section:
 - [1] The keeping of chickens in violation of any provision of this section.
 - [2] Permitting any owner, renter, lessee or other occupant of a property to allow chickens to be kept on a property in violation of this section.

[3] Keeping chickens inside of any dwelling unit.

[4] The slaughtering of chickens on the property, outside of normal culling of chickens for consumption purposes.

Q. Outdoor cafe/dining. Outdoor cafes/dining are permitted, subject to the following criteria:

(1) Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/ recycling-type facilities, outdoor heaters, and reservation podium.

(2) Outdoor furnishings shall be stored in an enclosed facility (which may include fencing) after normal operating hours.

(3) The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium, are encouraged as a way of defining the area occupied by the outdoor dining area.

(4) Advertising or promotional signage, other than permitted signs in accordance with Chapter VII of this chapter, shall be limited to umbrellas and canopies.

(5) Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way in which the outdoor dining is proposed, a minimum of six feet of uninterrupted (obstacle-free) pathway can be continuously maintained, public sidewalks may be utilized for outdoor dining areas.

R. Outdoor furnace. Outdoor furnaces are permitted, subject to the following criteria:

(1) The design and installation of outdoor furnaces shall conform to the EPA Phase 2 emission standards, other applicable industry standards, and the manufacturer's specifications. The manufacturer's specifications shall be submitted as part of the application.

(2) There shall not be more than one outdoor furnace permitted per lot.

(3) Outdoor furnaces shall not be located in the front yard between the principal building and the public street right-of-way (excluding alleys).

(4) No outdoor furnace shall be located within:

(a) One 150 feet of any front lot line; nor

(b) One hundred feet from any side lot line or rear lot line; nor

(c) Two hundred fifty feet from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

(5) All on-site utility and transmission lines that are part of the outdoor furnace shall be placed underground.

(6) All outdoor furnaces shall be inconspicuously sited when viewed from adjacent street rights-of-way.

(7) Outdoor furnaces shall have a permanently installed stack that extends at least 12 feet above the ground and is installed according to manufacturer's specifications.

(8) The use of starter fluids such as lighter fluid, gasoline, and other chemicals to ignite an outdoor furnace is prohibited.

(9) Outdoor furnaces shall be equipped with a properly functioning spark arrestor.

- (10)** Waste associated with outdoor furnaces shall be properly stored and disposed in accordance with Chapter V of this chapter, relating to nonresidential and other uses waste-handling requirements.

S. Outside display and sales. Outside display and sales are permitted, subject to the following criteria:

- (1)** To be considered outside display and sales, the goods, material, and merchandise which are being displayed, must be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling and must comply with outdoor storage and outdoor stockpile provisions set forth in Chapter V of this chapter, relating to outdoor storage and outdoor stockpiling.
- (2)** Except as provided in this subsection, outside display and sales of goods, material, and merchandise shall not occupy any public right-of-way (including public sidewalk areas), setbacks, buffer yards, or required parking and loading areas. In no case shall the location of such outside display and sales areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
- (a)** Within the VMU Zoning District, outside display and sales of goods, material, and merchandise shall be limited to front porches.
- (b)** In the VB, CB, IB, and/or AB Zoning District, outside display and sales of goods, material, and merchandise may be located within the front yard and front setback.
- (3)** Where permitted, outside automobile and other similar light-duty motor and passenger vehicles; and/or heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy-duty motor vehicles; or other similar establishments with outside sales/rental inventory/display areas for other similar motor vehicles, abut a street right-of-way, a perimeter landscape strip, a minimum of five feet in width planted with a hedge, masonry wall, and/or other desirable planting of at least two feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Chapter VI of this chapter.
- (4)** The location of the outside display and sales shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
- (a)** Traveling within a public right-of-way, including sidewalks and streets;
- (b)** Entering or leaving the lot or adjacent lots (including access drives and driveways); and
- (c)** Shall be not located within any required clear sight triangle as required in Chapter VI of this chapter and Chapter 260, relating to subdivision and land development.
- (5)** No outside display and sales shall occur on areas with a slope in excess of 15% or within any area designated as the floodway or flood fringe as provided for in Chapter IV of this chapter, relating Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains.
- (6)** In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outside display and sales shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface, unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 260, relating to

subdivision and land development, or any other construction materials specifications adopted by the Township, and approved by the Township Engineer.

(7) Outside display and sales areas shall be kept in an orderly fashion to maintain circulation for emergency response.

(8) No signage, except as authorized by Chapter VII of this chapter, shall be permitted.

(9) Outside display and sales areas shall be graphically depicted and otherwise indicated upon any required site/plot plan as part of a permit application pursuant to Chapter IX of this chapter, relating to applications for zoning permits.

T. Roadside stand. Roadside stands are permitted, subject to the following criteria:

(1) At least 50% of the products sold at the roadside stand shall be produced on site or on property contiguous to the premises on which they are offered for sale. There shall not be more than one roadside stand permitted per lot.

(2) Roadside stands and related parking may be located in any required front yard area, provided they are at least 25 feet from any street right-of-way and any lot line.

(3) The maximum floor area of the structure used as a roadside stand shall not exceed 300 square feet.

(4) All portable structures and signs used as part of the roadside stand operation shall be removed from the site at the end of the harvesting season, and shall be inconspicuously stored when viewed from adjacent lot lines.

(5) The maximum number signs permitted on the lot per roadside stand shall be two and shall be attached to the roadside stand, and no sign shall have a sign area larger than five square feet.

U. Rural occupation. Rural occupations are permitted, subject to the following criteria:

(1) Rural occupations may involve a wide range of business uses, as long as it remains secondary and clearly incidental to and compatible with the single-family detached dwelling on a lot of least five acres.

(2) No more than four nonresidents shall be employed by the rural occupation.

(3) The owner of the rural occupation shall reside on the premises, and at least one resident shall be engaged in the rural occupation. Proof of residency shall be provided.

(4) Except as otherwise provided in this subsection, all activities associated with the rural occupation shall take place within one completely enclosed building. Where practicable, the rural occupation shall be conducted within an existing agriculture, farm, or other accessory building:

(a) However, any new building constructed for use by the rural occupation shall be located to the rear (behind) of the single-family detached dwelling, and shall be no less than 100 feet from any adjoining street rights-of-way and property lines.

(b) Any new building constructed for use by the rural occupation shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the rural occupation is discontinued.

(c) Any new building constructed shall not have a building footprint/coverage larger than the existing single-family detached dwelling.

(5) The sales of goods or merchandise may occur on the premises, limited to those goods or

merchandise that are produced on the premises, or are customarily incidental to the rural occupation and directly related thereto.

- (6)** Activities associated with the rural occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and compliance with other performance standards in accordance with Chapter X of this chapter, relating to performance standards for all uses, is required.
- (7)** All parking, loading, and outdoor storage, and outside display and sales areas shall be provided with screening of not less than eighty-percent opacity in accordance with Chapter V of this chapter, relating to buffer and screening regulations:

 - (a)** Parking and loading areas shall be located to the side or rear (behind) of the accessory building containing the rural occupation; and
 - (b)** Outdoor storage of goods and materials and any outside display and sales area shall be located to the rear (behind) the accessory building containing the rural occupation.
- (8)** No part of a rural occupation shall be located within 75 feet of any lot line, nor 150 feet from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.
- (9)** The land area devoted to the rural occupation shall occupy not more than one acre of lot area. However, any driveway serving the rural occupation and the single-family detached dwelling, shall not be calculated as land serving the rural occupation.
- (10)** No more than 50% of the land area devoted to a rural occupation shall be covered by buildings, structures, parking or loading areas, storage/display areas or any other impervious surfaces.
- (11)** Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street right-of-way that serves the single-family detached dwelling. No additional roadway connection shall be permitted for the rural occupation.
- (12)** Rural occupations shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- (13)** Drive-through uses shall be prohibited.
- (14)** The rural occupation shall not involve any illegal activity.
- V.** Solar energy production. Solar energy production facilities are permitted, subject to the following criteria:

 - (1)** The design and installation of solar energy production facilities shall conform to Chapter 113, relating to code enforcement, Uniform Construction Code, and with all other applicable Township electrical, fire, life safety, and other similar standards.
 - (2)** The design and installation of solar energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and

Materials (ASTM), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.

- (3)** All solar energy production facilities shall be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- (4)** All solar energy production facilities shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- (5)** All on-site utility and transmission lines as part of the solar energy production facilities shall be placed underground.
- (6)** All solar energy production facilities shall be inconspicuously sited when viewed from adjacent street rights-of-way.
- (7)** All solar energy production facilities shall be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and replacement of the trees.
- (8)** Roof- and wall-mounted solar energy production facilities shall be sited in accordance with the following:
 - (a)** Solar energy production facilities located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.
 - (b)** Solar energy production facilities located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
 - (c)** Solar energy production facilities located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
 - (d)** Solar energy production facilities located on a flat roof shall not exceed 15 feet in height above the height of the roof. In the RL Zoning District, such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line.
 - (e)** All solar energy production facilities mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
 - (f)** No solar energy production facilities shall be attached to, nor otherwise sited along the front facade (wall) or front building line of any principal building.
 - (g)** Solar energy production facilities located on a wall of any structure shall not extend more than two feet into any required setback.
- (9)** Freestanding, ground-mounted solar energy production facilities shall be provided in accordance with the following:
 - (a)** All freestanding, ground-mounted solar energy production facilities shall comply with the front, side, and rear yard requirements in the applicable zoning district.
 - (b)** All freestanding, ground-mounted solar energy production facilities shall be subject to the maximum height regulations specified within the applicable zoning district.
 - (c)** For all freestanding, ground-mounted solar energy production facilities, the following components of a shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the applicable zoning district:

- [1] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - [2] All mechanical equipment of freestanding, ground-mounted solar energy production facilities including any buildings, and structure for batteries or storage cells.
 - [3] Gravel or paved access drives accessing and servicing the site.
- (d) In addition to requirements set forth in Chapter X of this chapter relating to buffer and screening regulations, all freestanding ground-mounted solar energy production facilities shall:
- [1] Be surrounded by a fence or wall at least six feet in height and not more than eight feet;
 - [2] Contain at all entrances gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel; and
 - [3] Be provided with screening of not less than ninety-percent opacity in accordance with Chapter X of this chapter relating to buffer and screening regulations.
- (10) All applications for solar energy production facilities shall include the information required for a site plan approval pursuant to Chapter X of this chapter relating to applications for zoning permits. In addition, the applicant shall submit:
- (a) A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties as well as any adjacent street rights-of-way. The glare study shall include:
 - [1] Angle of the solar energy production facility panels, arrays, cells, etc. at the location;
 - [2] A diagram showing the maximum and minimum angles of reflective glare from the solar energy production facilities panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and
 - [3] Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - (b) Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the proposed installation of solar energy production facilities will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy production facilities, and applicable requirements of Chapter 113 relating to code enforcement, Uniform Construction Code; and
 - (c) Prior to the issuance of a permit for the installation of a solar energy production facility, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.
- W. Telecommunication signal site. Telecommunication signal facilities are permitted, subject to the following criteria:

- (1)** Permitted by right. A telecommunication signal site with antenna that is attached to a preexisting communications antenna structure, smoke stack, water tower or any other structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than 25 feet. If the antenna is to be mounted on a preexisting structure, a full site plan shall not be required.
- (2)** Permitted by special exception. Except for the RS and VR Zoning Districts where telecommunication signal sites are prohibited, a telecommunication signal site with antenna that is either not mounted on an existing structure or is more than 25 feet higher than the structure on which it is mounted is permitted in all zoning districts. In addition to the standards for all telecommunication antenna in this subsection, the following standards shall apply for telecommunication signal sites by special exception:

 - (a)** The telecommunication applicant is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
 - (b)** If the telecommunication applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter-mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, antenna support structures of other telecommunication companies, other communications antenna support structure (fire, police, etc.) and other tall structures. If the applicant has not made a good faith effort to mount the antenna on an existing structure, the application to construct a new tower may be denied.
- (3)** Standards of approval of all telecommunication antennas.

 - (a)** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
 - (b)** If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distances between the base of the support structure or any guy-wire anchors and any property line or right-of-way line shall be the largest of the following:

 - [1]** Thirty percent of antenna height.
 - [2]** The minimum front yard setback in the applicable zoning district.
 - [3]** Forty feet in height.
 - (c)** The applicant shall demonstrate that the proposed antenna and support are safe and that the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate that electromagnetic fields and radio frequency interferences comply with Federal Communication Commission (FCC) regulations concerning such emissions. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers. The applicant shall submit evidence that the antenna support structure or an antenna addition to an existing antenna support structure or structure and its method of installation has been designed by a civil or structural engineer registered in the Commonwealth of Pennsylvania and is certified by that engineer to be structurally sound and able to withstand wind and other loads in accordance with Chapter 113 relating to code enforcement, Uniform Construction Code.

(d) Screening and fencing.

[1] In addition to the requirements set forth in Chapter X of this chapter relating to buffer and screening regulations, the support structure and any other ground level features (such as a building) shall:

[a] Be surrounded by a fence or wall at least six feet in height and not more than eight feet;

[b] Not contain openings greater than nine square inches;

[c] Contain at all entrances, gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel; and

[d] Be provided with screening of not less than ninety-percent opacity in accordance with Chapter X of this chapter relating to buffer and screening regulations.

[2] If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, screening shall not be required.

(e) In order to reduce the number of antenna support structures in the community in the future, the proposed support structure shall be required to accommodate other users, including other telecommunication companies and local police, fire and ambulance companies.

(f) The telecommunication company shall demonstrate that it is licensed by the FCC.

(g) Antenna support structures under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up the height of nearby trees. Support structures 200 feet in height or taller shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted, except when required by the FAA.

(h) The owner of any communications antenna support structure shall be required to conduct periodic inspections of the antenna support structure to ensure structural integrity. Such inspections will be required as follows:

[1] Monopole towers: at least once every 10 years.

[2] Self-supporting towers: at least once every five years.

[3] Guyed towers: at least once every three years. Inspections shall be conducted by an engineer licensed by the Commonwealth of Pennsylvania. The cost of the inspection shall be borne by the antenna support structure owner. The result of the inspection shall be provided to the Township. Based upon the results of the inspection, the Township may require repair or removal of the communications antenna support structure.

(i) A full site plan shall be required for all showing the antenna, antenna support structure, building, fencing, screening/buffering, and lot access of the subject property that are located within a distance equal to two times the total height of the antenna support structure, from the antenna support structure location, as well as all other requirements of the Chapter 260 relating to subdivision and land development. The site plan shall not be required if the antenna is to be mounted on an existing structure.

X. Wind energy production. Wind energy production facilities are permitted, subject to the following criteria:

- (1)** The design and installation of wind energy production facilities shall be in strict accordance Chapter 113, relating to code enforcement, Uniform Construction Code, and with all other applicable Township electrical, fire, life safety, and other similar standards.
- (2)** The design and installation of all wind energy production facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer specifications shall be submitted as part of the application.
- (3)** All on-site utility and transmission lines as part of the wind energy production facility shall system shall be placed underground.
- (4)** All wind turbines shall have a flat finish and nonobtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact.
- (5)** All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact. Towers may be painted green or brown up the height of nearby trees.
- (6)** All wind energy production facilities shall be equipped with manual—electronic or mechanical—and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy production facility.
- (7)** Wind energy production facilities shall not be installed in any location where they would interfere with existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy production facilities shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- (8)** All wind energy production facilities shall be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
- (9)** Noise from wind turbines shall comply with Chapter 187 relating to noise. The maximum decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- (10)** Wind turbines shall be set back a distance equal to the total height of the wind turbine from all property lines, streets and other rights-of-way, and overhead utility lines.
- (11)** The maximum height of any wind turbine shall be 140 feet.
- (12)** For all wind energy production facilities, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of 12 feet from the ground to the bottom of the ladder. All doors to the turbine and tower shall be locked.
- (13)** In addition requirements set forth in Chapter V of this chapter relating to buffer and

screening regulations, all wind energy production facilities shall:

- (a)** Be surrounded by a fence or wall at least six feet in height and not more than eight feet;
 - (b)** Contain at all entrances, gates which shall be locked, except during such times as the site is manned by authorized operations or maintenance personnel; and
 - (c)** Be provided with screening of not less than 90% opacity in accordance with Chapter V of this chapter relating to buffer and screening regulations.
- (14)** The minimum height of the lowest position of the wind turbine shall be 15 feet above the ground. If the wind turbine proposed is a vertical axis wind turbine (also referred to as a "helix type" turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight feet.
- (15)** Wind energy production facilities shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- (16)** No portion of any wind energy production facilities shall extend over parking areas, access drives, driveways or sidewalks.
- (17)** Wind energy production facilities shall not display advertising, except for reasonable identification of the wind energy production facility's manufacturer. Such sign shall have an area of less than four square feet.
- (18)** When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.
- (19)** All applications for wind energy production facilities shall include the information required for a site plan approval pursuant to Chapter IX of this chapter relating to applications for zoning permits. In addition, the applicant shall submit:
- (a)** A plot/site plan showing:
 - [1]** Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two times the total height from the wind energy production system.
 - [2]** Location, dimensions, and types of existing principal and accessory structures on the property.
 - [3]** Location of the proposed wind energy production facilities tower, foundations, guy anchors, and associated equipment.
 - [4]** The rights-of-way of any public street abutting the property.
 - [5]** Any overhead utility lines.
 - (b)** Wind energy production facilities system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 - (c)** Certification from a professional engineer registered by the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of Chapter 113 relating to code enforcement, Uniform Construction Code. A copy of the foundation analysis shall also be provided.
- (20)** Prior to the issuance of a permit for the installation of a wind energy production

facility, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

Chapter XI. Nonconformities

§ 300-59. Continuation of nonconformities.

- A.** Unless otherwise specified in this Chapter XI of this chapter, all lawful uses existing on the effective date of this chapter may be continued, altered (extended, expanded, and/or enlarged), restored, reconstructed, sold, or maintained in accordance with the provisions of this chapter.
- B.** All lawful nonconforming lots of record, due to lot areas and/or dimensions, existing on the effective date of this chapter or created by an amendment to this chapter, may be continued, although such lots do not conform to the lot requirements for the zoning district in which they are located.

§ 300-60. Registration of nonconformities.

- A.** Nonconformities may be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer within one year of the effective date of this chapter. The Zoning Officer, upon proof of a legal nonconformity, may certify the existence of the nonconformities.
- B.** Should a nonconformity not be reported or identified within one year, the owner of the nonconformity shall have the right to show by a preponderance of the evidence to the Zoning Officer that the nonconformity existed upon the effective date of this chapter.

§ 300-61. Existing nonconforming lots of record.

- A.** Any existing lot of record held in sole and separate ownership different from the ownership of abutting lots may be used for the establishment of a use and/or erection of a structure which will contain a use permitted by the applicable zoning district in which it is located, even though its dimensions are less than the minimum requirements of this chapter, except as set forth in this Chapter VIII of this chapter.
- B.** Otherwise, the following requirements apply to the development and use of a nonconforming lot:
 - (1)** Where possible, contiguous nonconforming parcels under common ownership should be combined to create conforming lots.
 - (2)** No provision of this chapter relating to front, side and/or rear setback requirements shall prevent the reasonable use of a nonconforming lot of record. The Zoning Hearing Board may grant a reduction in the requirement for side or rear setbacks for lots of record which lack required lot width or depth. However, in no event may such setback dimensions be reduced by more than 25% of what is required without the approval of the Zoning Hearing Board of the Township of Fairview.
 - (3)** For front setback reductions for lots of record which lack required lot depth, see Chapter V of this chapter, relating to yard and setback exceptions and alterations.

§ 300-62. Existing nonconforming uses and structures.

- A.** Alterations and reconstruction.
 - (1)** Repairs, routine maintenance, and/or structural alterations not constituting an extension, expansion, and/or enlargement may be made to a nonconforming use or structure or to a structure occupied by a nonconforming use, provided such repairs, maintenance, and/or structural alterations do not change the use or the exterior dimensions of the structure,

building, or use.

(2) Restoration.

(a) A nonconforming building which has been damaged or destroyed by fire, explosion, accident or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the nonconforming use; provided, that:

[1] The reconstructed building shall not exceed in height, area and volume the building destroyed, plus that allowed by extension.

[2] Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption.

(b) A nonconforming building which has been legally condemned shall not be rebuilt or used, except in accordance with the provisions of this chapter.

B. Extensions, expansions, and enlargements.

(1) The Zoning Hearing Board of the Township of Fairview may permit by special exception the extension, expansion, or enlargement of any lawful nonconforming use and/or structure if the applicant proves to the satisfaction of the Zoning Hearing Board of the Township of Fairview that all of the terms and conditions set forth below are satisfactorily addressed:

(a) Any extension, expansion, or enlargement of a nonconforming structure or use shall not exceed 25% of the total gross floor area of the nonconforming structure or total gross lot area of the use (as applicable) at the time it became nonconforming.

(b) Any extension, expansion, or enlargement shall conform to the building height, area/footprint, setback, and impervious lot coverage regulations of the zoning district in which it is located.

[1] If an existing structure or use has a lawfully nonconforming setback, additions, and expansions may occur to increase the height above such setback or to extend other portions of the structure or use out to the nonconforming front, side, and/or rear setback line, provided that:

[a] The use or structure shall not be extended beyond the existing nonconforming setback line.

[b] No additional nonconformity shall be created.

[c] The new nonconforming extension shall not be greater than 25% of the existing floor area or lot area (as applicable).

[d] All other requirements of this Chapter VIII of this chapter are met.

[e] Such addition shall not be permitted for a structure proposed for use by a nonresidential use on a lot that abuts a lot with an existing permitted residential use in the RL, RS, RMU, VR, and/or VMU Zoning Districts.

(c) All loading and parking spaces for any extension, expansion, or enlargement shall comply with the requirements of Chapter VI of this chapter.

(d) Any extension, expansion, or enlargement of a nonconforming structure or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming structure or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this chapter.

(e) Extensions, expansions, or extensions of nonconforming signs shall be prohibited,

except as provided in Subsection C below and this Chapter VIII, relating to nonconforming signs.

- (f) The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc.) shall not be increased.
 - (g) The extension, expansion, or enlargement would meet the standards that apply under Chapter IX of this chapter relating to special exceptions.
 - C. Nonconforming businesses in the RL, RS, and/or VR Zoning Districts. In addition to the standards set forth in Chapter VII of this chapter relating to signs and the standards below, nonconforming businesses in the RL, RS, and VR Zoning Districts existing as of September 24, 1991, are permitted to have signs:
 - (1) The maximum area shall be 200 square feet.
 - (2) The sign shall advertise on-premises businesses only.

§ 300-63. Change of nonconforming use.

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- B. Whenever a nonconforming use has been changed to a more restricted classification (e.g., business office to single-family residential) or to a conforming use, such use shall not hereafter be changed to a use of less-restricted classification (e.g., single-family residential to retail store) unless in compliance with the rules for such change as outlined by this Chapter VIII of this chapter.
- C. A nonconforming use may be changed to another nonconforming use only by the granting of a special exception by the Zoning Hearing Board of the Township of Fairview in compliance with Chapter IX of this chapter relating to the Zoning Hearing Board. Where a special exception approval is required, the Zoning Hearing Board of the Township of Fairview shall determine whether the applicant has provided sufficient proof to show the following:
 - (1) The proposed use is in general conformity with the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by Fairview Township, and will be in harmony with the zoning district, neighborhood, and area in which it is proposed to be located.
 - (2) The external impacts associated with the proposed use would be equal to or less intensive than the external impacts associated with the existing nonconforming use.
 - (3) The character of the proposed use would be similar to the character of the existing nonconforming use.
 - (4) The location of the proposed use would not endanger the public health and safety, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
 - (5) The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Chapter V of this chapter, relating to nonresidential and other uses waste-handling requirements, and all state and federal regulations.
 - (6) The proposed use shall comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licensed, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.
 - (7) The applicant shall provide:

- (a) A hours of operation and management plan as required in Chapter V of this chapter relating to hours of operation and management plan.
- (b) A detailed description of how the proposed use and development complies Subsection C(1) through (6) in this subsection.
- (c) Plot/site plans required in Chapter IX of this chapter relating to applications for zoning permits.
- (d) A schematic architectural drawing of the principal building(s) front facade(s).

§ 300-64. Abandonment and discontinuance of nonconformities.

- A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this chapter.
- B. A nonconforming use, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
- C. Except for in a mobile/manufactured home park, the removal of a nonconforming mobile/manufactured home from the site it occupied (and if such site is not leased, actively marketed, or purchased within one year or less) shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform with the provisions of this chapter.
- D. The removal of a mobile/manufactured home from a residential lot already occupied by a residential structure shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted.
- E. Mobile home parks which are nonconforming under the terms of this chapter shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, DEP, under the provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

§ 300-65. Nonconforming signs.

- A. Unless otherwise provided in this section, signs legally existing as of September 24, 1991, and which do not conform to the requirements of this chapter, shall be considered nonconforming signs, and shall comply with all other sections in this Chapter VIII of this chapter, except that a nonconforming sign shall not be extended, expanded or enlarged in any manner that would increase the degree of the nonconformity.
- B. The sign area (sign face surface area) of an existing lawful nonconforming sign may be replaced with a new sign area (sign face surface area), provided the new sign area (sign face surface area) is not more nonconforming in any manner than the previous nonconforming sign area (sign face surface area). Add clarification for sign face or area, but not structure/ posts.

Chapter XII. Administration and Enforcement

§ 300-66. Applicability of Chapter.

This chapter shall apply throughout Fairview Township, York County, PA. Any activity regulated by this chapter shall only occur in such a way that conforms to the regulations of this chapter.

§ 300-67. Administration.

- A.** The provisions of this chapter shall be enforced by an official, appointed by the Board of Supervisors of the Township of Fairview, who shall be known as the "Zoning Officer." The Zoning Officer may have designated an employee of the Township of Fairview as his assistant, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- B.** The duties of the Zoning Officer shall be to:
 - (1)** Administer this chapter in accordance with its literal terms;
 - (2)** Receive, examine and process all applications and permits as provided by the terms of this chapter. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved by the body having the respective jurisdiction;
 - (3)** Receive and process all requests for reasonable accommodation under the Fair Housing Amendments Act and/or the American Disabilities Act, as applicable. Criteria and procedures for the handling of such requests shall be in accordance with Subsection C;
 - (4)** Review proposed subdivisions and land developments for compliance with this chapter;
 - (5)** Determine the date before which steps for compliance shall be commenced and the date before which the steps shall be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
 - (6)** Record and file all applications for zoning permits, certificates of use and occupancy, and other permits as may be set forth in this chapter and accompanying plans and documents, and keep them for public record;
 - (7)** Inspect properties to determine compliance with all provisions of this chapter as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
 - (8)** Upon the request of the Board of Supervisors of the Township of Fairview or the Zoning Hearing Board of the Township of Fairview, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
 - (9)** Be responsible for keeping this chapter and the Official Zoning Map up-to-date, including any amendments there to.
 - (10)** Revoke a permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this chapter, or otherwise permitted by law; and
 - (11)** Take enforcement actions as provided by the Municipalities Planning Code (MPC), as amended.[Editor's Note: See 53 P.S. § 10101 et seq.]

- C.** Reasonable accommodation. The Township of Fairview complies with the Federal Fair Housing Act (FHA), as amended, and/or the Americans with Disabilities Act (ADA), as amended, to ensure that policies and regulations, including but not limited to this chapter, do not discriminate against persons on the basis of race, color, religion, national origin, disability, or family status.
- (1)** The Township shall grant requests for reasonable accommodations if such requests provide equal housing and accessibility opportunities to persons with disabilities, and such requests do not constitute substantial changes or deviations to standards and provisions of this chapter.
 - (2)** Persons requesting reasonable accommodation under the Fair Housing Amendments Act and/or the Americans With Disabilities Act, shall submit a request in writing to the Zoning Officer, which shall, at a minimum, include the following information:
 - (a)** The name and address of the applicant.
 - (b)** Specific sections, standards, and provisions of this chapter from which reasonable accommodation is being requested.
 - (c)** The specific description of the reasonable accommodation being sought and the other pertinent information, including a detailed listing of any proposed structural or location-related accommodations.
 - (d)** The specific condition(s) of the applicant for which reasonable accommodation is sought.
 - (e)** A description of the hardship, if any, that the applicant will incur should the request for reasonable accommodation being sought not be granted.
 - (f)** A description of any alternative methods of relieving the claimed hardship that have been considered, as well as the reason, if any, why the applicant have rejected such alternatives.
 - (g)** A statement describing why the requested accommodation is necessary to afford the applicant an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question.
 - (h)** A description of the manner in which the accommodation, if granted, will be removed, terminated, and/or discontinued if no longer necessary to afford equal opportunity to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question.
 - (i)** A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar to that which is sought by the applicant.
 - (3)** The Zoning Officer, at his discretion, may hold any meetings and/or hearings to solicit information or argument pertinent to the request for accommodation.
 - (4)** The Zoning Officer's decision shall be in writing and state the reasons for the decision (including references to the specific sections of this chapter and any other relevant and related chapters of the Code of the Township of Fairview).
 - (5)** The Zoning Officer shall issue his written decision to the applicant and the Township within 30 days of filing of the request for accommodation.
 - (6)** A request for reasonable accommodation should be directed in the first instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice of the counsel of the Township Solicitor and/or Township Engineer, apply the

following criteria:

- (a) Whether the applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments and/or the Americans with Disabilities Act.
 - (b) The degree to which the accommodation sought is related to the handicap or disability of the applicant.
 - (c) A description of hardship, if any, that the applicant will incur should the request for reasonable accommodation being sought, not be granted.
 - (d) The extent to which the requested accommodation is necessary to afford the applicant opportunities equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling, building, or structure in question.
 - (e) The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
 - (f) The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by this chapter, most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.
 - (g) The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
 - (h) The extent to which the requested accommodation would impose an undue hardship upon the Township.
 - (i) The extent to which the accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
 - (j) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or disabled persons.
 - (k) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, and/or discontinued when it is no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling (building or structure) in question.
- (7) Persons aggrieved by the Zoning Officer's determination may appeal to the Zoning Hearing Board of the Township of Fairview in accordance with Chapter IX of this chapter relating to Zoning Hearing Board.

§ 300-68. Permits and certificates.

- A. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the Zoning Officer or his designee. No zoning permit or certificate of use and occupancy shall be granted by him for any purpose except in compliance with the literal provisions of this chapter. The Zoning Officer may be authorized to institute enforcement proceedings as set forth in Chapter IX, relating to enforcement, violations, and penalties.
- B. A zoning permit is required to be issued prior to the start of any of the following activities:
 - (1) Use, occupation, erection, construction, reconstruction, addition, conversion, alteration, movement, placement, of or extension (vertical or horizontal) of any structure or building.
 - (2) Change in the type of use and/or expansion of the use of a structure, building, and/or area of land.

- (3) Creation or establishment of a new use of a structure, building, and/or area of land.
 - (4) Other activities required to have a permit and/or approval by this chapter.
 - (5) No zoning permit shall be required for repairs or routine maintenance of any structure, building, or land, provided such repairs or maintenance do not change the use or the exterior dimensions of the structure, building or otherwise violate the provisions of this chapter.
- C. The Township of Fairview may, at its option, issue combined or separate building permits and zoning permits (and related certificates of use and occupancy), or may utilize a single or separate application for the permits.
 - D. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
 - E. Any zoning permit shall be issued or denied within 90 days from the date of application.
 - F. No zoning permit shall be issued except in conformity with:
 - (1) All applicable regulations of this chapter; Any conditions imposed upon the site by the Zoning Hearing Board of the Township of Fairview or the Board of Supervisors of the Township of Fairview; and
 - (2) Any recorded subdivision or land development plan.
 - G. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit may be denied.
 - H. Application for a zoning permit shall be made by the owner or authorized agent of any building, structure, or land; provided, however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization of the owner that the proposed work is authorized by the owner. The full names and addresses of the owner, applicant, and responsible officers, if the owner is a corporate body, shall be stated in the application.
 - I. The Zoning Officer may call upon other Township of Fairview staff and/or Township of Fairview appointed consultants in the review of submitted materials for applications.
 - J. The Zoning Officer may revoke a permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or plans on which the permit or approval was based or for any other cause set forth in this chapter.
 - K. Where a zoning permit is required by this chapter, but the work is commenced or changed prior to obtaining such permit, and after notice by the Township of Fairview, the fees set by ordinance or resolution of the Board of Supervisors of the Township of Fairview for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township of Fairview resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices or process the application as soon as it is received. The payment of such increased permit fees shall not relieve any person from complying with all requirements of this chapter or any other applicable Township of Fairview chapters, ordinances, regulations, or from any penalties or enforcement actions authorized by this chapter.
 - L. Issuance of permits. Upon receiving the application, the Zoning Officer shall examine the same within the required time frame set forth in this subsection after filing. If the application or plans do not conform to the provisions of all applicable local laws, the Zoning Officer shall reject such application in writing, stating the reasons therefor. The Zoning Officer shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and

ordinances applicable thereto, and that the zoning permit as required in this section has been applied for, the Zoning Officer shall issue a permit therefore as soon as practical but not later than 90 days from receipt of the application.

- M.** Reconsideration of application. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Board of Supervisors of the Township of Fairview.
- N.** Expiration of zoning permit. Should the applicant fail to commence work within one year of the date of issuance of the zoning permit, the permit shall expire; provided, however, that the same may be extended one time for one additional year, upon written request by the applicant at least 30 days prior to the permit expiration date, and upon subsequent approval by the Zoning Officer.
- O.** Compliance with this chapter. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions this chapter, except as stipulated by the Zoning Hearing Board. This shall not relieve the applicant from obtaining any required building permit approvals as required under Chapter 113, relating to code enforcement, Uniform Construction Code.
- P.** Compliance with permit and plot/site plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot/site plan.
- Q.** Display of zoning permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.
- R.** Inspections. Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements process. By submitting an application for a zoning permit, the landowner or applicant authorizes the Township of Fairview to perform such inspections as required.

§ 300-69. Certificate of use and occupancy.

- A.** It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until a certificate of use and occupancy for such activity has been issued by the Zoning Officer.
- B.** The Township of Fairview staff may permit the building permit and zoning permit application to serve as the application for the certificate of use and occupancy.
- C.** The certificate of use and occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this chapter, to the best knowledge of the Zoning Officer.
- D.** The applicant shall keep a copy of the certificate of use and occupancy available for inspection.
- E.** Upon request of the applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure or on all or part of the land before the entire work covered by the zoning permit has been completed:
 - (1)** However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2)** The temporary certificate shall establish in writing a maximum time period under which it is

valid. A six-month maximum time period shall apply if not otherwise specified.

- (3) Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.
 - (4) The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
- F. The Zoning Officer shall inspect any structure, building, or land within 15 days upon notification that the proposed work that was listed under a zoning permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application. Where a building permit is required under Chapter 113 relating to code enforcement, Uniform Construction Code, a certificate of use and occupancy shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

§ 300-70. Zoning permit(s) for temporary uses and structures.

- A. A zoning permit for a temporary use or structure (including signs) may be issued by the Zoning Officer for any of the following:
- (1) Customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial or business type activities in a zoning district where the commercial or business use would not otherwise be permitted;
 - (2) Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
 - (3) Such other activities that the applicant proves are routine, customary and temporary, including those specific "temporary" uses and structures set forth in Chapter V of this chapter.
- B. Temporary signs. A temporary moveable sign shall be permitted on a business, commercial, or industrial property in all zoning districts, provided the following conditions are met:
- (1) A temporary sign permit shall be secured from the Zoning Officer for a specific time period.
 - (2) The sign shall be permitted for a maximum time period of 15 days in any one-hundred-eighty-day period.
 - (3) The sign shall meet all criteria of the general provisions regulations of Chapter VII, except that the temporary sign shall not be counted in total sign area.
 - (4) The maximum size of the sign shall not exceed five feet by 10 feet.
- C. Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated or otherwise specifically provided in Chapter V of this chapter, then a one-hundred-eighty-day maximum period shall apply. A temporary permit may be renewed not more than one additional time beyond the initial approval, for just cause.

§ 300-71. Types of uses.

- A. Use permitted by right. The Zoning Officer shall issue a zoning permit under this chapter in response to an application for a use that is "permitted by right" if it meets all of the requirements of this chapter.
- B. Special exception use. A zoning permit under this chapter for a use requiring a special exception

shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this chapter.

- C. Conditional use. A zoning permit under this chapter for a use requiring a conditional use shall be issued by the Zoning Officer only in response to a written approval by the Board of Supervisors of the Township of Fairview, following a hearing, and compliance with any conditions by the Board of Supervisors of the Township of Fairview and any conditions required by this chapter.
- D. Application requiring a variance. A permit under this chapter for a use requiring a variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and in compliance with any conditions by the Zoning Hearing Board.

§ 300-72. Applications for zoning permits.

- A. Submission. All applications for a zoning permit shall be made in writing on a form provided by the Township of Fairview. Such completed application, with required fees, shall be submitted to a designated Township of Fairview official.
- B. Application information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
 - (1) Address of the lot.
 - (2) Name address, and telephone number of the applicant, and of the owner of the property if different from the applicant.
 - (3) Description of the proposed use of the property.
 - (4) All other applicable information listed on the official Township of Fairview application form. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter.
- C. Plot/site plan. The applicant shall submit a minimum of two copies of a plot/site plan with the application. The plot/site plan shall be drawn to scale and show the following:
 - (1) The approximate layout of the lot, with lot width, lot area and other applicable dimensional standards and requirements.
 - (2) The total number of lots, units of occupancy, density and proposed land use(s). If multiple land uses are proposed, the location of each land use shall be indicated.
 - (3) The approximate location and configuration of existing and proposed buildings, structures, parking compounds, loading areas, streets, access drives, driveways, alleys, sidewalks, easements, and general stormwater management facilities and locations, with existing features clearly distinguished from proposed features.
 - (4) Setback lines and yards with notes showing the dimensions of all structures and buildings from lot lines and street rights-of-way.
 - (5) Location of any watercourses and any one-hundred-year floodplain.
- D. Application for zoning permits for nonresidential uses (excluding demolition permits) shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this section:
 - (1) A location map showing the tract to be developed, zoning district boundaries, adjoining tracts, significant natural features (such as wetlands, stands of trees, streams, etc.), and streets for a distance of 200 feet from all tract boundaries.

- (2) A plot/site plan, certified by a qualified professional land surveyor, engineer or landscape architect licensed and registered to practice in the Commonwealth of Pennsylvania of the lot showing the location of all existing and proposed buildings, structures, access drives, driveways, circulation patterns, curb cuts, and lot access, parking and loading facilities, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, other construction and development features on the lot, and the location of all topographical features.
- (3) A hours of operation and management plan as required in Chapter V of this chapter relating to hours of operation and management plan, as applicable.
- (4) A schematic architectural drawing of the principal building(s) front facade(s).
- (5) Submission, approval, and recording information of a subdivision and/or land development plan in accordance with Chapter 260, relating to subdivision and land development, as required.

E. Application for zoning permits for signs shall include the following:

- (1) A plot/site plan as required in Subsection C, showing the location of the building, structure or lot to which the sign is to be attached or erected, showing the location and size of other signs on the property, and showing the position of the sign in relation to nearby buildings, thoroughfares, and property lines. Plans shall be drawn to scale.
- (2) A plan showing size and design of sign, materials to be used, colors, lighting, lettering, method of construction and means of attachment to the building or ground. Such plans shall be drawn to scale.
- (3) Name of person, firm, corporation or association erecting, altering or moving the sign.
- (4) Written consent of the owner of the land on which the sign is to be erected, altered or relocated.
- (5) The following requirements shall be complied with:
 - (a) Chapter 113 of the Code of the Township of Fairview the relating to code enforcement, Uniform Construction Code, as adopted from time to time by the Township, except as provided to the contrary.
 - (b) All electrical service to signs shall be underground.

F. Areas subject to flooding. If the proposed development, excavation or construction is located within an area subject to Chapter IV of this chapter relating to Floodplain Overlay Zoning District (FPO) and to Chapter 151, relating to floodplain management, the information set forth in the applicable sections shall accompany all applications.

G. The Township of Fairview Building Code ordinance. Where the proposed use is regulated under Chapter 113, relating to code enforcement, Uniform Construction Code, the applicant may submit an application for a building permit concurrently with the zoning permit. A zoning permit will not be issued until satisfactorily meeting the requirements of Chapter 113, relating to code enforcement, Uniform Construction Code.

§ 300-73. Issuance of permits.

- A.** At least one copy of each zoning permit application and any other zoning approvals shall be retained in the Township of Fairview files.
- B.** PennDOT permit. Where necessary for access onto a state-owned street or road, a Township of Fairview zoning permit and/or building permit shall be automatically conditioned upon issuance of

a PennDOT Highway Occupancy Permit.

§ 300-74. Revocation of permits; appeal of permit or approval.

- A.** Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this chapter in the case of one or more of the following:
- (1)** Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: Title 18 The Pennsylvania Crimes and Offences Code provides for penalties for providing false information to a municipal employee in the carrying out of his duties).
 - (2)** Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a special exception use or a variance.
 - (3)** Upon violation of any condition lawfully imposed by the Board of Supervisors of the Township of Fairview for a conditional use.
 - (4)** Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application.
 - (5)** Any other just cause set forth in this chapter.
- B.** Appeals. A party with legitimate standing or as otherwise provided by state law, may appeal decisions made under this chapter within the provisions of the MPC, as amended. Such appeal shall occur within the time period established by the MPC, as amended.

§ 300-75. Compliance with Chapter 260, Subdivision and Land Development.

If an application under this chapter is also be regulated by Chapter 260, relating to subdivision and land development, then any permit or approval under this chapter shall automatically be conditioned upon compliance with the Chapter 260, relating to subdivision and land development. However, if the granting of a variance, special exception or conditional use is necessary, such approval shall be obtained prior to submitting an application for subdivision and/or land development approval.

Example 1:

If an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the zoning and building permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the York County Recorder of Deeds.

§ 300-76. General procedure for permits.

- A.** After receiving a proper application, the Zoning Officer within the prescribed time frames set forth in Chapter IX of this chapter, relating to permits and certificates, shall either:
- (1)** Issue the applicable permit(s); or
 - (2)** Deny the application(s) as submitted, indicating one or more reasons in writing to the applicant.
- B.** The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
- C.** Unless other approvals are required prior to the issuance of a permit, after the permit under this chapter has been issued, the applicant may undertake the action specified in the permit, in compliance with other Township of Fairview codes and ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-

day appeal period shall be at the risk of the applicant.

§ 300-77. Interpretation.

- A.** Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses, structures, and buildings shall apply. The provisions of this chapter are in addition to any other applicable Township of Fairview code or ordinance.
- B.** Interpretation of this chapter text and boundaries.
 - (1)** The Zoning Officer shall literally apply the working of this chapter and the location of all zoning district boundaries to applications (see Chapter III of this chapter relating to zoning districts and map). In any case, the Zoning Officer may also request an advisory opinion from the Township of Fairview Solicitor and/or Township Engineer, or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
 - (2)** If an applicant disagrees with the Zoning Officer's determination and believes that the chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.

§ 300-78. Enforcement, violations and penalties.

All of the enforcement, violations and penalty provisions of the MPC, as amended, are hereby incorporated into this chapter by reference.

- A.** Violations. Any person who shall commit or who shall permit any of the following actions violates this chapter:
 - (1)** Failure to secure a zoning permit prior to pursuing any activity listed in Chapter IX of this chapter, relating to permits and certificates.
 - (2)** Placement of false statements on or omitting relevant information from an application for a zoning permit.
 - (3)** Undertaking any action in a manner which does not comply with an approved zoning permit.
 - (4)** Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a variance, special exception, or other approval.
 - (5)** Violation of any condition imposed by a decision of the Board of Supervisors of the Township of Fairview in granting a conditional use.
- B.** Causes of action; enforcement; remedies.
 - (1)** Enforcement. If it appears to the Township of Fairview that a violation of this chapter has occurred, the Township of Fairview shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his option informally request compliance.
 - (2)** Enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. If the owner of record of the parcel of which the violation has occurred is not to whom the zoning permit was issued, then the enforcement notice shall also be sent to the person(s) whom the zoning permit was granted. An enforcement notice shall state the following, at minimum:
 - (a)** The name of the owner of record and any other person against whom the Township of Fairview intends to take action.

- (b) The location and address 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 shall be commenced and the date before which the steps shall be completed.
 - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
 - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (3) Evidence and fees. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township of Fairview shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal of an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township of Fairview if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- (4) Cause of action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify the Board of Supervisors of the Township of Fairview. With the consent of the Board of Supervisors of the Township of Fairview, the Township of Fairview Solicitor or other officer of the Township of Fairview may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
- (5) Violations and penalties. 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 therefor in a civil enforcement proceeding commenced by the Township of Fairview, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Township of Fairview 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township of Fairview may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge, 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 such violation until the fifth day following the date of the determination by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township of Fairview. Imprisonment shall not be authorized by this chapter.

§ 300-79. Fees.

The Board of Supervisors of the Township of Fairview may, by ordinance or resolution, establish fees for the administration of this chapter. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors of the Township of Fairview may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting of the Board of Supervisors of the Township of Fairview.

§ 300-80. Amendments.

All of the amendment provisions of the MPC, as amended, are hereby incorporated into this chapter by reference.

- A.** Power of amendment. The Board of Supervisors of the Township of Fairview may, from time to time, amend, supplement, change or repeal this chapter, including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Planning Commission of the Township of Fairview, the Board of Supervisors of the Township of Fairview, or by a petition to the Board of Supervisors of the Township of Fairview by an interested party;
- B.** Hearing and enactment procedures for zoning amendments. Before conducting any hearing and considering enacting any amendment, supplement, change or repeal to this chapter, including any petitions for text and rezonings or map changes, the Township shall comply with the procedures and time frames established by the MPC, as amended.
 - (1)** Public notice. Before conducting a public hearing, the Board of Supervisors of the Township of Fairview shall provide public notice as follows:
 - (a)** The notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail;
 - (b)** For Official Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; the sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time, municipality, and location of the hearing;
 - (c)** In addition to the requirement, that notice be posted on the subject property, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township of Fairview at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township of Fairview. The notice shall include the location, date and time of the public hearing. The provisions of this section shall not apply when the rezoning constitutes a comprehensive rezoning;
 - (d)** For curative amendments, public notice shall also indicate that the validity of this chapter and/or map is in question, and shall give the a place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public; and
 - (e)** If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors of the Township of Fairview shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
 - (2)** Enactment notice. In addition to the public notice requirements defined in this section, the Board of Supervisors of the Township of Fairview must publish a reference to the time and place of the meeting at which passage of this chapter or amendment will be considered, and a reference to a place within the Township of Fairview where copies of the proposed chapter or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of

general circulation in the Township of Fairview not more than 60 days nor less than seven days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection;

- (3)** Planning Commission of the Township of Fairview referrals. For amendments proposed by interested parties other than the Planning Commission of the Township of Fairview, the Board of Supervisors of the Township of Fairview shall submit each amendment at least 30 days prior to public hearing to the Planning Commission of the Township of Fairview for review and comment. The Planning Commission of the Township of Fairview shall submit a report of its review, together with any recommendations, to the Board of Supervisors of the Township of Fairview within 45 days from the date of said referral. The recommendation of the Planning Commission of the Township of Fairview may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this chapter and the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview. The Board of Supervisors of the Township of Fairview cannot act upon the amendment until it has received a recommendation from the Planning Commission of the Township of Fairview; however, should the Planning Commission of the Township of Fairview fail to submit its recommendation within 45 days, the Board of Supervisors of the Township of Fairview may proceed without its recommendation;
- (4)** York County Planning Commission referrals. All proposed amendments shall be submitted to the York County Planning Commission at least 30 days prior to public hearing on such amendments. The York County Planning Commission may submit recommendations to the Board of Supervisors of the Township of Fairview within 30 days of such referral. The Board of Supervisors of the Township of Fairview cannot act upon the amendment until it has received a recommendation from the York County Planning Commission; however, should the York County Planning Commission fail to submit its recommendation within 30 days, the Board of Supervisors of the Township of Fairview may proceed without its recommendation;
- (5)** Adjournment of public hearing. If during the public hearing process, the Board of Supervisors of the Township of Fairview needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and
- (6)** Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the York County Planning Commission.

C. Amendment initiated by a petition from an interested party.

- (1)** All petitions for amendment, supplement, change or repeal for a portion of this chapter shall include but not be limited to:

 - (a)** A statement of why proposed amendment would be in the best interests of the Township.
 - (b)** A statement of how the proposed amendment is in accordance with the intent of this chapter.
 - (c)** A statement of how the proposed amendment furthers the objectives of the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.
 - (d)** All fee established by Board of Supervisors of the Township of Fairview shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed in this chapter.
 - (e)** The Township reserves the right to require duplicate sets of petition materials and

request additional information in order to evaluate the applicability of the petition.

- (2)** In addition to the requirements and procedures set forth in Chapter IX of this chapter relating the amendments, including specific time frames and County Planning reviews, petitions involving rezoning or map change amendments shall also be processed in accordance with the following:
 - (a)** Purpose of rezoning or map change procedures and requirements.
 - [1]** The purpose of these rezoning or map change procedures and requirements is to protect the safety, capacity and efficiency of the Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by the Township of Fairview.
 - [2]** Township rezoning or map change recommendations shall be based on the projected beneficial and/or detrimental effects not only on the immediate neighborhood, but also on the Township as a whole.
 - (b)** Request for rezoning or map change. All requests for rezoning or map change shall be accompanied by a package of the plans, analyses and reports required below, to demonstrate the compatibility of a rezoning or map change request.
 - (c)** Review of request for rezoning or map change package.
 - [1]** Upon receipt of a request for rezoning or map change package, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the submission to be incomplete or insufficient, the rezoning or map change request package will be returned to the applicant. When the rezoning or map change request package is found to be complete by the Zoning Officer, one copy shall be forwarded to each member of the Board of Supervisors of the Township of Fairview, Planning Commission of the Township of Fairview, and the York County Planning Commission. As part of the rezoning or map change request package, the Township shall consider the motivation and implications of each plan, analysis, and report.
 - [2]** The Township shall review and act on the rezoning or map change request in compliance with the following procedural guidelines:
 - [a]** The Township shall decide if the proposed rezoning or map change request is or is not generally consistent with the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by the Township of Fairview.
 - [b]** If the rezoning or map change request is found to be generally consistent with the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by the Township of Fairview, the Township shall consider any projected beneficial and/or detrimental effects not only on the immediate neighborhood, but also on the Township as a whole.
 - [c]** The Board of Supervisors of the Township of Fairview shall render a decision in favor or not in favor of the rezoning or map change request proposal. The Township shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.
 - (d)** Rezoning or map change request criteria.

- [1]** There are two categories of rezoning or map change requests: minor and major. Minor and major rezoning or map change requests are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts not only on the immediate neighborhood, but also on the Township as a whole.
 - [2]** Minor rezoning or map change requests. Minor rezoning or map change requests are expected to have a lesser impact on the traffic, fiscal resources and existing physical and environmental character of the Township. The following situations constitute eligibility for the minor application:
 - [a]** The rezoning of a nonresidential parcel, or contiguous parcel(s), that totals one acre or less and is located in a mixed-use district.
 - [b]** The rezoning of an existing residential parcel, or contiguous parcel(s), that totals three acres or less in a residential district.
 - [3]** Major rezoning or map change requests. Any rezoning project that does not meet either of the criteria in Subsection C(2)(d)[2] is a major application.
 - [4]** Rezoning or map change requests requirements. Subsection C(2)(e) outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications.
- (e)** Rezoning or map change request package: plans, analyses and reports.
- [1]** All rezoning or map change request shall include a signature by at least one record owner of the property in question, whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition.
 - [2]** Minor rezoning or map change requests. Plans, analyses and reports required to be submitted as part of a minor rezoning or map change requests shall include a scaled plot/site plan certified by a qualified professional land surveyor, engineer or landscape architect licensed and registered to practice in the Commonwealth of Pennsylvania and shall be submitted in accordance with the following:
 - [a]** Location and identification.
 - [i]** The name and address of the owner(s) of the tract (or authorized agent), the developer, and the firm that prepared the plan.
 - [ii]** A North arrow, a graphic scale and a written scale.
 - [iii]** A location map, drawn to a scale of a minimum of one inch equals 2,000 feet, relating the subdivision and/or development to at least two intersections of street center lines. The approximate distance to the intersection of the center lines of the nearest improved street intersection shall be identified.
 - [iv]** If the tract of land is located within 200 feet of a Township or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
 - [v]** The source of title (including the deed, lot, and plan of record number) to the subject tract.
 - [vi]** Tax parcel identification number(s) for the subject tract.

[b] Existing features.

- [i]** Existing contours. York County Geographic Information System (GIS) topography may be accepted.
- [ii]** The following items, when located within the subject tract, including: the name and approximate location and approximate dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, sidewalks, railroads, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of building and development features, including building and structures, parking and loading areas, circulation patterns, curb cuts, lot access, parking stalls, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, other features; and environmental and topographic features, including but not limited to, floodplains, wetlands, mineral extraction sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, historic resources, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
- [iii]** When available, the following items, when located within 200 feet of the subject tract: the names of adjacent landowners; names and approximate location and approximate dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, sidewalks, railroads, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location (and general uses) of land, buildings, parking and loading areas, floodplains, and wetlands.
- [iv]** If applicable, existing and proposed protective covenants running with the land.

[c] Proposed features and plan information.

- [i]** The total approximate acreage of the entire existing tract.
- [ii]** The zoning district and lot size and/or density, and other requirements of the applicable zoning regulations.
- [iii]** The approximate layout of the lot(s), with approximate dimensions, setback lines, yards, etc.
- [iv]** The total number of lots, units of occupancy, density and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
- [v]** The approximate layout of streets, alleys, and sidewalks, including cartway and right-of-way widths.
- [vi]** The approximate location and configuration of proposed uses, building and structures, parking and loading areas, circulation patterns, curb cuts and lot access, parking stalls, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, general stormwater management facilities and locations, easements, and other features.
- [vii]** A note on the plan indicating the types of sewer or water facilities to

be provided.

- [d] A schematic architectural drawing of the principal building(s) front facade(s).
 - [e] Additional information. The Township reserves the right to request additional information as part of the rezoning or map change request process in order to evaluate the applicability of the rezoning or map change request.
- [3] Major rezoning or map change requests. Plans, analyses and reports required to be submitted as part of a major rezoning or map change requests shall include:
 - [a] All of the plans, analyses, and reports for set forth above for minor rezoning or map change requests.
 - [b] Site conditions report. The applicant shall describe the following existing characteristics about the site proposed for development.
 - [i] Total site acreage.
 - [ii] Existing zoning district(s), land use(s) and covenants.
 - [iii] Existing land characteristics, including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, and hydrological patterns.
 - [iv] Relationship of proposed development to adjacent, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic thoroughfares; elementary and high schools; and street improvements.
 - [v] Reservations, if any, by the landowner and/or developer of any area designed for use as public grounds shall be suitable size and location for designated uses.
 - [vi] Land which is subject to flooding or subsidence either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or lot, or further aggravate or increase existing menace.
 - [vii] A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the lot.
 - [c] Infrastructure demand statement. The infrastructure demand statement shall be submitted to the Township containing the following information:
 - [i] Predevelopment data for overall demand.
 - [ii] Estimated gallons of sanitary sewage created per average day.
 - [iii] Estimated gallons of potable water consumed/utilized per average day.
 - [iv] Estimated number of school age children.
 - [v] Estimated total residents, occupants, patrons, and/or employees, as applicable.

- [d] Post-development data for overall demand.
 - [i] Estimated gallons of sanitary sewage created per average day.
 - [ii] Estimated gallons of potable water consumed/utilized per average day.
 - [iii] Estimated number of school age children.
 - [iv] Estimated total residents, occupants, patrons, and/or employees as applicable.
- [e] Fiscal impact analysis. An evaluation providing the following information shall be completed:
 - [i] Potential Township and school district tax generation of the proposed development.
 - [ii] Population projections including the number of school-aged children at build-out of the proposed development.
 - [iii] Length of road to be dedicated to the Township.
 - [iv] Length of sewer and water lines to be dedicated to the Township.
 - [v] The Township will evaluate the proposed development of the proposed zoning in relationship to the potential development in the existing zoning.
- [f] Additional information. The Township reserves the right to request additional information as part of the rezoning or map change request review and approval process in order to evaluate the applicability of the rezoning or map change request, including but not limited to:
 - [i] Environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts;
 - [ii] Traffic impact studies in accordance with Chapter 260, relating to subdivision and land development; and/or
 - [iii] Phase I environmental assessments.

D. Curative amendments by a landowner or by the Board of Supervisors of the Township of Fairview. The procedures for curative amendments shall be in accordance with the MPC, as amended.

E. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zoning district or a reclassification of the zoning district adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the designated Township of Fairview official and shall thereafter be re-filed as part of the permanent records of the Township of Fairview.

§ 300-81. Zoning Hearing Board.

All of the Zoning Hearing Board provisions of the MPC, as amended, are hereby incorporated into this chapter by reference.

A. Establishment and membership.

- (1)** There shall be a Zoning Hearing Board of the Township of Fairview, which shall consist of three members who shall be appointed by resolution by the Board of Supervisors of the Township of Fairview. The membership of the Zoning Hearing Board of the Township of Fairview shall consist of residents of Fairview Township. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board of the Township of Fairview shall promptly notify the Township of Fairview of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board of the Township of Fairview shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.
 - (2)** The Board of Supervisors of the Township of Fairview may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board of the Township of Fairview. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board of the Township of Fairview to the same and full extent as provided by law for Zoning Hearing Board of the Township of Fairview members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township of Fairview, including membership on the Planning Commission of the Township of Fairview and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board of the Township of Fairview, but shall not be entitled to vote as a member of the Zoning Hearing Board of the Township of Fairview nor be compensated, unless designated as a voting alternate member pursuant to Subsection B.
 - (3)** Any member of the Zoning Hearing Board of the Township of Fairview may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors of the Township of Fairview taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- B.** Organization of Zoning Hearing Board of the Township of Fairview. The Zoning Hearing Board of the Township of Fairview shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board of the Township of Fairview, but the Zoning Hearing Board of the Township of Fairview may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board of the Township of Fairview, as provided in Subsection. D(2), if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board of the Township of Fairview shall designate as many alternate members of the Zoning Hearing Board of the Township of Fairview to sit on the Zoning Hearing Board of the Township of Fairview as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board of the Township of Fairview shall continue to serve on the Zoning Hearing Board of the Township of Fairview in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board of the Township of Fairview 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. The Zoning Hearing Board of the Township of Fairview may make, alter, and rescind rules and forms for its procedure, consistent with codes or ordinances of the Township of Fairview and laws of the commonwealth. The Zoning Hearing Board of the Township of Fairview shall keep full public records of its business, which records shall be the property of the Township of Fairview, and shall submit a report of its activities to the Board of Supervisors of the Township of Fairview upon request.
- C.** Expenditures for services. Within the limits of funds appropriated by the Board of Supervisors of

the Township of Fairview, the Zoning Hearing Board of the Township of Fairview may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board of the Township of Fairview may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors of the Township of Fairview. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors of the Township of Fairview, for the performance of their duties when designated as alternate members pursuant to Subsection A, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors of the Township of Fairview.

D. Hearings.

(1) The Zoning Hearing Board of the Township of Fairview shall conduct hearings and make decisions in accordance with the following requirements:

(a) Public notice (as defined herein this chapter) shall be provided. In addition, the Zoning Hearing Board of the Township of Fairview shall notify in writing by mail the applicant, Zoning Officer, and other such persons, whether owners or tenants of property located within 200 feet of the subject property for which the application was submitted, and every other person or organization who shall have registered with the Zoning Hearing Board of the Township of Fairview for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

(b) The Board of Supervisors of the Township of Fairview may prescribe reasonable fees with respect to hearing before the Zoning Hearing Board of the Township of Fairview. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board of the Township of Fairview, 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 of the Township of Fairview, expenses for engineering, architectural or other technical consultants or expert witness costs;

(c) The first hearing before the Zoning Hearing Board of the Township of Fairview or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. An application shall not be considered complete and no time frame as provided herein shall commence to run until the date the requisite fee has been received by the Township. Each subsequent hearing before the Zoning Hearing Board of the Township of Fairview or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of its case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board of the Township of Fairview or hearing officer shall assure that the applicant receives at least seven hours of hearing within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal. **[Amended 1-25-2016 by Ord. No. 2016-1]**

(2) The hearings shall be conducted by the Zoning Hearing Board of the Township of Fairview or the Zoning Hearing Board of the Township of Fairview may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board of the Township of Fairview;

however, the appellant or the applicant, as the case may be, in addition to the Township of Fairview, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board of the Township of Fairview and accept the decision or findings of the hearing officer as final;

- (3) The parties to the hearing shall be the Township of Fairview, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board of the Township of Fairview, and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board of the Township of Fairview. The Zoning Hearing Board of the Township of Fairview shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board of the Township of Fairview for that purpose;
- (4) The Chairman or acting Chairman of the Zoning Hearing Board of the Township of Fairview or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded;
- (7) The Zoning Hearing Board of the Township of Fairview or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board of the Township of Fairview. The cost of the original transcript shall be paid by the Zoning Hearing Board of the Township of Fairview if the transcript is ordered by the Zoning Hearing Board of the Township of Fairview or hearing officer; or shall be paid by the person appealing the decision of the Zoning Hearing Board of the Township of Fairview 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;
- (8) The Zoning Hearing Board of the Township of Fairview or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
- (9) The Zoning Hearing Board of the Township of Fairview 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 45 days after the last hearing before the Zoning Hearing Board of the Township of Fairview or hearing officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board of the Township of Fairview shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board of the Township of

Fairview prior to final decision or entry of findings, and the Zoning Hearing Board of the Township of Fairview's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under Chapter VII of the MPC, as amended, where the Zoning Hearing Board of the Township of Fairview fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Subsection D, 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. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board of the Township of Fairview to meet or render a decision as hereinabove provided, the Zoning Hearing Board of the Township of Fairview shall give public notice of said decision with 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection D. If the Zoning Hearing Board of the Township of Fairview 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;

(10) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board of the Township of Fairview not later than the last day of the hearing, the Zoning Hearing Board of the Township of Fairview shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and

(11) Effect of Zoning Hearing Board of the Township of Fairview's decision.

(a) If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Zoning Hearing Board of the Township of Fairview may at any time, upon application in writing extend either of these deadlines;

(b) Should the appellant or applicant fail to obtain the necessary permits within said two-year-period, or having obtained the permit, should he fail to commence work thereunder within such two-year-period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board of the Township of Fairview;

(c) Should the appellant or applicant commence construction or alteration within said two-year-period, but should he fail to complete such construction or alteration within said three-year-period, the Zoning Hearing Board of the Township of Fairview may, upon 10 days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board of the Township of Fairview finds that no good cause appears for the failure to complete within such three-year-period, and if the Zoning Hearing Board of the Township of Fairview further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and

(d) As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board of the Township of Fairview, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are

logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board of the Township of Fairview must establish and bind a definite time frame for: issuance of a zoning permit; and completion of construction of the project.

E. Zoning Hearing Board of the Township of Fairview's functions. The Zoning Hearing Board of the Township of Fairview shall have the exclusive jurisdiction to hear and render decisions in the following matters:

(1) Substantive challenges to the validity of this chapter, except those brought before the Board of Supervisors of the Township of Fairview pursuant to Section 916.1(a)(2) of the MPC, as amended.[Editor's Note: See 53 P.S. § 10916.1(a)(2).]

(a) If a challenge heard by a Zoning Hearing Board of the Township of Fairview is found to have merit, the decision of the Zoning Hearing Board of the Township of Fairview shall include recommended amendments to the challenged chapter which will cure the defects found. In reaching its decision, the Zoning Hearing Board of the Township of Fairview shall consider the 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 Official Zoning Map;
- [3]** The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, 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 nature 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.

(b) Public notice of the hearing shall be provided as specified in Subsection D;

(c) The Zoning Hearing Board of the Township of Fairview shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time; and

(d) The Zoning Hearing Board of the Township of Fairview shall render its decision with 45 days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

(2) Challenges to the validity of this chapter, raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of this chapter;

(3) Special exceptions as provided for in this chapter and subject to all applicable requirements, including but not limited to:

(a) Filing requirements. In addition to the required zoning permit information, each special exception application shall include the following:

- [1]** Ground floor plans and elevations of proposed structures;
- [2]** Names and address of abutting property owners, including properties directly across a public right-of-way;
- [3]** A scaled drawing (plot/site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter; and
- [4]** A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.

(b) General criteria. Each applicant shall demonstrate compliance with the following:

- [1]** The proposed use shall be consistent with the purpose and intent of this chapter;
- [2]** The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;
- [3]** The proposed use will not substantially change the character of the subject property's neighborhood;
- [4]** Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- [5]** The proposed use complies with this Chapter IV of this chapter relating to Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains;
- [6]** The proposed use shall comply with those criteria specifically listed in Chapter VII of this chapter, relating to specific and supplemental regulations for specific uses. In addition, the proposed use shall comply with all other applicable regulations contained in this chapter; and
- [7]** The proposed use will not substantially impair the integrity of the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.

(c) Conditions. The Zoning Hearing Board of the Township of Fairview, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. The conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and,

(d) Plot/site plan approval. Any plot/site plan presented in support of the special exception pursuant to Subsection E(1)(a)[3] shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted plot/site plan; therefore, should a change in the plot/site plan be required as part of the approval of the use, the applicant shall revise the plot/site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot/site plan, shall require the obtainment of another special exception approval.

(4) Variances. The Zoning Hearing Board of the Township of Fairview shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board of the Township of Fairview may, by rule,

prescribe the form of application to the Zoning Officer. The Zoning Hearing Board of the Township of Fairview may grant a variance, provided that all of the following findings are made, where relevant in a given case:

- (a)** 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 property and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zoning district in which the property is located;
- (b)** That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
- (c)** That such unnecessary hardship has not been created by the appellant;
- (d)** That the variance, if authorized, will not alter the essential character of the zoning district or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare;
- (e)** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
- (f)** The proposed use complies with Chapter IV of this chapter relating to Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains;
- (g)** Filing requirements. In addition to the required zoning permit, each variance application shall include the following:
 - [1]** Ground floor plans and elevations of existing and/or proposed structures;
 - [2]** Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - [3]** A scaled drawing (plot/site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter; and
 - [4]** A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.
- (h)** Conditions. The Zoning Hearing Board of the Township of Fairview, in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions will constitute a violation of this chapter; and
- (i)** Plot/site plan approval. Any plot/site plan presented in support of the variance pursuant to Subsection E(4)(g)[3] shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted plot/site plan; therefore, should a change in the plot/site plan be required as part of the approval of the use, the applicant shall revise the plot/site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot/site plan shall require the obtainment of another variance approval.

- (5) 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 therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, and/or lot;
 - (6) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter;
 - (7) Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the MPC, as amended;[Editor's Note: See 53 P.S. § 10916.2.] and
 - (8) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/ land development.
- F.** Parties appellant before the zoning hearing board of the Township of Fairview. Appeals under Subsections E(5), (6), (7), and (8), and proceedings to challenge this chapter under Subsection E may be filed with the Zoning Hearing Board of the Township of Fairview in writing by the landowner affected, any officer or agency of the Township of Fairview, or any person aggrieved. Requests for a variance or a special exception may be filed with the Zoning Hearing Board of the Township of Fairview by any landowner or any tenant with the permission of such landowner. Any appeal shall state:
- (1) The name and address of the appellant and applicant;
 - (2) The name and address of the landowner of the real estate to be affected;
 - (3) A brief description and location of the real estate to be affected by such proposed change, together with a plot/site plan drawn to scale with sufficient clarity to show the nature and character of the request;
 - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and
 - (5) A statement of the section of this chapter under which the request may be allowed, and reasons why it should, or should not be granted.
- G.** Time limitations.
- (1) No person shall be allowed to file any proceeding with the Zoning Hearing Board of the Township of Fairview later than 30 days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
 - (2) The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer a challenge to the validity of this chapter or the Official Zoning Map pursuant to Section 916.2 of the MPC, as amended,[Editor's Note: See 53 P.S. § 10916.2.] shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.
- H.** Stay of proceeding.
- (1) Upon filing of any proceeding referred to in Subsection F above and during its pendency before the Zoning Hearing Board of the Township of Fairview, all land development pursuant to any

challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board of the Township of Fairview 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 of the Township of Fairview or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board of the Township of Fairview by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board of the Township of Fairview. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

(2) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellant court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

- I. Appeals. Any person, taxpayer, or the Township of Fairview aggrieved by any decision of the Zoning Hearing Board of the Township of Fairview may within 30 days after such decision of the Zoning Hearing Board of the Township of Fairview seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the MPC, as amended.

§ 300-82. Conditional uses.

- A. Filing of conditional use. For any use permitted by conditional use, a conditional use shall be obtained from the Board of Supervisors of the Township of Fairview. In addition to the information required on the zoning permit application, the conditional use application shall show:

- (1) Ground floor plans and elevations of proposed structures;
- (2) Names and address of abutting property owners, including properties directly across a public right-of-way;
- (3) A scaled drawing (site/plot plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter; and
- (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter;
- (5) General criteria. Each applicant shall demonstrate compliance with the following:
 - (a) The proposed use shall be consistent with the purpose and intent of this chapter;
 - (b) The proposed use shall not detract from the use and enjoyment of adjacent or nearby

properties;

- (c) The proposed use will not substantially change the character of the subject property's neighborhood;
 - (d) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - (e) The proposed use complies with Chapter IV of this chapter relating to Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains;
 - (f) The proposed use shall comply with those criteria specifically listed in Chapter VII of this chapter. In addition, the proposed use shall comply with all other applicable regulations contained in this chapter; and
 - (g) The proposed use will not substantially impair the integrity of the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.
- B. Conditions. The Board of Supervisors of the Township of Fairview, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter;
- C. Plot/site plan approval. Any plot/site plan presented in support of the conditional use pursuant to Subsection A(1) shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted plot/site plan; therefore, should a change in the plot/site plan be required as part of the approval of the use, the applicant shall revise the plot/site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot/site plan shall require the obtainment of another conditional use approval;
- D. Hearing procedures.
 - (1) Before voting on the approval of a conditional use, the Board of Supervisors of the Township of Fairview shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors of the Township of Fairview shall submit each such application to the Planning Commission of the Township of Fairview at least 30 days prior to the hearing held upon an application to provide the Planning Commission of the Township of Fairview an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors of the Township of Fairview shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;
 - (2) Public notice, as defined herein this chapter, shall be provided. In addition, the Board of Supervisors of the Township of Fairview shall notify in writing by mail the applicant, Zoning Officer, and other such persons, whether owners or tenants of property located within 200 feet of the subject property for which the application was submitted, and every other person or organization who shall have registered with the Township for the purposes of receiving such notices, and other persons as the Board of Supervisors of the Township of Fairview shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the Board of Supervisors of the Township of Fairview. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

- (3) The Board of Supervisors of the Township of Fairview may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
- (4) The parties to the hearing shall be the Township of Fairview, any person affected by the application who has made timely appearance of record before the Board of Supervisors of the Township of Fairview, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors of the Township of Fairview. The Board of Supervisors of the Township of Fairview shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Board of Supervisors of the Township of Fairview for that purpose;
- (5) The Chairman or Acting Chairman of the Board of Supervisors of the Township of Fairview shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties;
- (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- (8) The Board of Supervisors of the Township of Fairview may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors of the Township of Fairview. The cost of the original transcript shall be paid by the Board of Supervisors of the Township of Fairview if the transcript is ordered by the Board of Supervisors of the Township of Fairview; or shall be paid by the person appealing the decision of the Board of Supervisors of the Township of Fairview 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; and
- (9) The Board of Supervisors of the Township of Fairview shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present,
- (10) The hearing shall be conducted by the Board of Supervisors of the Township of Fairview or the Board of Supervisors of the Township of Fairview may appoint any member or an independent attorney as a hearing officer. The decision, or, where there is no decision, the findings shall be made by the Board of Supervisors of the Township of Fairview. However, the appellant or the applicant, as the case may be, in addition to the Township of Fairview, may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors of the Township of Fairview and accept the decision or findings of the hearing officer as final.
- (11) The Board of Supervisors of the Township of Fairview shall render a written decision or, when no decision is called for, make written finds on the conditional use application within 45 days after the last hearing before the Board of Supervisors of the Township of Fairview. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any

provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

- (12)** Where the Board of Supervisors of the Township of Fairview fails to render the decision within the period required by this article or fails to commence, conduct or complete the required hearing as provided in § 300-99D(1)(c), 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 of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors of the Township of Fairview to meet or render a decision as hereinabove provided, the Board of Supervisors of the Township of Fairview shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter IX of this chapter. If the Board of Supervisors of the Township of Fairview shall fail to provide such notice, the applicant may do so. [Amended 1-25-2016 by Ord. No. 2016-1]

E. Time limitation.

- (1)** If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Board of Supervisors of the Township of Fairview may at any time, upon application in writing, extend either of these deadlines;
- (2)** Should the appellant or applicant fail to obtain the necessary permits within said two-year period, or having obtained the permit, should he fail to commence work thereunder within such two-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors of the Township of Fairview;
- (3)** Should the appellant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Board of Supervisors of the Township of Fairview may, upon 10 days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors of the Township of Fairview finds that no good cause appears for the failure to complete within such three-year period, and if the Board of Supervisors of the Township of Fairview further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified; and
- (4)** As an alternative to the preceding, an applicant can request, as part of the original application before the Board of Supervisors of the Township of Fairview, the granting of a timetable associated with the request which would supersede the deadlines imposed in this Chapter IX of this chapter. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors of the Township of Fairview must establish and bind a definite time frame for: issuance of a zoning permit; and completion of construction of the project.