

**FAWN TOWNSHIP
ZONING
ORDINANCE**

Adopted October 13, 1997

With Amendments Through January 10, 2011

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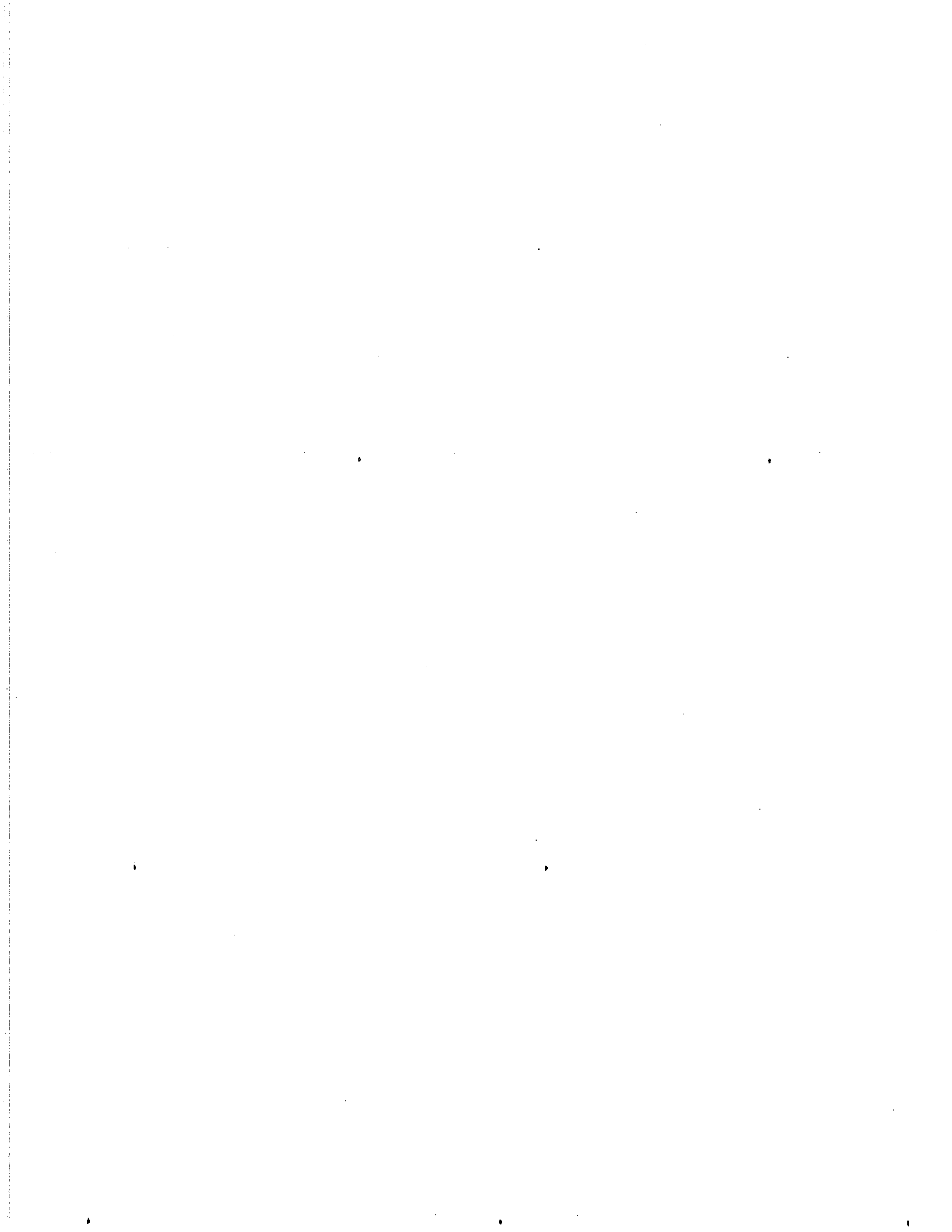
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ARTICLE I

TITLE, AUTHORITY, PURPOSES, AND DEFINITIONS

s.100 **SHORT TITLE**

s.100.1 **Short Title:** This Ordinance shall be known and may be cited as the "Fawn Township Zoning Ordinance".

s.101 **AUTHORITY**

s.101.1 **Township Authority:** Section 601 of the Pennsylvania Municipalities Planning Code (Act 247) provides that the Supervisors of Fawn Township may implement comprehensive plans or accomplish any of the purposes of Act 247 by enacting a zoning ordinance.

s.101.2 **Applicability:** This Ordinance requires that, within the Township of Fawn, in the County of York and the Commonwealth of Pennsylvania, 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 unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

s.102 **PURPOSES**

s.102.1 **General Purposes:** This Ordinance is enacted for the following purposes: to promote the health, safety, morale, and general welfare of the inhabitants of the Township of Fawn by lessening congestion in the roads and streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to conserve the value of buildings; to protect and preserve natural resources and agricultural land and activity; and to encourage the most appropriate use of land.

s.102.2 **Community Development Objectives:** This Ordinance provides a legal basis and framework for future Township development and redevelopment. Its provisions are guided by the policies and proposals contained within the Township Comprehensive Plan.

s.103

DEFINITIONS

s.103.1

Inclusions: For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:

- a. Words used in the present tense include the future.
- b. The singular includes the plural, and the plural includes the singular.
- c. The word "person" includes a corporation, partnership, trust, company, organization, firm and association as well as an individual.
- d. The word "lot" includes the word "plot," "parcel," or "tract."
- e. The term "shall" is mandatory; the word "may" is permissive.
- f. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- g. The male gender includes the female gender.

s.103.2

Definitions: The following words or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage unless specifically defined in the Township Building Code or the Subdivision and Land Development Ordinance, in which case such definition shall apply.

Access Drive. A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

Accessory Building. See "Building".

Accessory Structure. See "Structure".

Accessory Use. See "Use".

Adult Day Care Center. See "Care Facilities".

Adult-Oriented Establishment. The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- a. **Adult Bookstores.** An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating

to specified sexual activities or specified anatomical areas and/or instruments, devices or paraphernalia which is designed primarily for use in conjunction with sexual activities or conduct and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

- b. **Adult Motion Picture Theaters.** An enclosed building with a capacity of fifty (50) or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
- c. **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
- d. Any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron, or a member.
- e. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- f. **Massage Establishments.** An establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reduction salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Agent. Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated township officials for the purpose of obtaining approval thereof.

Agricultural Commodity. Agricultural, horticultural, viticultural and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and

the products thereof, the products of poultry and bee raising, forestry and forestry products, and any and all products raised or produced on farms and intended for consumption, to be sold on site, transported or intended to be transported in commerce.

Agricultural Review Committee. A committee established by the Board of Supervisors, consisting of one (1) Supervisor, one (1) Planning Commission member, one (1) Agricultural Security Member, and the Zoning Officer, who will be advisory only with no vote. The purpose of the Agricultural Review Committee shall be at the discretion and request of the Board of Supervisors, to evaluate the quality of farmland at issue in any subdivision or land development plan that involves subdividing for residential purposes a tract in either the Rural Agricultural or the Conservation Zones, or using a private street.

Agricultural Activities. The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and agricultural crops and commodities and on land which is not less than ten (10) contiguous acres in area, unless cultivated (cropping) as part of a larger farming operation.

Airstrip. A cleared tract of land for the purpose of landing and departing of airplanes.

Alley. A permanent servicerway providing a secondary means of access to lots.

Alterations. As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

Alterations, Structural. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Amendment. A change in use by the Township in a zone which includes revisions to the zoning text and/or the official zoning map.

Animal Hospital. A building used primarily for the treatment, by a veterinarian, of domestic animals such as dogs, cats, rabbits, birds or fowl, and farm animals.

Animal Husbandry. The raising and keeping of livestock and poultry for domestic use or consumption or capital gain or profit or with the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets or household pets pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.

Animals, Livestock. Any domestic farm animal such as cattle, donkeys, horses, mules, burros, sheep, hogs, goats, or poultry kept for agricultural use, commercial purposes, or pleasure.

Animals, Small. Animals generally not to be considered as livestock and also excluding those animals normally referred to as household pets. Such animals include, but are not limited to, chinchillas, ferrets and rabbits.

Antique Sales. A building used for the display and sale of items of an earlier period, which can include collectibles.

Applicant. Any landowner lessee or authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

Area.

a. **Building Area.** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

b. **Floor Area.** The sum of the areas of the several floors of a building structure, including areas used for human occupancy and finished basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirement of the Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment.

c. **Floor Area, Habitable.** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

d. **Lot Area:**

Lot Area, Gross – The area contained within the property lines of a lot as shown on a subdivision or a land development plan, including space within all street and railroad rights-of-way, and including the area of any easement:

Lot Area, Net – The area contained within the building setback lines of a lot as shown on a subdivision or land development plan, excluding space within all street and railroad rights-of-way, but including the area of any easement.

- e. **Site Area.** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets or easement.

Arterial Street. See "Street".

Attached Building. See "Building".

Basement. A story having part but not more than one-half (1/2) of its height below the average level of the adjoining ground. (Also see "Cellar".)

Bed and Breakfast Inn. A single family residence or portion thereof containing not more than three (3) guest rooms provided for occupancy for remuneration which are used by not more than six (6) guests.

Building. Any structure, either temporary or permanent, or part thereof, having walls and a roof, or other covering, supported by columns or walls, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including vehicles situated on property and used for the purposes set forth in this definition. For regulatory purposes, all buildings are considered as structures. (See **Structure**) Buildings are further classified as follows:

- a. **Accessory Building.** A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, including but not limited to, private garages, carports, utility buildings or sheds, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- b. **Attached Building.** A building which has two (2) or more party walls in common with adjacent buildings.
- c. **Building Area.** See "Area".
- d. **Building Coverage.** That percentage of the plot or lot area covered by the building area.
- e. **Building Height.** A vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.
- f. **Building Setback Line.** (Also known as the building line.) A line within and across a lot defining the required minimum yard between any structure and any adjacent street line and/or property line. (Also see "Setbacks".)
- g. **Detached Building.** A building surrounded by open space on the same lot.

- h. **Principal Building.** A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.
- i. **Semi-Detached Building.** A building which has only one (1) party wall in common with an adjacent building.

Building Material Yard/Sales. An establishment that sells lumber and other related construction materials from a yard/warehouse setting, for commercial as well as private use.

Building Permit. Any permit required by this Ordinance or the Building Code for the construction, alteration, razing, or change of use of any structure.

Camp. Any one (1) or more of the following, other than a hospital, place of detention, school offering general instructions, or a mobile home park:

- a. Any area of land or water of a design or character used for seasonal, recreational, or similar temporary living purposes, which may include any building or group of buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.
- b. Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

Campground. A lot, tract, or parcel of land upon which two (2) or more campsites are located, intended for remuneration for occupation by transients in tents or recreational vehicles with sleeping quarters.

Care Facilities. Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for remuneration for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

- a. **Adult Day Care Center.** Any establishment where care is provided for remuneration to four (4) or more elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.
- b. **Child Day Care Center.** A facility licensed by the State that provides a wide range of formal day care services for remuneration to seven (7) or more children, who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

- c. **Community Living Arrangement.** A building or structure designed to provide living quarters for not more than four (4) non-related persons who are disabled.
- d. **Convalescent Home.** (Also known as a Nursing Home.) A licensed establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition.
- e. **Domiciliary Care Home.** An existing building or structure designed as a dwelling unit for one (1) family which in addition to providing living quarters for one (1) family, provides twenty-four (24) hour supervised, protective living arrangements by the families residing therein for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.
- f. **Family Day Care Home.** A facility, located in a single family residence, which provides supervised care for remuneration to not more than six (6) children, who are not relatives of the caregiver.
- g. **Group Home.** A dwelling designed for a group of mentally and/or physically disabled persons living together in a single dwelling unit.

Caretaker/Watchman. Person employed to look after or take charge of goods, property or persons.

Caretaker/Watchman Unit. See "Dwelling".

Cartway. The surface of a street or alley right-of-way which is improved and available for vehicular travel, or, when curbs are provided, the area between curbs.

Cellar. A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground.

Cemetery. A tract of land used for burial of the dead.

Certificate of Use and Occupancy. The certificate issued by the Zoning Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building or zoning permit.

Change of Use. An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use which imposes other provisions of the Building Code or Zoning Ordinance.

Child Day Care Center. See "Care Facilities".

Clear Sight Triangle. An area of unobstructed vision at street intersections or the intersections of streets and driveways or access drives, defined by the center lines of streets and by a line of sight between points on their centerlines at a given distance from the edge of the cartway, as defined in this Section.

Club Facilities. Facilities belonging to an organization catering exclusively to members and their guests or premises or buildings for social recreational or administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to service organizations, labor unions, as well as social and athletic clubs.

Collector Street. See "Street".

Commission or Planning Commission. The Planning Commission of the Township of Fawn.

Communication Transmitting and Receiving Facility. Telephone, telegraph, radio, television or cable television, exchange towers, studios, and relay stations.

Community Center. A public or quasi-public facility devoted to a variety of group activities to include civic, social, recreational, educational and/or cultural.

Community Living Arrangement. See "Care Facilities".

Comprehensive Plan. The plan, or parts thereof, setting forth, and showing future recommendations for, such systems as land uses, parks and recreational facilities, water supply, sewage disposal, transportation and other public improvements, which affect the development of the Township, projected into the future.

Condominium. A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons, and common areas such as halls, stairs, pools, and recreation areas are owned jointly by such persons. A condominium may be residential, commercial, or industrial in nature.

Construction Manual. A manual, officially known as the Construction and Material Specifications Manual for Subdivision and Land Development for Fawn Township, created and updated from time to time by the Board of Supervisors by Resolution, which contains construction and material specifications for certain improvements required pursuant to this Ordinance or the Fawn Township Subdivision and Land Development Ordinance. See s.311.

Convalescent Home. See "Care Facilities".

Conversion Apartment. See "Dwelling".

Conversion, Multi-Family. See "Dwelling".

Corner Lot. See "Lot". See s.702.5.

County. York County, Pennsylvania.

Court. An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building. Courts are further classified as follows:

- a. **Court, Inner.** A court which does not extend to a street, alley, yard, or outer court.
- b. **Court, Outer.** A court which extends to a street, alley, yard or outer court.

Craft Shop. A building used for the making and sale of goods, especially handmade works of art and crafts.

Cultural Facilities. Art galleries, auditoriums, libraries, museums, adult education centers or other similar facilities open to the public or connected with a permitted educational, philanthropic or religious use.

Curb Level. The officially established grade of the curb in front of the midpoint of the lot.

Dairy. The commercial establishment for the manufacture or processing of dairy products.

Debris. The remains from any place or thing, scattered at random by an act of providence.

Detached Building. See "Building".

Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to make a subdivision of land or a land development.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land, not including normal agricultural operations.

Domiciliary Care Home. See "Care Facilities".

Dormitory. A building arranged or used for lodging more than twenty (20) individuals and associated with a parent institutional use.

Double Frontage Lot. See "Lot". This includes Reverse Frontage Lots. See s.702.5.

Drive-In Business. A commercial establishment, including a fast service establishment, primarily offering stand-up counter, vending machine, window or in-car service, and/or offering prepared or standardized food for either on or off-premises consumption.

Driveway. A minor vehicular surface other than a street and providing access from a street or a private road to a lot.

Dry Cleaning Business. An establishment to clean garments and other items of fabrics with chemical solvents using little or no water.

Dwelling. A building containing one (1) or more dwelling units or used as group quarters. Dwellings are further classified as follows:

- a. **Caretaker or Watchman Unit.** A structure occupied by a person in charge of overseeing a particular property or business where the rental of the living quarters is considered part of the financial remuneration of the individual.
- b. **Conversion Apartment.** A dwelling unit created from usable floor space formerly included as part of a single family detached dwelling.
- c. **Conversion, Multi-Family.** A multi-family dwelling constructed by converting an existing building into apartments for two (2) or more families, without substantially altering the exterior of the building.
- d. **Dwelling Unit.** One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with one (1) cooking facility per unit, living, sanitary and sleeping facilities.
- e. **Group Quarters.** Any dwelling or portion thereof which is designed or used for at least three (3) but not more than eight (8) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, lodging or boarding homes, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable, or philanthropic institution.

- f. **Multi-Family Dwelling.** A dwelling located on a single lot containing two (2) or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units. Single family attached dwellings are specifically excluded from this definition.
- g. **Single Family Attached Dwelling.** A dwelling containing only one (1) dwelling unit from ground to floor, having independent outside access and a portion of one (1) or two (2) walls in common with adjoining dwellings.
- h. **Single Family Detached Dwelling.** A dwelling having only one (1) dwelling unit from ground to roof, independent outside access and open space on all sides.

Driveway. A minor vehicular surface other than a street and providing access from a street or a private road to a lot.

Dump. A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind not normally considered to be salvageable.

Easement. The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public, quasi-public, or private 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.

Extractive Operations. Any open excavation in a quarry, strip mine, or burrow pit.

Family. One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or rooming house.

Family Day Care Home. See "Care Facilities".

Farm. A contiguous tract of land ten (10) acres or more in common ownership which is used for agricultural activities in the raising of agricultural crops, livestock, poultry or dairy products, and the necessary accessory uses for packing, treating or storing the produce, and improved with single-family dwelling, and with barns, sheds and/or other farm buildings or structures normally utilized for housing and feeding farm animals, storing farm equipment, crops and commodities.

Farm Buildings and Structures. Buildings and structures, excluding dwellings, necessary for the operation of a farm.

Farm Market. A commercial enterprise consisting of a building or structure, either permanent or temporary, designed and used for the purpose of the sale of agriculture-related commodities located on a tract of land devoted to normal agricultural activities.

Farm Pond. A body of water totally surrounded by agricultural land in single ownership, which is used for stock watering and/or crop irrigation.

Fence. Any combination of materials creating an enclosure or barrier to prevent intrusion from outside, straying from within, or screening one (1) property from another either to assure privacy or protect the property screened.

Fence Height. The height of a fence measured from grade level.

Flood Plain. Those areas designated and delineated by the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) effective September 25, 2009 or their successors, and regulated by the Fawn Township Floodplain Management Ordinance of 2009 or its successors.

Floor Area. See "Area".

Floor Area, Habitable. See "Area".

Forest and Wildlife Preserve. Any tract or tracts of land used for the growing or production of timber crops or forest products and/or the maintenance of a sanctuary for wildlife (non-domesticated animals.)

Front Yard. See "Yard".

Frontage. The horizontal or curvilinear distance along the street line upon which a lot abuts.

Funeral Home. An establishment used for preparation for burial or cremation of the dead.

Grade, Finished.

- a. For buildings adjoining one (1) street only, the elevation of the established curb at the center of the wall adjoining the street.
- b. For buildings adjoining more than one (1) street, the average of the elevations of the established curbs at the center of all the walls adjoining streets.

- c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. All walls approximately parallel to and not more than fifty (50) feet from a street line are to be considered as adjoining a street.

Green Area. An area of land associated with and located on the same parcel of land as a principal building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green areas may include, but not be limited to, lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas including playgrounds, fountains, swimming pools, wooded areas and watercourses; but shall not include loading areas, parking areas or vehicle surfaces or accessory buildings.

Greenhouse. See "Nursery".

Group Home. See "Care Facilities".

Group Quarters. See "Dwelling".

Guest Room. A room which is intended, arranged or designed to be occupied or which is occupied by one (1) or more guests but in which no provision is made for cooking or remuneration. Guest rooms shall be within or attached to the principal residence and shall be a part of the residential use.

Half-Way House. A dwelling for the transitional institutionalized supervision of individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution.

Home Occupation or Profession. A special type of accessory use as approved by the Zoning Officer. It is an occupation or profession which is characterized by the following:

- a. Is carried on in a dwelling unit or in a structure accessory to a dwelling unit, and
- b. Is carried on by a member of a family residing in the dwelling unit, and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Horticulture. The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

Hospital. A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanatorium, sanatarium, and preventorium.

Hotel. A building in which guest rooms are provided for occupancy, with or

without meals, for remuneration, by transient or semi-permanent guests or both.

House of Worship. A structure used for religious services and activities.

Impervious Surface. Those paved surfaces that do not absorb precipitation. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios, and any similar areas of concrete, brick, gravel, or asphalt shall be considered impervious surfaces. In addition, all buildings and structures shall be considered as impervious surfaces for computations of lot coverage.

Improved Lot. See "Lot".

Incineration Activities. Any activity involving the thermal destruction of the organic portion of any waste including metal, trash, or any such materials for the purpose of breaking down into ash. (See Landfill.)

Industrial Activities. The manufacturing, processing, and/or assembly of materials, including but not limited to, such activities as printing and publishing, electronic components industries, tool and die making, molding plastics, bottling operations, food processing, furniture making, metal fabrication, and textiles. This use does not include chemical manufacturing, processing or storage operations, or other uses specifically listed in this Ordinance.

Industrial Park. An industrial area organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries.

Interior Lot. See "Lot".

Junk. Any discarded article or material not ordinarily disposed of as rubbish, garbage or refuse and including, but not limited to, scrap metal, scrapped, abandoned, unlicensed, unregistered, or junked automobiles, machinery equipment, paper, rags, glass, containers and other salvageable materials.

Junk Yard. Any outdoor establishment, place of business or use of land which is maintained, used or operated for storing, keeping, buying or selling junk exclusive of garbage dumps or sanitary landfills which are prohibited by this Ordinance.

Kennel.

- a. **Kennel, Commercial.** Any building or buildings and/or land used for the housing, boarding, or breeding of small domestic animals such as dogs, cats, rabbits and fowl by a person for profit, but not to include those animals raised for agricultural purposes.
- b. **Kennel, Non-Commercial.** Any building or buildings, and/or land used for the boarding, breeding, or training of four (4) or more dogs, cats, fowl or other small domestic animals at least four (4) months of age belonging

to the owner thereof and kept for purposes of show, hunting or as pets, but not to include riding stables.

Laboratory. A building or room equipped for experiment, research, or testing; not limited to drugs, chemicals, animals or products.

Landfill. A plot of land for the disposal of municipal solid waste and ash residue.

Landowner. 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 authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscaping. Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs and bushes.

Laundry/Laundromat. Commercial establishment equipped with washing machines and dryers; usually coin-operated and self service.

Livestock. See "Animals, Livestock".

Loading Space. An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Local Street. See "Street".

Lodging House. See "Rooming House".

Lot. 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.

- a. **Corner Lot.** A lot which abuts either two intersecting streets or is bounded on two adjoining sides by a street.
- b. **Double Frontage Lot.** A lot which extends from one (1) street to another, with frontage on both streets.
- c. **Improved Lot.** Any lot of record and/or any lot within any subdivision properly approved by Fawn Township which has a principal building constructed thereon.
- d. **Lot Area.** See "Area".
- e. **Lot Coverage.** That portion of a lot covered by nonporous surfaces, including, but not limited to, buildings, parking areas, driveways, etc.

- f. **Lot Depth.** The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.
- g. **Lot of Record.** A lot which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.
- h. **Lot Width.** The required continuous distance between the side property lines measured along a single street right-of-way line.
- i. **Reverse Frontage Lot.** A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.
- j. **Unimproved Lot.** Any lot of record which is not an improved lot.

Lot Lines. A line dividing one (1) lot from another or from a right-of-way or street. Lot lines are further classified as follows:

- a. **Rear Lot Line.** Any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the street line shall be at least twice the normally required rear yard.
- b. **Side Lot Line.** Any lot line which is not a street line or a rear lot line.
- c. **Street Line.** See "Street".

Major Thoroughfare. A street or highway designated by Fawn Township as an existing or planned collector or arterial street.

Marginal Access Street. See "Street".

Medical Clinic. Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

Mobile Home. A transportable, single family dwelling intended for a permanent occupancy contained in one (1) unit or in two (2) or more units designed to be joined into one (1) 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 assembly operations and constructed so that it may be used without a permanent foundation.

Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park. A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

Mobile Home Stand. That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

Motel. A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for remuneration by transients or semi-permanent guests or both.

Multi-Family Dwelling. See "Dwelling".

No-Impact Home-Based Business. 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. When permitted by this Ordinance, such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

Nonconformity. A use, structure, lot or dimension in conflict with the regulations of this Ordinance: existing on the effective date of this Ordinance; or existing at any subsequent amendment of the Ordinance; or created by variance. Specifically, the following types of nonconformities are distinguished as:

- a. **Nonconforming Lot.** 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.
- b. **Nonconforming Structure.** A structure or part of a structure manifestly not designed to comply with the applicable provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance.
- c. **Nonconforming Use.** A use, whether of land or of a structure, which does not comply with the applicable provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance.

Nursery. A use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials.

Occupancy Permit. A permit stating that all work indicated on a building or zoning permit has been satisfactorily completed or, in cases not involving construction, a proposed new use is in conformity with the Ordinance and the building or lot may be occupied.

Off-Street Parking Space. See "Parking Space/Lot (Public)".

Office. (Other than home occupation or profession.)

- a. **Professional or Business Office.** An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians, offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization.
- b. **Financial Office.** A commercial savings and loan or banking establishment that provides office space for financial assistance and/or protective savings and investment services.

Open Space. Open land or water or a combination thereof, unobstructed from the ground up, arranged and which may be intended for recreation and enjoyment by Township residents and which is either publicly owned or privately owned but covenanted to guarantee the perpetual maintenance of such space. May also be used as a buffer area.

Parcel. A tract or tracts of land under the same ownership and contained and described in one deed or other conveyance. A parcel shall not include those tracts, whether contiguous or otherwise, separately described and contained in one (1) deed or other conveyance which originate from separate titles.

Parking Garage. A building where vehicles may be stored for short-term, daily, or overnight off-street parking for a fee.

Parking Space/Lot (Public).

- a. **Off-Street Parking Space.** A portion of a lot area designed for the parking of a vehicle.
- b. **Parking Lot.** A portion of a lot area containing three (3) or more off-street parking spaces and having direct access to a street.

Party Wall. A wall on an interior lot line used or a wall adapted for joint service between two (2) buildings.

Personal Care Boarding Home. See "Care Facilities".

Personal Services Shop. An establishment providing personal professional services, such as barber shops, beauty parlors, self-service laundry and dry cleaning establishments, laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops and travel and ticket agencies.

Planned Development. A planned and unified development of a tract of land, for more than a single residential lot and/or for a specified and approved use or combination of uses including group dwellings, commercial, industrial, and public or semi-public uses, whether previously subdivided or not, and with or without the customary subdivision into individual lots.

Planning Commission. See "Commission or Planning Commission".

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Principal Building. See "Building".

Principal Use. See "Use".

Professional Office. See "Office".

Public Buildings and/or Facilities. Buildings and/or facilities owned, operated or controlled by a governmental agency.

Public Entertainment Facilities. An activity operated as a gainful business, open to the public, for the purpose of public entertainment or recreation, including but not limited to, bowling alleys, motion picture theaters, health clubs, miniature golf courses, etc.

Public Notice. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.

Public Sewer. A municipal or community sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

Public Utility Building. Any structure used for the purpose of supplying in this municipality for any utility under the jurisdiction of the Pennsylvania Public Utility Commission or the federal government.

Public Water. A municipal water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

Quarry. A lot or land or part thereof used for the purpose of extractive operations of stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made. This includes sand pits, gravel pits, burrow pits, strip mines, and top soil stripping.

Range. An area for trap, skeet, rifle, or archery use.

Rear Lot Lines. See "Lot".

Rear Yard, See "Yard".

Recreation and Vacation Lodges. A group of attached or detached buildings containing sleeping rooms or living units designed for remuneration as a recreation or vacation destination, as opposed to the transient use characterized by a motel/hotel.

Recreational Vehicle. Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and with its wheels, rollers or skids in place. A recreational vehicle shall include trailer, house trailer, camper, sleigh, golf cart, boat, boat trailer, airplane or other similar vehicle providing partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom convenience.

Retail Stores. All buildings and structures which are occupied for display and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and open to the public.

Restaurant.

- a. **Fast Service.** A public eating place primarily offering stand-up counter, vending machine, window or in-car service and offering prepared or standardized food for either on or off-premises consumption.
- b. **Sit-Down.** A public eating place primarily offering sitdown counter or table service and custom-prepared foods for on-premises consumption.

Reverse Frontage Lot. See "Lot".

Riding Academy or Riding Stable. An establishment where horses are kept for riding or driving, or are stabled for remuneration.

Right-of-Way. The entire portion of a public or private street, road, highway, public or private use, which is dedicated or reserved for the particular use. As to a right-of-way for a public alley, street, road, or highway, the right-of-way shall be the entire width of any land reserved or dedicated to the Township or the Commonwealth either by subdivision or land development plan or by statute, whichever is greater.

Roomer or Boarder. A person occupying any room or group of rooms for remuneration, forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, for lodging and/or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified, for purposes of the Ordinance, not as a roomer or boarder but as a guest or lodger of a commercial lodging establishment (motel, hotel, tourist home).

Rooming House. A dwelling arranged or used for rooming, with or without meals, but for remuneration, designed as an accessory use to a single family dwelling, including three (3) or less roomers and in which no provision is made for cooking in any individual room or suite.

Satellite Dish Antenna. Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit, six (6) feet or larger.

Sawmill. A building and lot used for the processing of trees into lumber, boards and other related items such as mulch.

School.

- a. **School, Commercial.** A place of instruction conducted for profit for such special instruction including but not limited to business, art, music, trades, handicraft, or dancing.
- b. **School, Noncommercial.** A place of instruction, either public or private, other than a commercial school.

Screen Planting. A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

Semi-Detached Building. See "Building".

Service Station. See "Vehicle Facilities".

Setback. The required distance between a setback line and a property line.

- a. **Setback, Front.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.
- b. **Setback, Side.** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.
- c. **Setback, Rear.** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

Sewage Facility. Any sewer, sewage system, sewage treatment works, or parts thereof designed, intended or constructed for the collection, treatment disposal of liquid waste (including industrial waste). Sewage facilities are further classified as follows:

- a. **Off-Lot Sewage Facility.** Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant.
- b. **On-Lot Sewage Facility.** Any approved system or part thereof designed to serve a single dwelling or building in which sanitary sewage is collected in a septic tank, holding tank or similar container located on the same lot, is untreated except for bacterial action occurring within such tank and is disposed of either by leaching from drain lines connected to the tank or by hauling to a sewage treatment facility, or any other method approved by Department of Environmental Protection.

Shopping Center. A group of retail stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Side Lot Lines. See "Lot".

Side Yard. See "Yard".

Sign. Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business. Signs are further classified as follows:

- a. **Advertising Sign (Billboard).** A sign which directs attention to a business product, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- b. **Business Identification Sign.** A sign which directs attention to a business, product, service, activity, or entertainment sold or offered upon the premises where such sign is located.
- c. **Incidental Sign.** A real estate, development, institutional, professional, farm produce, name plate or home occupational sign as regulated in Section 301 of this Ordinance.
- d. **Indirectly Illuminated Sign.** An illuminated, nonflashing sign whose illumination is derived entirely from an external artificial source into Residential Districts or public streets.

Sign Surface Area. The entire area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area. It does not include decorative trim nor any structural elements outside the limits of such sign surface and not forming an integral part of the display. For projecting or double-face signs, only one (1) display face shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is ninety (90) degrees or less.

Single Family Attached Dwelling. See "Dwelling".

Single Family Detached Dwelling. See "Dwelling".

Site Area: See "Area".

Small Animals. See "Animals, Small".

Solid Waste. Garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials, resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazard waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Stable. See "Kennel".

Storage Facility.

- a. **Storage, Heavy.** The enclosed storage of goods, material, equipment and/or large vehicles (including, but not limited to, trucks and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.

- b. **Storage, Light.** The enclosed storage of goods and materials of a noncombustible nature which do not ordinarily burn rapidly, such as products on wooden pallets or in paper cartons (furniture, glass, cement in bags, stoves, food goods, etc).
- c. **Storage, Mini.** The enclosed storage of household items, recreational equipment and/or automobiles 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, commonly maintained in clusters of units. Mini-storage units shall not be used as offices or shops, and shall not house any items of operations other than dead storage as specified above.

Street. Includes any street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified as follows:

- a. **Arterial Street.** Streets serving large numbers of high speed traffic and connecting population and employment centers and which are designated in the Comprehensive Plan.
- b. **Collector Street.** Streets which in addition to giving access to abutting properties, intercept local streets and provide routes to community facilities and arterial streets and which are so designated in the Comprehensive Plan.
- c. **Local Street.** Streets primarily used for access to abutting properties and generally serving internally developed areas.
- d. **Marginal Access Street.** A local street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and control of intersections with the arterial or collector streets.
- e. **Street Line.** The outer edges of a street right-of-way as laid out on a subdivision or land development plan, or dedicated to the Township or Commonwealth, or granted to the Township or Commonwealth by statute, whichever is greater. See definition of Right-of-Way.
- f. **Private Street.** A street which provides direct access to not more than three (3) residential lots, and not offered for dedication to the Township or the Commonwealth of Pennsylvania; used only for traffic having a destination in the immediate area; and to be installed and maintained by individual lot owners being served by such street in accordance with an approved subdivision plan and road use agreement. (But not to include mobile home parks.)

Story. That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

Structural Alterations. See "Alterations, Structural".

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

- a. **Accessory Structure.** A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Supervisors or Township Supervisors. The Board of Supervisors of the Township of Fawn.

Supply Utility. Any water, electric, gas or oil generating or treatment facility, supply works, substation, transmission line, distribution line or right-of-way.

- a. **Accessory Supply Utility.** Any supply utility or part thereof located on a lot to which commercial service is provided or within a street right-of-way.
- b. **Principal Supply Utility.** Any supply utility not an accessory supply utility.

Swimming Pool.

- a. **Swimming Pool, Private.** Any pool or open tank which has the primary purpose of swimming as an accessory to residency, containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds, lakes and detention basins are not included, provided that swimming was not the primary purpose for their construction.

- b. **Swimming Pool, Public.** Any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

Tavern. An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Thoroughfare or Major Thoroughfare. An arterial or collector street as individually designated in the Comprehensive Plan.

Township Supervisors. See "Supervisors or Township Supervisors".

Tract. All contiguous land consisting of parts or all of one or more parcels owned by the same landowner, regardless of whether divided by public or private roads and/or the presence of lots or parcels adverse from the original tract since October 13, 1976 (the effective date of zoning).

Transportation Terminal. Any building or buildings and/or land used for the storage, maintenance and transfer of cargoes of three (3) or more trucks used for contract motor freight activities, together with other activities normally incidental to such operations.

Unimproved Lot. See "Lot".

Use. Any activity carried on or intended to be carried on in a building or other structure or on a lot. Use is further classified as follows:

- a. **Accessory Use.** A subordinate use listed under the use regulations for each zoning district, normally located on the same lot with a principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. **Principal Use.** The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zoning district.

Utility. Any utility coming under the jurisdiction of the Pennsylvania Public Utility Commission or Fawn Township.

Utility Shed. A small accessory building designed primarily for storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and of the type customarily made of prefabricated materials, purchased, assembled, or erected by the property owner.

Variance. A modification of any provision of the Ordinance granted by the Zoning Hearing Board.

Vehicle Facilities.

- a. **Vehicle Garage, Minor.** An accessory building for the storage of one (1) or more vehicles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one (1) vehicle is leased to a nonoccupant of the premises.
- b. **Vehicle Recapping Facility.** A building used to restore a used vehicle tire to usable condition by bonding new rubber onto the worn tread and lateral surface, also known as retreading.
- c. **Vehicle Repair Facility.** Any area of land including structures thereon that is used for the repair and/or rebuilding of vehicles engines, transmissions, differentials, etc. It does not include facilities used for motor fuel sales, lubricating, washing, painting, or body or fender repair.
- d. **Vehicle Sales Facility.** A building on a lot designed and used primarily for the display or sale of new and used vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.
- e. **Vehicle Service Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, and which may or may not include facilities for lubricating, washing and servicing motor vehicles but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic vehicle washes.
- f. **Vehicle Washing Facility.** A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.
- g. **Vehicle Wrecking Facility.** The dismantling or wrecking of used vehicles or travel trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Watchman. See "Caretaker".

Watchman Unit. See "Dwelling".

Water Facility. Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water. Water facility is further classified as follows:

- a. **Off -Lot Water Distribution Facility.** Any approved system in which potable water is supplied from a central water source to a dwelling or

other building located off the lot on which such dwelling or building is located.

- b. **On-Lot Water Distribution Facility.** Any approved system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well.

Wholesale Establishment. A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional, and commercial users mainly for resale or business use.

Wildlife Preserve. See "Forest and Wildlife Preserve".

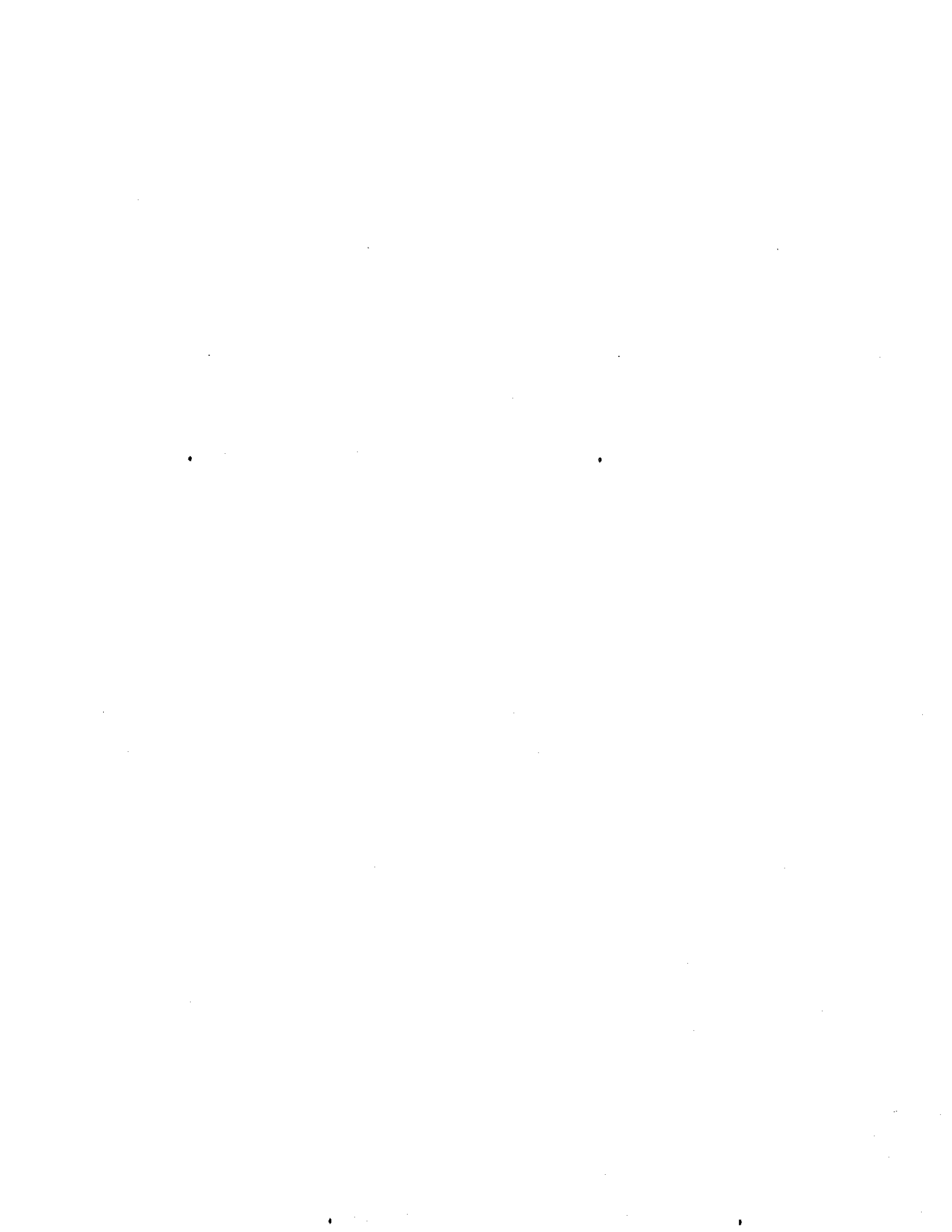
Yard. An open unoccupied space unobstructed from the ground up, on the same lot with a structure, extending along the entire length of a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line. Yards are further classified as follows:

- a. **Front Yard.** The area between a structure and street line and extending the entire width of the lot from sideline to sideline. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards.
- b. **Rear Yard.** The area between a structure and rear lot line and extending the entire width of the lot from sideline to sideline.
- c. **Side Yard.** The area between a structure and side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zone. An area laid out on the Fawn Township Zoning Map, and further detailed in this Ordinance and listed as residential (R), Rural Agricultural (RA), Conservation (Cv), and/or Commercial Industrial (CI).

Zoning Officer. The duly appointed Township official designated to administer and enforce this Ordinance. Also can be referred to as "Codes Enforcement Officer."

Zoning Permit. A building permit or certificate of use and occupancy or both, whichever is required in a specific circumstance.



ARTICLE II

ZONE REGULATIONS

s.200 ZONES AND BOUNDARIES

s.200.1 **Establishment of Zones:** The Township of Fawn is divided into zones enumerated below and shown on the map entitled "Zoning Map of Fawn Township" which map is part of this Ordinance.

R	Residential
RA	Rural Agricultural
Cv	Conservation
CI	Commercial Industrial

s.200.2 **Boundaries of Zones:** Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines or extensions thereof.
- c. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- f. Boundaries indicated as parallel to or extensions of features indicated in subsection 200.2.a through 200.2.e of this Ordinance shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- g. Where physical features or lot lines existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by subsections a. through f., the Zoning Hearing Board shall interpret the district boundaries.

s. 201 **USE REGULATIONS**

s.201.1 **Uses Permitted:** The uses permitted in the zones established by this Ordinance, and the permitted extent of these uses, are as shown in the zones following. The uses shown as permitted in each zone are the only uses permitted in that zone. All other uses are subject to section 201.2. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:

- a. Only one (1) principal use shall be permitted on each lot;
- b. Additional general provisions are set forth in Article III;
- c. Setback modifications and nonconformities are set forth in Article IV; and
- d. Supplementary use standards are set forth in Article VI.

s.201.2 **All Other Uses:** Any use not specifically allowed in a zone in this Ordinance shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception, provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance, as further set forth in this Ordinance or other township, state, or federal ordinances.

s.201.3 **Accessory Uses and Structures:** Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 300.

s.201.4 **Uses With Nuisance Effect:** In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.

s.202 **RESIDENTIAL ZONE (R)**

s.202.1 **Purpose:** The residential zone is for people to live in. The purpose of this zone is to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities, and to provide standards which will encourage the installation of public facilities and the preservation of open space.

s.202.2 **Uses Permitted:** No building or structure may be erected or used and no land may be used or occupied except for the following uses:

- a. Agricultural activities (see s.603.2)
- b. Animal husbandry (see s.603.5)
- c. The following Care Facilities only:
 - (1) Adult Day Care
 - (2) Domiciliary Care Home (see s.603.10.d)
 - (3) Family Day Care Home (see s.603.10.e)
- d. Dairy
- e. The following Dwellings only:
 - (1) Single family detached (see s.202.4.c)
- f. Home occupation or profession (see s.603.25)
- g. House of Worship (see 603.28)
- h. No-impact home-based business as an accessory use to a residential dwelling (s. 603.25)
- i. Public buildings and/or facilities (see s.603.43)

s.202.3 **Special Exceptions:** The Zoning Hearing Board may authorize the following uses as special exceptions in accordance with the provisions of Section 804. (See Article VI for additional criteria.)

- a. Antique Sales (see s.603.6)
- b. Bed and Breakfast Inn (see s.603.7)
- c. The following Care Facilities only:
 - (1) Child Day Care Center (see s.603.10.a)
 - (2) Community Living Arrangement (see s.603.10.b)
 - (3) Convalescent Home (see s.603.10.c)
 - (4) Group Home (see s.603.10.f)
- d. Cemetery (see s.603.11)
- e. Community Center (see s.603.13)
- f. The following Dwelling only:
 - (1) Conversion Apartment (see s.603.19.a)
 - (2) Multi-Family Dwelling (see 603.19.b)
 - (3) Single family attached
- g. Farm Market (see s.603.22)
- h. Hospital (see s.603.26)
- i. Medical clinic (see s.603.36)
- j. Mobile Home Park (see s.603.37)
- k. Nursery (see s.603.39)

- l. Office (see s.603.40)
- m. Public utility building (see S.603.45)
- n. School (see s.603.52)
- o. Structures for human occupancy in Flood-Prone Areas (s.502.3.b)

s.202.4

Lot Area and Width: The lot areas and lot widths of not less than the following dimensions shall be provided in each principal use hereafter established in this zone.

- a. Where both on-lot water supply and on-lot sanitary sewage disposal are provided:
 - (1) Lots for single family detached dwellings shall have a minimum lot area of one (1) acre and a minimum lot width at the street right-of-way of two hundred (200) feet.
 - (2) Lots for buildings containing two (2) or more dwelling units and without either off-lot water supply or sanitary sewage facility are not permitted.
- b. Where either an off-lot municipal water supply or sanitary sewage facility is available:
 - (1) Lots for single family detached dwellings shall have a minimum lot area of twenty thousand (20,000) square feet and a minimum lot width measured at a building line of one hundred (100) feet.
 - (2) Lots for two (2) family dwellings (duplex) shall have a minimum lot area of twenty-four thousand (24,000) square feet and a minimum lot width measured at a building line of one hundred (100) feet.
 - (3) Lots for buildings containing more than two (2) dwelling units and without both an off-lot water supply and sanitary sewage facility are not permitted.
- c. Where both an off-lot water and a sanitary sewer facility are available the following table shall apply:

	<u>Single Family Detached</u>	<u>Two Family Dwelling (Duplex)</u>	<u>Single Family Attached (Row)</u>	<u>Multi- Family</u>
Min. Site Area	12,000 SF	15,000 SF	40,000 SF	40,000 SF
Min. Site Width	80 feet	90 feet	200 feet	200 feet
D/U Per bldg.	1	2	3 or more	3 or more
Min. Site area Per D/U	12,000 SF	7,500 SF	3,500 SF	3,500 SF
Min Lot Area	12,000 SF	7,500 SF	1,800 SF	N/A
Min. Lot Width	80 feet	45 feet	18 feet	N/A

s.202.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front setback - forty (40) feet.
- b. Each side setback - twenty (20) feet (principal use); ten (10) feet (accessory use).
- c. Rear Setback - thirty (30) feet (principal use); twenty (20) feet (accessory use).

s.202.6 **Building Height:** The height limit for a main building shall be two and one-half (2½) stories, but not over thirty-five (35) feet, except that the height limit may be extended to three and one-half (3½) stories but not over forty-five (45) feet if each yard is increased in width one (1) foot for each additional foot of height over thirty-five (35) feet. The height limit for accessory buildings shall be two (2) stories, but not over twenty-five (25) feet. There shall be no height limitation for agricultural buildings.

s.202.7 **Building Coverage:** Not more than forty percent (40%) of the net lot area may be covered by buildings or structures including accessory buildings.

s.202.8 **Green Area:** Not less than sixty percent (60%) of the net lot area shall be devoted to green area as defined in this Ordinance.

s.202.9 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one (1) principal building used for dwelling purposes shall be permitted on any single lot.

s.202.10 **On-Lot Sewage Disposal Systems:** If an on-lot sewage disposal system is proposed on any lot in this Zone, and the Pennsylvania Department of Environmental Protection (DEP) requires any tests or studies, such as hydrogeologic

studies, to determine the lot size necessary for a specified minimum area required for the absorption field for the on-lot sewage disposal system, then the additional area for the absorption field can be provided in any subdivision plan in either, but not in a combination of both, of the following ways:

- a. By increasing the lot size of any lot to at least the minimum area required for the absorption field.
- b. Alternatively, each such lot may provide an easement for any additional minimum area required for the absorption field. In the event that an easement is provided, it shall meet all of the criteria of s.203.9.e(2)(c) through (h).

s.203 **RURAL AGRICULTURAL ZONE (RA)**

s.203.1 **Purpose:** The primary purpose of this zone is to maintain and promote the rural agricultural character of the land within this zone. This zone is composed of those areas in the Township whose predominate land use is rural and agricultural. The regulations for this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, and to limit development which requires highway and other public facilities in excess of those required by rural-oriented use.

s.203.2 **Uses Permitted:** No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- a. Agricultural Activities (see s.603.2)
- b. Animal Husbandry (see s.603.5)
- c. Dairy
- d. The following Dwellings only:
 - (1) Single family dwelling (see s.203.9)
- e. Forest and wildlife preserve (see s.603.23)
- f. Home occupation or profession (see s.603.25)
- g. No-impact home-based business as an accessory use to a residential dwelling (s. 603.25)
- h. Farm Occupation (see s. 603.58)

s.203.3 **Special Exceptions:** The Zoning Hearing Board may authorize the following principal uses as special exceptions in accordance with the provisions of Section 804. (See Article VI for additional criteria.)

- a. Airport/Airstrip (see s.603.3)
- b. Animal hospital (see s.603.4)
- c. Antique sales (see s.603.6)
- d. Bed and Breakfast Inn (see s.603.7)
- e. The following Care Facilities only:
 - (1) Adult Day Care
 - (2) Child Day Care Center (see s.603.10.a)
 - (3) Community Living Arrangement (see s.603.10.b)
 - (4) Convalescent Home (see s.603.10.c)
 - (5) Domiciliary Care Home (see s.603.10.d)
 - (6) Family Day Care Home (see s.603.10.e)
 - (7) Group Home (see s.603.10f)
- f. Cemetery (see s.603.11)
- g. Club Facilities (see s.603.12)
- h. Communication transmitting and receiving facility (see s.603.14)
- i. Community Center (see s.603.13)
- j. Craft Shop (see s.603.16)
- k. The following Dwellings only:
 - (1) Single family attached (see s.603.19.d)
- l. Excavation Equipment Business (see s.603.20)

- m. Farm market (see s.603.22)
- n. House of Worship (see s.603.28)
- o. Kennel (see s.603.32)
- p. Landfill (see s.603.35)
- q. Nursery (see s.603.39)
- r. Office (see s.603.40)
- s. Public buildings and/or facilities (see s.603.43)
- t. Public utility building (see s.603.45)
- u. Range (see s.603.46)
- v. Riding Academy/Stable (see s.603.49)
- w. Sawmill Operation (see s.603.51)
- x. School (see s.603.52)
- y. Storage Facility (see s.603.54)
- z. Structures for human occupancy in Flood-Prone Areas (s.502.3.b)

s.203.4 **Lot Area and Width:** The lot areas and lot widths of not less than the following dimensions shall be provided for each principal use hereafter established in this zone.

- a. Minimum Lot Area - one (1) acre.
- b. Maximum Lot Area – one and one-half (1 ½) acres. Any lot exceeding one and one-half (1 ½) acres will be assigned a dwelling unit at the rate of one (1) dwelling unit per one and one-half (1 ½) acres or portion thereof. Such lots cannot be further subdivided unless there are additional dwelling units assigned over the dwelling units needed for the larger lot. Any dwelling units assigned to create a larger lot will be forfeited and will be noted on the subdivision plan. This shall not apply to the residual lot. See also 203.9.e and f of the Zoning Ordinance and 307.5 of the Subdivision and Land Development Ordinance regarding add-on lots.
- c. Minimum Lot Width - Two hundred (200) feet.

s.203.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front Setback - forty (40) feet.
- b. Each side setback - thirty (30) feet (principal use); fifteen (15) feet (accessory use).
- c. Rear Setback - forty (40) feet (principal use); fifteen (15) feet (accessory use).

s.203.6 **Building Height:** The building height limit shall be fifty (50) feet, except in the case of agricultural buildings, in which case there shall be no height limitation (see section s.701).

s.203.7 **Building Coverage:** Not more than thirty percent (30%) of the net lot area may be covered by buildings or structures including accessory buildings.

s.203.8 **Green Area:** Not less than seventy percent (70%) of the net lot area shall be devoted to green area as defined in this Ordinance.

s.203.9 **Single family dwelling:**

a. On each parcel of land the following number of single family dwellings would be permitted, with maximum lot size of 1.5 acres:

<u>Size of Parcel</u>	<u>Number of Dwellings</u>
Up to 3.99 acres	1
4 to 7.99 acres	2
8 to 11.99 acres	3
12 to 15.99 acres	4
16 to 19.99 acres	5
20 to 23.99 acres	6
24 to 27.99 acres	7
28 to 31.99 acres	8
32 to 35.99 acres	9
36 to 39.99 acres	10

For each additional 3.99 acres in a parcel, the number of dwellings would increase by one (1).

b. The parcel of land shall be considered to be of the size it was on July 14, 1975. All dwelling units constructed on that tract shall be considered as part of the permitted number.

c. Where a subdivision plan is submitted and approved in accordance with section 203.9.a, there shall be no further subdivision of said parcel or any lot or lots which are part thereof except as follows: In the event that the developer has not utilized the maximum number of dwellings as set forth in section 203.9.a of this Ordinance, it shall be the developer's responsibility to designate on the subdivision plan which additional lots shall be developed to reach the maximum or which lot or lots may be further subdivided in order to reach the maximum, giving due regard to minimum lot sizes as set forth herein. The developer's failure to do so shall preclude any further subdivision of said parcel. Further, if the residual tract is made up of land which is in two (2) zones, i.e. Cv and RA, the dwelling rights of the residual lot must remain with and be calculated according to the acreage of the land located in each zone respectively.

d. A dwelling shall consist of a single family detached dwelling.

- e. If, as a result of any tests or studies required by the Pennsylvania Department of Environmental Protection (DEP), the lot size necessary for a specified minimum area required for the absorption field for an on-lot sewage disposal system exceeds the maximum lot area allowed by Section 203.4. b, then such additional lot area for the absorption field shall require the forfeiture of additional dwelling units as set forth in Section 203.4.b. The additional area for the absorption field can be provided in any subdivision plan in either, but not a combination of both, of the following ways:
- (1) By increasing the lot size of any lot to at least the minimum area required for the absorption field, subject to the dwelling forfeiture provisions of Section 203.4 b for each oversized lot.
 - (2) Alternatively, each such lot may be maintained at the maximum lot area permitted by Section 203.4.b, with an easement provided for each lot for any additional minimum area required for the absorption field, subject to the following conditions:
 - (a) For any property where the parent tract as of November 13, 2004, from which the lot is being subdivided, was a farm as defined in Section 103.2, then one (1) lot only can be created with an absorption field easement without penalty. This exemption shall be allowed only one (1) time for each parent tract is existence as of November 13, 2004.
 - (b) For all other absorption field easements, dwelling units shall be forfeited pursuant to the formula set forth in Section 203.4.b. All forfeited dwelling units shall be forfeited for the tract on which the absorption field easement is located, and not on the tract from which the lot is being subdivided, if different.
 - (c) The area of the absorption field easement shall be delineated on the subdivision plan creating the lot, and the plan shall note and explain the easement.
 - (d) If the absorption field easement is located on a tract of land which is not owned by the person creating the lot, if owned by that person, is on a separate deed, both the parent tract of the subdivided lot and the tract on which the absorption field easement is placed shall be shown on and made part of the plan, and the owners of all tracts involved in the plan shall join in the plan.
 - (e) Each lot shall have its own absorption field easement, which shall not overlap with any other absorption field easement.

- (f) A separate easement agreement in a form satisfactory to the Township shall be prepared for each absorption field easement being created, which agreements shall be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.
- (g) The deed for each newly created lot shall identify the easement, and reference the subdivision plan and easement agreement, including the recording information.
- (h) Any and all additional requirements of DEP for absorption field easements shall be met. The stricter of the DEP requirements and the requirements of this subsection e. shall apply and control.

f. In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural easement or other easement program (but not including "Clean and Green"), including county, state, federal, or private agricultural preservation programs, then the parcel of land shall forfeit the number of dwelling unit rights given in subsection a. which correspond to the number of acres of the tract for which the agricultural or other easement was given by the owner of the property. The parcel of land shall have attributable to it only the dwelling unit rights which would remain with the portion of the parcel which is not subject to the agricultural or other easement, after applying subsection b. (For example, if a tract consists of 100 acres, and has 25 dwelling unit rights, if the owner sells or transfers an agricultural easement for 80 acres, then he would lose twenty (20) development unit rights, and the parcel would have only the five (5) dwelling unit rights available for the 20 acres which were not placed in the agricultural or other easement, based on the chart in subsection a.)

g. The forfeiture of dwelling rights pursuant to subsections e. and f. shall be absolute and irrevocable. In the event that the DEP reduces or eliminates its requirements for absorption fields in the future, the subdivider shall not be entitled to return or reinstatement of any dwelling units forfeited pursuant to those subsections. However, in such a case, the Township will concur in any agreement vacating or rescinding, in whole or in part, previously recorded absorption field easement agreements when and if no longer needed.

s.203.10 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one (1) principal building used for dwelling purposes shall be permitted on any single lot.

s.203.11 **Private Street:** A private street will be allowed as follows:

- a. 0- 25 acres: Not allowed
- 25-100 acres: One (1) private street
- For each additional 75 acres over 100 acres:

One (1) additional private street

- b. The purpose of a private street is to conserve good quality farm ground located along public road frontage, and a private street can only be used for this purpose. In exchange for the designation of a private street, the landowner must dedicate one (1) acre with no less than 200 feet of public road frontage for each building lot located and fronting upon the private street. The public road frontage (200 feet per lot) dedicated in exchange for the private street must remain in farming, cannot be further subdivided, and must be approved by the Agricultural Review Committee.
- c. A private street must otherwise comply with the provisions pertaining to private streets as set forth in the Township's Subdivision and Land Development Ordinance.
- d. Land shall be considered of low quality for agricultural use if:
 - (1) The land is in soil capability units IVs-3 through VIIs-2 as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May 1963; or
 - (2) The land cannot feasibly be farmed due to:
 - (a) The existing features of the site such as rock outcropping, rock too close to the surface to permit plowing, swamps, the fact that the slope of the area exceeds fifteen percent (15%); or
 - (b) The fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of modern farm machinery. (For purposes of the application of this subsection, the lot shall be considered as a part of the original parcel.)

s.203.12 **Regulations Regarding Dwellings in the RA Zone:**

- a. All applications for approval of a dwelling in the RA Zone shall be referred to the Planning Commission, and at the discretion of the Board of Supervisors, the Agricultural Review Committee, for recommendation.
- b. Number of dwelling units permitted upon each tract of land as it existed on July 14, 1975 - There shall be permitted the number of dwelling units as specified in section 203.9, whether located on a "farm" or "farms" or on a "single family residential unit" or otherwise, provided all the requirements and limitations hereinafter set forth are complied with.
- c. Single family residential units permitted after the date of the enactment of this Ordinance shall consist in their entirety of land of low quality for

agricultural use as defined in subsection 203.12.d, and if requested, upon the recommendation of the Agricultural Review Committee, unless such location is not feasible. In this case the single family residential unit and the dwelling unit erected thereon shall be located so as to use the least agriculturally productive land feasible and to minimize interference with agricultural production.

- d. Land shall be considered of low quality for agricultural use if:
- (1) The land is in soil capability units IVs-3 through VII-2 as classified by the Soil Survey of York County, Pennsylvania, series 1959, No. 23 issued May 1963; or
 - (2) The land cannot feasibly be farmed due to:
 - (a) Existing features of the site such as rock outcropping, rock too close to the surface to permit plowing, swamps, the fact that the slope of the area exceeds fifteen percent (15%); or
 - (b) The fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of modern farm machinery. (For purposes of the application of this subsection, the lot shall be considered as a part of the original parcel.)

s.204 **CONSERVATION ZONE (Cv)**

s.204.1 **Purpose:** The purpose of this zone is to designate a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This zone may include extensive steeply sloped areas, stream valleys, flood plains, water supply sources and wooded areas adjacent thereto.

s.204.2 **Uses Permitted:** No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- a. Agricultural Activities (see s.603.2)
- b. Animal husbandry (see s.603.5)
- c. Dairy
- d. The following Dwellings only:
 - (1) Single family dwelling (see s.204.9)
- e. Forest and wildlife preserve (see s.603.23)
- f. Home occupation or profession (see s.603.25)
- g. Farm Occupation (see s. 603.58)

s.204.3 **Special Exceptions:** The Zoning Hearing Board may authorize the following principal uses as special exceptions in accordance with the provisions of Section 804. (See Article VI for additional criteria.)

- a. Animal hospital (see s.603.4)
- b. Bed and Breakfast Inn (see s.603.7)
- c. Camp or Campground (see s.603.9)
- d. The following Care Facilities only:
 - (1) Adult Day Care Home
 - (2) Child Day Care Center (see s.603.10.a)
 - (3) Community Living Arrangement (see s.603.10.b)
 - (4) Convalescent Home (see s.603.10.c)
 - (5) Domiciliary Care Home (see s.603.10.d)
 - (6) Family Day Care (see s.603.10.e)
 - (7) Group Home (see s.603.10.f)
- e. Cemetery (see s.603.11)
- f. Club Facilities (see s.603.12)
- g. Communication Transmitting and Receiving Facility (see section 603.14)
- h. Community Center (see s.603.13)
- i. Farm Market (see s.603.22)
- j. House of Worship (see s.603.28)
- k. Kennel: Noncommercial only (see s.603.32)
- l. Nursery (see s.603.39)
- m. Offices (see s.603.40)
- n. Public buildings and/or facilities (see s.603.43)
- o. Range (see s.603.46)
- p. Sawmill Operation (see s.603.51)

q. Structures for human occupancy in Flood-Prone Areas (s.502.3.b)

s.204.4 **Lot Area and Width:** The lot areas and lot widths of not less than the following dimensions shall be provided for each principal use hereafter established in this zone.

- a. Minimum Lot Area - Two (2) acres.
- b. Maximum Lot Area – Four (4) acres. Any lot exceeding four (4) acres will be assigned a dwelling unit at the rate of one (1) dwelling unit per two (2) additional acres over four (4). Such lots cannot be further subdivided unless there are additional dwelling units assigned over the dwelling units needed for the larger lot. Any dwelling units assigned to create a larger lot will be forfeited and will be noted on the subdivision plan. This shall not apply to the residual lot. See also Section 204.9.e and f of the Zoning Ordinance and 307.5 of the Subdivision and Land Development Ordinance regarding add-on lots.
- c. Minimum Lot Width - Two hundred fifty (250) feet.

s.204.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front setback - forty (40) feet.
- b. Side setback - forty (40) feet (principal use); twenty (20) feet (accessory use).
- c. Rear setback - forty (40) feet (principal use); twenty (20) feet (accessory use).

s.204.6 **Building Height:** The building height limit shall be fifty (50) feet, except in the case of agricultural buildings, in which case there is no height limitation.

s.204.7 **Building Coverage:** Not more than twenty percent (20%) of the net lot area may be covered by buildings or structures including accessory buildings.

s.204.8 **Green Area:** Not less than eighty percent (80%) of the net lot area shall be devoted to green area as defined in this Ordinance.

s.204.9 **Single Family Dwellings:** Single family dwellings in the Conservation Zone shall be permitted in accordance with the following limitations:

- a. On each parcel of land the following number of single family dwellings would be permitted:

<u>Size of Parcel</u>	<u>Number of Dwellings</u>
Up to 3.99 acres	1
4 to 7.99 acres	2
8 to 11.99 acres	3
12 to 15.99 acres	4
16 to 19.99 acres	5
20 to 23.99 acres	6
24 to 27.99 acres	7
28 to 31.99 acres	8
32 to 35.99 acres	9
36 to 39.99 acres	10

For each additional 3.99 acres in a parcel, the number of dwellings would increase by one (1).

- b. The parcel of land shall be considered to be of the size it was on July 14, 1975. All dwelling units constructed on that parcel since that date shall be considered as part of the permitted number.
- c. Where a subdivision plan is submitted and approved in accordance with section 204.9.a, there shall be no further subdivision of said parcel or any lots which are part thereof except as follows: In the event that the developer has not utilized the maximum number of dwellings as set forth in section 204.9.a, it shall be the developer's responsibility to designate on the subdivision plan which additional lots shall be developed to reach the maximum number of dwellings on which lots may be further subdivided in order to reach the maximum, giving due regard to minimum lot sizes as set forth herein. The developer's failure to do so shall preclude any further subdivision of said parcel. Further, if the residual tract is made up of land which is in two (2) zones, i.e. Cv and RA, the dwelling rights of the residual lot must remain with and be calculated according to the acreage of land located in each zone respectively.
- d. A dwelling shall consist of a single family detached dwelling.
- e. If, as a result of any tests or studies required by the Pennsylvania Department of Environmental Protection (DEP), the lot size necessary for a specified minimum area required for the absorption field for an on-lot sewage disposal system exceeds the maximum lot area allowed by Section 204.4. b, then such additional lot area for the absorption field shall require the forfeiture of additional dwelling units as set forth in Section 204.4.b. The additional area for the absorption field can be provided in any subdivision plan in either, but not a combination of both, of the following ways:

- (1) By increasing the lot size of any lot to at least the minimum area required for the absorption field, subject to the dwelling forfeiture provisions of Section 204.4 b for each oversized lot.
- (2) Alternatively, each such lot may be maintained at the maximum lot area permitted by Section 204.4.b, with an easement provided for each lot for any additional minimum area required for the absorption field, subject to the following conditions:
 - (a) For any property where the parent tract as of November 13, 2004, from which the lot is being subdivided, was a farm as defined in Section 103.2, then one (1) lot only can be created with an absorption field easement without penalty. This exemption shall be allowed only one (1) time for each parent tract is existence as of November 13, 2004.
 - (b) For all other absorption field easements, dwelling units shall be forfeited pursuant to the formula set forth in Section 204.4.b. All forfeited dwelling units shall be forfeited for the tract on which the absorption field easement is located, and not on the tract from which the lot is being subdivided, if different.
 - (c) The area of the absorption field easement shall be delineated on the subdivision plan creating the lot, and the plan shall note and explain the easement.
 - (d) If the absorption field easement is located on a tract of land which is not owned by the person creating the lot, if owned by that person, is on a separate deed, both the parent tract of the subdivided lot and the tract on which the absorption field easement is placed shall be shown on and made part of the plan, and the owners of all tracts involved in the plan shall join in the plan.
 - (e) Each lot shall have its own absorption field easement, which shall not overlap with any other absorption field easement.
 - (f) A separate easement agreement in a form satisfactory to the Township shall be prepared for each absorption field easement being created, which agreements shall be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.
 - (g) The deed for each newly created lot shall identify the easement, and reference the subdivision plan and easement agreement, including the recording information.

(h) Any and all additional requirements of DEP for absorption field easements shall be met. The stricter of the DEP requirements and the requirements of this subsection e. shall apply and control.

f. In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural easement or other easement program (but not including "Clean and Green"), including county, state, federal, or private agricultural preservation programs, then the parcel of land shall forfeit the number of dwelling unit rights given in subsection a. which correspond to the number of acres of the tract for which the agricultural or other easement was given by the owner of the property. The parcel of land shall have attributable to it only the dwelling unit rights which would remain with the portion of the parcel which is not subject to the agricultural or other easement, after applying subsection b. (For example, if a tract consists of 100 acres, and has 25 dwelling unit rights, if the owner sells or transfers an agricultural easement for 80 acres, then he would lose twenty (20) development unit rights, and the parcel would have only the five (5) dwelling unit rights available for the 20 acres which were not placed in the agricultural or other easement, based on the chart in subsection a.)

g. The forfeiture of dwelling rights pursuant to subsections e. and f. shall be absolute and irrevocable. In the event that the DEP reduces or eliminates its requirements for absorption fields in the future, the subdivider shall not be entitled to return or reinstatement of any dwelling units forfeited pursuant to those subsections. However, in such a case, the Township will concur in any agreement vacating or rescinding, in whole or in part, previously recorded absorption field easement agreements when and if no longer needed.

s.204.10 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one (1) principal building used for dwelling purposes shall be permitted on any single lot.

s.204.11 **Private Street:** A private street will be allowed as follows:

a. 0- 25 acres: Not allowed
25-100 acres: One (1) private street
For each additional 75 acres over 100 acres:
One (1) additional private street

b. The purpose of a private street is to conserve good quality farm ground located along public road frontage, and a private street can only be used for this purpose. In exchange for the designation of a private street, the landowner must dedicate two (2) acres with no less than 250 feet of public road frontage for each building lot located and fronting upon the private street. The public road frontage (250 feet per lot) dedicated in exchange for the private street must remain in farming, cannot be further subdivided, and must be approved by the Agricultural Review Committee.

- c. A private street must otherwise comply with the provisions pertaining to private streets as set forth in the Township's Subdivision and Land Development Ordinance.
- d. Land shall be considered of low quality for agricultural use if:
 - (1) The land is in soil capability units IVs-3 through VIIs-2 as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May 1963; or
 - (2) The land cannot feasibly be farmed due to:
 - (a) Existing features of the site such as rock outcropping, rock too close to the surface to permit plowing, swamps, the fact that the area is heavily wooded, or the fact that the slope of the area exceeds fifteen percent (15%); or
 - (b) The fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery. (For purposes of the application of this subsection, the lot shall be considered as a part of the original parcel.)

s.204.12 **Regulations Regarding Dwellings in the Cv Zone:**

- a. All applications for approval of a dwelling in the Cv Zone shall be referred to the Planning Commission, and at the discretion of the Board of Supervisors, the Agricultural Review Committee, for recommendation.
- b. Number of dwelling units permitted upon each tract of land as it existed on July 14, 1975 - There shall be permitted the number of dwelling units specified in section 204.9, whether located on a "farm" or "farms" or on a "single-family residential unit" or otherwise, provided all the requirements and limitations hereinafter set forth are complied with.
- c. Single family residential units permitted after the date of the enactment of this Ordinance shall consist in their entirety of land of low quality for agricultural use as defined in subsection 204.12.d, and if requested, upon the recommendation of the Agricultural Review Committee, unless such location is not feasible. In this case the single family residential unit and the dwelling unit erected thereon shall be located so as to use the least agriculturally productive land feasible and to minimize interference with agricultural production.
- d. Land shall be considered of low quality for agricultural use if:

- (1) The land is in soil capability units IVs-3 through VIIs-2 as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May 1963; or
- (2) The land cannot feasibly be farmed due to:
 - (a) Existing features of the site such as rock outcropping, rock too close to the surface to permit plowing, swamps, the fact that the area is heavily wooded, or the fact that the slope of the area exceeds fifteen percent (15%); or
 - (b) The fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery. (For purposes of the application of this subsection, the lot shall be considered as a part of the original parcel.)

s.205

COMMERCIAL INDUSTRIAL ZONE (CI)

s.205.1

Purpose: The purpose of this zone is to provide areas for the business enterprises of the Township. It includes provisions for the development of general commercial uses which serve the day-to-day shopping needs of the residents and which cater primarily to the motoring public as well as limited industrial uses which are compatible with the general commercial uses and the surrounding residential or rural-agricultural areas.

s.205.2

Uses Permitted: No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- a. Agricultural Activities (see s.603.2)
- b. Animal hospital (see s.603.4)
- c. Animal husbandry (see s.603.5)
- d. Antique sales (see s.603.6)
- e. Bed and Breakfast Inn (see s.603.7)
- f. Care Facilities
 - (1) Adult Day Care
 - (2) Family Day Care (see s.603.10.e)
- g. Community Center (see s.603.13)
- h. Craft Shop (see s.603.16)
- i. Cultural Facility
- j. Dairy
- k. Dry Cleaning Business
- l. Dwelling in conjunction with commercial or industrial establishment
- m. Farm Market (see 603.22)
- n. Financial Office
- o. Funeral Home
- p. Home occupation or profession (see s.603.25)
- q. Hospital (see s.603.26)
- r. House of Worship (see s.603.28)
- s. Kennel (see s.603.32)
- t. Laundry and Laundromat
- u. Medical Clinic (see s.603.36)
- v. Nursery (see s.603.39)
- w. Office (see s.603.40)
- x. Personal Services Shop
- y. Public Buildings and/or Facilities (see s.603.43)
- z. Public Parking Space/Lot (see s.603.44)
- aa. Recreation and Vacation Lodge (see s.603.47)
- ab. Retail stores
- ac. Restaurant (see s.603.48)
- ad. The following Storage Facilities only:
 - (1) Light (see s.603.54)
 - (2) Mini (see s.603.54)
- ae. Vehicle Facility (see s.603.7)
- af. Wholesale Establishment

s.205.3

Special Exceptions: The Zoning Hearing Board may authorize the following principal uses as special exceptions in accordance with the provisions of Section 804. (See Article VI for additional criteria.)

- a. Adult-Oriented Establishment (see s-603.1)
- b. Building material yard/sales (see s.603.8)
- c. The following Care Facilities only:
 - (1) Child Day Care Center (see s.603.10.a)
 - (2) Community Living Arrangement (see s.603.10.b)
 - (3) Convalescent Home (see s.603.10.c)
 - (4) Domiciliary Care Home (see s.603.10.d)
 - (5) Group Home (see s.603.10.f)
- d. Caretaker or Watchman's Unit
- e. Cemetery (see s.603.11)
- f. Communication Transmitting and Receiving Facility (see s.603.14)
- g. Convenience Store Dispensing Fuel (see s.603.15)
- h. Dormitory (see s.603.17)
- i. Drive-In Business (see s.603.18)
- j. The following Dwellings only:
 - (1) Conversion Apartment (see s-603.19.a)
 - (2) Multi-Family Dwelling (see s.603.19.b)
 - (3) Group Quarters (see s-603.19.c)
 - (4) Single Family Attached Dwelling (see s.603.19.d)
 - (5) Single Family Detached Dwelling (see s. 203.4 through s. 203.8 and s. 203.10 through s. 203.12)
- k. Extractive Operations/Quarries (see s.603.21)
- l. Half-way House (see s.603.24)
- m. Hotel (see s.603.27)
- n. Incineration Activities
- o. Industrial Activities (see s.603.29)
- p. Industrial Park (see s.603.30)
- q. Junk Yard (see s.603.31)
- r. Laboratory (see s.603.33)
- s. Lake, Pond, or Swimming Pool for the Public Use (see s.603.34)
- t. Landfill (see s.603.35)
- u. Motel (see s.603.38)
- v. Parking Garage (see s.603.41)
- w. Public Entertainment Facility (see s.603.42)
- x. Public Parking Space/Lot (see s.603.44)
- y. Public Utility Building (see s.603.45)
- z. Range (see s.603.46)
- aa. Sawmill Operation (see s.603.51)
- ab. School (see s.603.52)
- ac. Shopping Center (see s.603.53)
- ad. Storage Facility, Heavy (see s.603.54)
- ae. Tavern (see s.603.55)
- af. Transportation Terminal (see s.603.56)

s.205.4 **Lot Area and Width:** The lot areas and lot widths of not less than the following dimensions shall be provided for each principal use hereafter established in this zone. (See also section s.702.3.)

	<u>Public Water & Public Sewer</u>	<u>Public water or Public Sewer</u>	<u>No Public Water or Public Sewer</u>
Minimum Lot Area	15,000 sq. ft.	25,000 Sq. ft.	1 Acre
Minimum Lot Width	80 ft.	125 ft.	200 ft.

s.205.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front setback - forty (40) feet.
- b. Each side setback - fifteen (15) feet (principal use); fifteen (15) feet (accessory use).
- c. Rear setback - twenty-five (25) feet (principal use); fifteen (15) feet (accessory use).

s.205.6 **Building Height:** The building height limit shall be three (3) stories but in no case more than thirty-five (35) feet; however, the maximum height limit may be increased to fifty (50) feet provided that each minimum yard area is increased in size one (1) foot for each additional one (1) foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two (2) stories but not over twenty - five (25) feet. There shall be no height limitation for agricultural buildings.

s.205.7 **Building Coverage:** Not more than seventy percent (70%) of the net lot area may be devoted to buildings and structures including accessory buildings.

s.205.8 **Green Area:** Not less than thirty percent (30%) of the net lot area shall be devoted to green area as defined in this Ordinance, unless required by other ordinances.

s.205.9 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one (1) principal building used for dwelling purposes shall be permitted on any single lot.

s. 205.10. **No-Impact Home-Based Business:** A no-impact home-based business shall be permitted as an accessory use for any residential dwelling in this Zone.

s. 205.11 **Dwelling Unit Limitation:** Properties in this CI Zone shall be limited to no more than one (1) dwelling unit right per tract of land as it existed on October 18, 1997.

s. 205.12

On-Lot Sewage Disposal Systems: If an on-lot sewage disposal system is proposed on any lot in this Zone, and the Pennsylvania Department of Environmental Protection (DEP) requires any tests or studies, such as hydrogeologic studies, to determine the lot size necessary for a specified minimum area required for the absorption field for the on-lot sewage disposal system, then the additional area for the absorption field can be provided in any subdivision plan in either, but not in a combination of both, of the following ways:

- a. By increasing the lot size of any lot to at least the minimum area required for the absorption field.
- b. Alternatively, each such lot may provide an easement for any additional minimum area required for the absorption field. In the event that an easement is provided, it shall meet all of the criteria of s.203.9.e(2)(c) through (h).

ARTICLE III

GENERAL PROVISIONS

s.300 ACCESSORY USES AND STRUCTURES

s.300.1 **Attached Structures:** A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

s.300.2 **Nonattached Structures:**

a. A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear or side yards, subject to the setbacks for accessory structures as set forth in each zone. For all other requirements, a nonattached structure is considered a part of the principal building.

(1) Nonattached structures as defined in this Section 300.2.a shall also be permitted in front yards so long as they are set back from any street line at least one hundred (100) feet.

b. Structures originally designed for transportation after fabrication on streets and highways on their own wheels and arriving at the site where they are to be utilized complete and ready for use except for minor and incidental unpacking and assembly, for location on jacks or permanent foundations connected to utilities and the like, or which are designed and fabricated for primary use as storage containers for transport by motor vehicle or ship, including but not limited to structures originally designed as mobile homes, vans, buses, mobile shipping containers, are not permitted as accessory structures in any zone; PROVIDED, HOWEVER, that semitrailers, designed to be hauled behind cabs as part of a tractor-trailer combination, shall be permitted as storage facilities, so long as the semitrailer is fully licensed, inspected, and has any and all permits necessary for operation on public streets and highways, or is in a condition in which it could obtain such license, inspection, and permits. If in the sole opinion of the Zoning Officer, a semitrailer is not in condition that it could be licensed, inspected, or permitted for immediate operation on public streets and highways, then the Zoning Officer shall have the discretion to require the person using said semitrailer for storage to obtain current licensing, inspection, and permitting of the semitrailer for operation on the public streets and highways in a time to be set by the Zoning Officer, but in no event less than fifteen (15) days nor more than thirty (30) days.

s.300.3 **Fences and Walls:**

- a. No fence or wall (except a retaining wall or a wall of a building permitted under the terms of the Ordinance) shall be erected to a height of more than three (3) feet in a front yard area and more than six (6) feet in any other yard area in a residential zone or upon any lot used for residential purposes in any other zone. Unless otherwise provided for specific uses in this Ordinance, for all other uses, no fence may exceed six (6) feet in height in any yard area, except that for commercial or industrial uses in the CI Zone, fences surrounding such uses may be eight (8) feet in height.
- b. Except for fences exempted by subsection c., all fences shall require a zoning permit to be issued by the Zoning Officer. Applications for permits shall include the location of the fence in relationship to the front, side, and/or rear property lines, as appropriate.
- c. Fences which enclose fields or pastures on farms as defined in this Ordinance, of a nature regularly used for such farming purposes (such as, but not limited to, electric, strand, wire, barbed wire, or fences enclosing horse pastures), are exempted from the requirement for obtaining a permit, but shall meet the height maximum limitations in subsection a.
- d. Notwithstanding the provisions of this section, fences, including farm field fences exempted from permits by subsection c., in a front yard shall be permitted in the street right-of-way so long as they meet the following criteria:
 - (1) They are placed at least six (6) feet from the edge of the cartway.
 - (2) The Zoning Officer has determined that no sight distances, including sight distances from driveways and/or intersections, will be negatively impacted by any such fence. In evaluating the detriment of such a fence, the Zoning Officer shall take into account the nature and type of the fence, such as a privacy fence, chain link fence, or wire strand fence used in farming, and the impact on the type of fence on sight distance issues.
 - (3) The height requirements for fences as established in this section are met.
 - (4) The applicant signs a statement acknowledging his or her awareness that, within ten (10) days of notification by the Township or a utility, the applicant will have to relocate the fence in the event that the Township or any such utility requires such removal to exercise its rights pursuant to any established right-of-way.
 - (5) Any fences placed within the right-of-way for a public street shall be so placed at the property owner's risk. The Township shall have no

liability for damage to such fences from Township or state activities such as snow plowing, mowing, street repairs or construction, or the like, or as a result of damage by the traveling public. The owner shall also remove the fence upon written notice in the event that either the Township or the state requires removal to undertake work within the right-of-way, and the Township or the state shall have the right to remove any fences within the public right-of-way if not removed by the owner after notice, or without notice in the event of any emergency.

- e. On corner lots and double frontage lots, notwithstanding the provisions of s.400.3 and 702.5, all fences in what would otherwise be the side and rear yards of the lot as defined in Section 103.2 of this Ordinance, but which abut a street, shall comply with the requirements of subsection d; except that the height of those fences can be the same as fences in side and rear yards.
- f. Except as modified in subsections d. and e. of this Section, fences may be placed up to the property line. A fence may be installed on top of a retaining wall.
- g. The applicant for a fence permit shall be responsible for locating and identifying all property lines along which fences are to be placed, and the Zoning Officer shall be entitled to rely on such representation by the applicant. The issuance of a permit by the Zoning Officer or other Township official is not, and shall not be construed to be, a certification of the accuracy of the location of such lot lines as identified by the applicant, and the applicant shall bear the entire responsibility for such location. The Zoning Officer shall have the right, but not the obligation, to require the applicant to provide proof of the location and accuracy of any such lot lines.

s.300.4 **Domiciliary Care Unit:** This shall be permitted as accessory to use as a single-family dwelling or to use as a multi-family dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of single-family dwellings and multi-family dwellings.

s.300.5 **Home Occupation:** See section 603.25.

s.300.6 **Outdoor Storage:** The following items may not be stored out of doors in any zone excepting in an approved junk yard in the CI Zone:

- a. automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not a) displaying a currently valid registration or b) displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.

- b. Tire stockpiles.
- c. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel cans or other such material.
- d. Junk as defined in this Ordinance

s.301

SIGNS

s.301.1

General Regulations Applying to All Signs:

- a. Existing Signs. Any sign which lawfully existed and was maintained at the effective date of this Ordinance may be continued, provided such sign is constructed of durable materials and is kept in good condition and repair.
- b. Determination of Size.
 - (1) The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included. When such signs consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of which such sign consists shall be considered the area of said sign.
 - (2) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign. An exception to this is that where two (2) such faces are placed back-to-back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size. Structural members and supports required by building codes and not bearing advertising matter shall be excluded from the sign area.
 - (3) The part of a canopy which does not contain any advertising or promotional material shall not be included in the area of the sign.
- c. Location/Projection of Signs:
 - (1) Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
 - (2) For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart. No sign exceeding thirty (30) square

feet in area may be located within seventy five (75) feet of a Residential zone.

- (3) No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other township or state regulations.
 - (4) No sign shall project more than thirty five (35) feet above the ground except for an attached sign, which may project ten (10) feet above the roof of the building.
- d. Illumination of Signs:
- (1) Flashing, rotating, and intermittent lights are not permitted.
 - (2) Signs permitted in the Residential zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of 11 p.m. and 6 a.m.
 - (3) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet, or so it does not obstruct the vision of motorists.
 - (4) Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.
- e. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
- f. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature. Such signs shall be permitted in addition to any of the specific sign types designated on Chart A, which follows this section.
- g. Buntings and Pennants: Buntings, pennants, and similar objects are permitted only in the Commercial Industrial zone to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.

- h. **Construction and Maintenance:** Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- i. **Termination of Enterprise:** Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.
- j. Signs not provided for herein shall be permitted only by special exception, and shall be in general conformance with the regulations for the zoning district in which a sign is proposed to be located.

s.301.2 **Permitted Permanent Signs**

Only the types of permanent signs listed on Chart A, which follows this section, shall be permitted throughout the Township. Permanent signs must conform to the standards set forth in Chart A, as well as satisfy the general regulations of section 301.1. Use certificates shall be required for all permanent signs. For existing nonconforming uses the sign regulations shall be the same as if the nonconforming use was in a conforming zone.

s.301.3 **Permitted Temporary Signs**

Only the types of temporary signs listed on Chart B, which follows this section, are permitted throughout the Township. Temporary signs must conform to the standards set forth in Chart B, as well as satisfy the general regulations of section 301.1.

s.301.4 **Advertising Signs**

Advertising signs are signs whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards. Advertising signs shall be permitted in the Commercial Industrial zone subject to the provisions of section 301.1 and the following criteria:

- a. Only one (1) advertising sign per lot shall be permitted.
- b. No advertising sign shall exceed an overall size of seventy five (75) square feet for an industrial use or one hundred fifty (150) square feet for a commercial use, nor exceed thirty five (35) feet in height.
- c. No advertising sign shall be located within three hundred (300) feet of another advertising sign.
- d. All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines.

- e. All advertising signs shall be set back a minimum of twenty five (25) feet from any street right-of-way line.
- f. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

s.301.5

Portable Signs

Portable signs shall be permitted in the Commercial Industrial zone subject to the provisions of section 301.1 and the following criteria:

- a. No flashing lights are permitted.
- b. Only one (1) portable sign shall be permitted per street frontage, with a minimum setback from the street right-of-way of ten (10) feet or the building face.
- c. The placement of the sign shall not be located on the lot for more than thirty (30) consecutive days per event. In addition, the placement of the sign may not exceed two events per year.
- d. The maximum height allowed shall be ten (10) feet and the maximum projection from any building shall be twelve (12) inches, but not beyond the building setback line.
- e. Removal shall occur within fifteen (15) days after the event.
- f. The maximum size permitted shall be thirty two (32) square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
- g. The placement of such sign shall not interfere with traffic or with sign distance at street intersections and accesses to the public right-of-way.

**CHART A
PERMITTED PERMANENT SIGNS**

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
P-1: All signs & signals owned & operated by the Township.	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	All
P-2: Identification and information for public & semi-public facilities: such as schools, house of worship, public utilities, clubs, hospitals, libraries, historical etc.	1 freestanding and 1 attached	30 sq. ft. per lot	10 ft.	10ft. + Height of building	10 ft.	12 in.	Where use Is permitted
P-3: Nameplates identifying owner or resident of private property (excluding mailbox)	1 per dwelling unit	2 sq. ft. per sign	5 ft.	10 ft. + Height of building	6 ft.	12 in.	All
P-4: Nameplates identifying owner of home occupation	1 per dwelling unit	6 sq. ft. per sign	5 ft.	10 ft. + Height of building	6 ft.	12 in.	All
P-5: Nameplates for Agriculture Operation	1 per property	20 sq. ft. per sign	5 ft.	10 ft. + Height of building	15 ft.	12 in.	All
P-6: Signs indicate the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing	No Limit	2 sq. ft. per sign	5 ft.	No Limit	6 ft.	12 in.	All
P-7: On-Site directional signs	2 per street frontage used as access	6 sq. ft. per sign	2 ft.	10 ft. + Height of building	6 ft.	12 in.	All
P-8: Off – Site directional signs	1 per lot	6 sq. ft. per sign	2 ft.	10 ft. + Height of building	3 ft.	12 in.	All with permission of landowner on which sign is placed. Not on traffic or utility poles.

**CHART A
PERMITTED PERMANENT SIGNS**

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestanding	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
P-9: Identification signs for residential subdivision or multi-family developments	1 per street entrance (max. of 2/dev.)	50 sq. ft.	10 ft.	10 ft. + Height of building	10 ft.	12 in.	Where use is permitted
P-10: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use building and industrial parks).							
P-10A: Freestanding business sign, excludes individual stores or businesses in a complex	1 per street frontage	1 sq. ft. per lineal ft. of lot frontage; not to exceed 32 sq. ft.	15 ft.	NA	25 ft.	NA	Where use is permitted
P-10B: Attached business sign, excludes individual stores or businesses in a complex	4 per street frontage + 4 on one non-frontage wall when a building has only 1 street frontage	6 percent of the total wall area to which the sign is attached; not to exceed 200 sq. ft. per wall, for all signs	NA	10 ft. + Height of building	NA	12 in.	Where use is permitted
P-11: Business signs for shopping centers, malls, multi-use buildings and industrial parks (complexes).							
P-11A: Freestanding business sign for complex	1 per street frontage	1 sq. ft. per lineal ft. of lot frontage; not to exceed 300 sq. ft. per sign	15 ft.	NA	35 ft.	NA	C, I

**CHART A
PERMITTED PERMANENT SIGNS**

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestanding	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
P-11B: Attached business sign for complex	1 per street frontage of attached principal structure	½ sq. ft. per lineal ft. of wall onto which sign is to be affixed, not to exceed 300 sq. ft.	N/A	10 ft. + height of building	N/A	12in.	C, I
P-11C: Attached business sign for individual stores or businesses within a complex	1 per outside wall	4sq. ft. per 1 lineal ft. of wall frontage, not to exceed 0 sq. ft.	N/A	10 ft. + Height of building	N/A	12in	C, I
P-11D: Freestanding business sign for individual businesses within an industrial park or stores within a mall or commercial complex	1 per street frontage	4 sq. ft. per 1 lineal ft. of lot frontage, not to exceed 12 sq. ft.	15ft.	N/A	25 ft.	N/A	C, I
P-12: Advertising sign. (See s.301.4 for additional regulations).	1 per lot	150 sq. ft. (commercial use); 75 sq. ft. (industrial use)	25 ft.	10 ft. + Height of building	35 ft.	12 in.	C, I

**CHART B
PERMITTED TEMPORARY SIGNS**

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding. <u>SIGN TO BE REMOVED WITHIN 15 DAYS OF COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING, WHICHEVER COMES FIRST</u>	1 per each separate firm involved in work on the site	12 sq. ft. per sign	10 ft.	10 ft. + Height of building	10 ft.	12 in.	All
T-2: Real estate signs on individual properties that are for sale, rent, or lease, or which have been sold, rented or leased. <u>SIGNS TO BE REMOVED WITHIN 15 DAYS OF SALE, RENT, OR LEASE AGREEMENT.</u>	1 per street frontage	30 sq. ft. per sign	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All
T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial or other non-residential development. <u>SIGNS TO BE REMOVED UPON 75% COMPLETION OF DEVELOPMENT, OR WITHIN TWO YEARS OF ERECTION OF THE SIGN, WHICHEVER OCCURS FIRST.</u>	1 per street frontage	32 sq. ft. per sign	25 ft. or building face	10 ft. + height of building	10ft.	12 in.	Where use is permitted and development approved.
T-4: Signs advertising the TEMPORARY sale of agricultural and horticultural products raised on property from which it is being sold. <u>TO BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE, NOT TO EXCEED 15 DAYS AFTER CESSATION OF SALES OPERATIONS.</u>	1 per lot	12 sq. ft. per sign	10 ft. or building face	10ft. + Height of building	6ft.	12 in.	All

**CHART B
PERMITTED TEMPORARY SIGNS**

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
T-5: Temporary Directional signs. <u>NOT TO EXCEED ONE WEEK OF PLACEMENT.</u>	No limit	2 sq. ft. per sign	3 ft.	10 ft. + Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed. Not on traffic or utility poles.
T-6: Signs announcing grand openings, new ownership, change of use, etc., on site of the permitted use. <u>SIGNS SHALL BE REMOVED AFTER 7 DAYS.</u>	1 per lot (attached or freestanding)	20 sq. ft. per sign	30 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	Where use is permitted.
T-7: Temporary signs announcing a special civic event not normally associated with a location or a location's use (does not include yard/garage sales or special business promotion sales).							
T 7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS, AND SIGN SHALL BE REMOVED WITHIN 15 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per frontage	20 sq. ft. per sign	10 ft. or building face	10 ft + Height of building	10 ft.	12 in.	All
T- 7B: On a location away from the site of the event. <u>NOT TO EXCEED 90 DAYS PLACEMENT, AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.</u>	No Limit	6 sq. ft. per sign	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed.

CHART B

PERMITTED TEMPORARY SIGNS

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right Of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. Sign)	Zone Permitted
T-8: signs for a political election. SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 15 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.	No Limit	16 sq. ft.	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. Not on traffic or utility poles.

s.302

OFF-STREET PARKING REQUIREMENTS

s.302.1

Required Off -Street Parking Spaces: Any building or other structure erected, altered or used and any lot used or occupied for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, or in Article VI, together with adequate accessways, driveways or other means of circulation and access to and from a public street.

s.302.2

Agriculture Parking Spaces: None are required unless associated with a commercial or industrial facility, in which case spaces shall be provided as required by appropriate sections of this Article.

s.302.3

Residential Parking Spaces: For the purpose of this Ordinance, in residential zones when one (1) or two (2) parking spaces are required for dwellings, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as parking space.

- a. Single family dwellings, mobile homes, mobile home parks, two family dwellings, multi-family dwellings - two (2) spaces per dwelling unit.
- b. Group quarters, rooming houses, boarding houses, motels, hotels and recreation and vacation lodges or other similar uses - one (1) parking space for each guest room plus one (1) additional space for each two (2) full-time employees. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants in addition to those required for guest rooms or as required by section 302.5.f.

s.302.4

Institutional Parking Spaces:

- a. Convalescent homes, hospitals or other similar uses - at least one (1) parking space for every three (3) beds plus one (1) space for every full time employee on the largest shift plus one (1) space for each staff doctor.
- b. Places of assembly - for Houses of Worship, theaters, mortuaries, cultural facilities, community centers, assembly or meeting rooms or other similar places of public or private assembly, at least one (1) parking space for every four (4) seats provided for public assembly or one (1) space per seven hundred fifty (750) square feet of gross floor area, whichever is greater, plus one (1) space for each full-time nonresident employee.
- c. Private club or lodge, golf course, public or private recreational facility, campground - one (1) parking space for each five (5) persons of total capacity; for recreational vehicle parks, one (1) space for each recreational vehicle stand.
- d. Schools - kindergarten, day nursery, elementary school and junior high school, one (1) parking space per two (2) classrooms and offices. For

senior high school, college or trade or professional school, one (1) parking space per faculty member and employee plus one (1) space per ten (10) students of projected building capacity.

s.302.5 **Commercial Parking Spaces:**

- a. Vehicle facilities - one (1) parking space for each three hundred (300) square feet of gross floor area devoted to service facilities, or two (2) spaces for each service bay, whichever is greater, plus one (1) space for each one hundred (100) square feet of gross floor area devoted to sales facilities or usage, plus one (1) space for each full-time employee.
- b. Home occupation or profession - one (1) parking space in addition to the requirement for the dwelling unit plus one (1) additional space for every full-time employee. In those instances where a physician's office is located in the home, three (3) spaces in addition to the requirement for the dwelling unit plus one (1) space for every full-time employee shall be required.
- c. Offices - one (1) parking space for every two hundred (200) square feet of ground floor area plus one (1) space for every four hundred (400) square feet of floor area above the ground floor.
- d. Open areas used for commercial purposes - at least one (1) parking space for each one thousand five hundred (1,500) square feet of gross area or portion thereof.
- e. Public entertainment facilities - one (1) parking space for each fifty (50) square feet of floor area for public use or one (1) space for every four (4) seats, whichever is greater, plus one (1) space for every employee on the largest shift.
- f. Restaurants
 - (1) Quick-service restaurant - one (1) parking space for each fifty (50) square feet of floor area for public use, or one (1) space for every four (4) seats, whichever is greater, plus one (1) space for every employee on the largest shift.
 - (2) Sit-down restaurant - one (1) parking space for every four (4) seats, or one (1) space for every one hundred (100) square feet of gross floor area, whichever is greater, plus one (1) additional space for every employee.
- g. Retail or personal service store or shop - one (1) parking space for every two hundred (200) square feet of retail floor space plus one (1) additional space for each full-time employee.

- h. Veterinary office or animal hospital, drive-in produce stand, commercial nursery - a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles stopping at any one time, but in no case fewer than three (3) such spaces.

s.302.6 **Transportation and Utility Parking Spaces:**

- a. Fire station - four (4) spaces for each fire truck where no community room is a part of the building. Where a community room is provided, two (2) spaces for each fire truck plus one (1) space for each one hundred (100) square feet of gross floor area.
- b. Transportation terminal - as required by the Board of Supervisors.
- c. Utility or communication facilities - one (1) parking space for each vehicle normally required to service such facility.

s.302.7 **Industrial Parking Spaces:** For all industrial uses, one (1) space for each employee per maximum shift.

s.302.8 **Parking Spaces not Specified:** When the parking requirements are not specified herein for a use for which an application for a permit has been filed, the Board of Supervisors shall require as part of their land development review pursuant to the Township Subdivision and Land Development Ordinance, that adequate off-street parking spaces be provided to serve the needs of the use proposed.

s.303 **OFF-STREET PARKING MANAGEMENT REQUIREMENTS**

s.303.1 **Existing Parking:** Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

s.303.2 **Change in Requirements:** Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 302, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

s.303.3 **Conflict With Other Uses:** No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

s.303.4 **Continuing Obligation:**

- a. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provisions, except upon approval of special exception by the Zoning Hearing Board,

and then only after proof that, by reason of diminution in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the parking requirements of this Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve.

- b. Parking lots shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic, and shall at all times be kept clean and free from rubbish and debris.

s.303.5 **Joint Use:** Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total as a special exception under Article VIII of this Ordinance if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

s.303.6 **Fractional Spaces:** Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding one-half (1/2) space shall be counted as one (1) ; any fraction less than one-half (1/2) space may be dropped.

s.303.7 **Location of Spaces:**

- a. In Conservation, Agricultural, and Residential Zones, required off-street parking spaces shall be on the same lot or premises with the use served.
- b. In Commercial Industrial Zones, required off-street parking spaces may be on the same lot or premises with the use served or on a lot separated therefrom, but within two hundred (200) feet. Where provision of required parking involves a lot separated from the use served, the applicant for a use or zoning permit shall submit, with the application, an instrument duly executed and acknowledged which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.

s.303.8 **Waiver of Requirements:** The minimum off-street parking provisions of Article 303 may be waived by the Zoning Hearing Board, provided:

- a. The land development plan shows all required spaces, including required buffer strips and accessways.
- b. The land development plan shows specifically which spaces are to be waived.

- c. Satisfactory documentation is submitted attesting to the reduced need for off-street parking.
- d. The developer enters into an agreement and executes a performance bond to construct the waived spaces if, in the opinion of the Board of Supervisors, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.

s.303.9 **Lighting:**

- a. All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.
- b. **Loading:** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

s.303.10 **Handicap Parking:** Per Federal and State requirements.

s.304 **OFF-STREET PARKING DESIGN STANDARDS**

s.304.1 **General Layout:** The layout of every parking lot shall be such as to permit safe and efficient internal circulation in accordance with accepted traffic engineering principles and standards.

- a. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking lot.
- b. Parking lots 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, and without backing onto any public street.

s.304.2 **On-Street Parking:** At no time shall angle or perpendicular parking be permitted along public streets. All parking lots and bays permitting parking other than parallel shall be physically separated from the street and confined by curbing or other suitable separating device.

s.304.3

Dimensions of Stalls and Aisles: Parking lot dimensions shall be no less than those listed in the following table; except that, in parking structures, aisle widths may be reduced by twenty (20) percent, space widths may be reduced by one (1) foot.

<u>Angle of Parking</u>	<u>Parking Space Width</u>	<u>Space Length</u>	<u>Aisles One - way</u>	<u>Two-Way</u>
90	10'	20'	24'	24'
60	10'	22'	18'	20'
45	10'	21'	15'	20'
30	10'	19'	12'	20'
Parallel	8'	22'	12'	20'

s.304.4

Separation:

- a. Separate lots on a parcel shall be physically separated from one another by eight (8) foot planting strips.
- b. Pedestrian crosswalks and refuge islands shall be provided at intervals not exceeding two hundred (200) feet along the length of each parking lot.

s.304.5

Setbacks: All parking lots shall be set back from any right-of-way line in conformance with pertinent building setback or yard requirements, unless planted and screened in accordance with Section 703, in which case such setbacks may be reduced to five (5) feet. In Residential and Commercial Industrial Zones no less than ten (10) feet of open space shall be provided between the edge of any parking lot and the outside wall of any principal building other than a garage or loading area.

s.304.6

Screening: Parking lots for six (6) or more vehicles, accessory to any institutional, commercial, industrial or utility/transportation use and located in or immediately adjacent to a Residential Zone or residential use shall be screened in accordance with Section 703 on each side which faces a residential use or zone.

s.304.7

Drainage, Surfacing, and Maintenance:

- a. For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

b. Stormwater run-off from any parking area shall be computed in accordance with Urban Hydrology For Small Watersheds, Technical Release Number 55, prepared by the United States Department of Agriculture, January 1975, or as may otherwise be acceptable to the Township. The design concept where run-off may affect downstream properties should be as follows:

- (1) The release rate from storms up to ten (10) years in recurrence frequency shall be limited to the predevelopment flow rate from a two (2) year storm.
- (2) The release rate from storms from up to one hundred (100) years in recurrence frequency shall be limited to the predevelopment flow rate from a ten (10) year storm.
- (3) Retention facilities shall be designed to retain the differences in flow rates per above.
- (4) The emergency spillways from such facilities shall be designed based on a one hundred (100) year storm.
- (5) Unless other ordinances are adopted by Fawn Township; if so, those ordinances will take preference.

s.304.8

Curb Radius: No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

s.305

OFF-STREET LOADING REQUIREMENTS

s.305.1

Spaces Required: Any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. Such areas shall be provided in addition to, and independent of, any parking area requirements.

Off-street loading spaces must be provided in accordance with the following schedule:

<u>Types of Use</u>	<u>Number of Loading Spaces</u>
Commercial	One (1) space for a gross floor area of five thousand (5,000) to twenty-five thousand (25,000) square feet and one (1) additional space for each forty thousand (40,000) square feet of gross floor area in excess of the first twenty-five thousand (25,000) square feet.
Office, financial institution, theater, auditorium, hotel, hospital or other institution, bowling alley, or other indoor recreational establishment	One (1) space for a gross floor area of ten thousand (10,000) to one hundred thousand (100,000) square feet and one (1) additional space for each one hundred thousand (100,000) square feet in excess of the first one hundred thousand (100,000) square feet.
Industry or manufacturing	One (1) space for a gross floor area of two thousand (2,000) to twenty-five thousand (25,000) square feet and one (1) additional space for each twenty thousand (20,000) square feet of gross floor area in excess of the first twenty-five thousand (25,000) square feet.
Wholesale, storage or warehousing (excludes mini-storage facilities for which no loading spaces are required)	One (1) space per establishment and one (1) additional space for each forty thousand (40,000) square feet in excess of the first ten thousand (10,000) square feet.

s.305.2

Size: The following table lists required minimum loading space sizes:

<u>Use</u>	<u>Length</u>	<u>Width</u>	<u>Height if covered or obstructed</u>
Industrial wholesale and storage uses	60 feet	12 feet	15 feet
All other uses	40 feet	12 feet	15 feet

s.305.3 **Surfacing:** All loading areas must be surfaced with a bituminous or concrete paving material.

s.305.4 **Location:** The loading area must be arranged so that there will be no need for vehicles to back over public rights-of-way or cause the stacking of vehicles upon a public street. No loading area shall be located between the front wall of a principal building and the street line. Where possible, off-street loading facilities shall be located on the side of a building which does not face adjoining land in a Residential or Agricultural zone.

s.305.5 **Drainage:** All loading areas shall be drained so as to prevent damage to other properties or public streets. All loading spaces shall be designed to prevent the collection of standing water on any portion of the loading area surface.

s.305.6 **Lighting:** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

s.306 **DRIVEWAYS; ACCESS DRIVES**

s.306.1 **Requirements:** No principal building or structure shall be erected or altered unless there is a driveway or access drive as defined in this Ordinance which runs uninterrupted from the point at which the driveway intersects with the public or private street to the principal building or structure, or in case of a dwelling unit, to the dwelling unit or its garage. Such driveway or access drive shall be staked out on the property, and its location reviewed and approved by the Zoning Officer, before any zoning permit pursuant to s.904 of this Ordinance shall be issued by the Zoning Officer. The driveway shall be designed, laid out, and constructed in accordance with the Township's Construction Manual and its Driveway Ordinance. The driveway shall be completed and approved before the issuance of a Certificate of Use and Occupancy pursuant to s.905 of this Ordinance.

s.306.2 **Design Standards:** Whenever required and/or provided under the provisions of this Ordinance, all driveways shall be designed according to the following standards:

- a. Except in the case of single and two-family dwellings fronting on local streets, the general layout shall be such that there will be no need for motorists to back onto public rights-of-way.
- b. Width of Access - The maximum width of driveway and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet for two-way use and ten (10) feet for one-way use.
- c. Number of Access Points - The number of driveways shall not exceed two (2) per lot on any one street frontage. The Board of Supervisors, as part of

a land development review, may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

- d. Location - Driveways shall not cross the street right-of-way line:
- (1) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve: notwithstanding the above and when deemed reasonably necessary for safety by the Zoning Hearing Board, this dimension shall be increased for driveways to shopping centers, and other commercial, industrial, public or institutional uses. Such driveways shall be located on major streets where practical, in a manner to permit safe ingress and egress.
 - (2) Within five (5) feet of a fire hydrant, catch basin, or drain inlet.
 - (3) Within forty (40) feet of a driveway on the same lot, except that where dual driveways are deemed necessary to permit safe ingress and egress, this dimension may be reduced to not less than six (6) feet between two (2) driveways.
 - (4) In residential zones within three (3) feet of a property line, and in all other zones within twenty (20) feet of a property line unless two (2) adjoining property owners mutually agree in a legally recorded instrument to a common access drive.
- e. Safety - Access to other public highways or streets shall be controlled in the interest of public safety. The off-street parking, loading, and service areas on all properties used for any purpose other than single-family residences required by this Article shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip.
- f. Site Distance - Driveways shall be located in a safe relationship to site distance and barriers to vision and shall not exceed a slope of five percent (5%) within twenty-five (25) feet of the street right-of-way line, unless specifically approved by the Township Engineer after a site review at the cost of the property owner, in which case increased slopes not exceeding ten percent (10%) may be permitted.
- g. Submission of Plans - A scaled drawing of proposed off-street parking and loading areas, driveways, and walks, shall be submitted as part of any required subdivision or land development plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation in addition to Township approval.

- h. Piping - Where needed, pipes must be sized to handle the flow of water. . Pipe end sections will be required on both ends of the pipe to control erosion. In some cases, approval may be required from the Township Engineer, if deemed necessary by the Zoning Officer.
- i. Construction and Materials Specifications – The standards set forth in this Section 306.2 are in addition to those set forth in the Construction Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by Resolution. To the extent that the standards in this Section are or become inconsistent with the Construction Manual, the standards in the Construction Manual shall control. To the extent that there is no inconsistency, both the standards in this Section and in the Construction Manual shall apply.

s.307 **SWIMMING POOLS (PRIVATE)**

- s.307.1 The property or the immediate area in which any outdoor pool containing water over twenty-four (24) inches deep shall be completely surrounded by a fence or wall not less than four (4) feet in height, which may be so constructed to have openings, holes, or gaps not larger than two (2) inches in a vertical dimension. Should the wall of the pool be above ground, the height of the required fence may be reduced so that the total height of the wall of the pool and the fence shall be not less than four (4) feet in height and shall have openings equal to fifty (50) percent or more of the area. when located in a permitted yard, such fence shall not exceed six (6) feet in height.
- s.307.2 A dwelling, accessory building, or decorative wall feature may be used as part of such enclosure.
- s.307.3 All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- s.307.4 The pool may not be located closer than twenty (20) feet to any property line of the parcel upon which its located; however, the required fence enclosure may be located in one of the required side or rear yards, or setbacks.
- s.307.5 Private swimming pools are to be considered accessory structures, permitted in side and rear yards only.
- s. 307.6 In the event that the Township adopts the Uniform Construction Code, and/or all of the Construction Codes authorized and approved thereunder, and to the extent that those provisions as may be from time to time adopted are contrary to the provisions of this Section 307, then the stricter standards between those Codes and this Section shall apply.

HARDSHIP PERMIT

The Zoning Officer may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would not otherwise be permitted by the terms of this Ordinance to house a member of the family of the owner of the tract on which the mobile home or other residential unit is to be placed (family to include only ancestors and direct descendants of the owner), and provided further, that on the tract of land where the mobile home or other residential unit is proposed to be located, all residential units are occupied by either the property owner or a member of his family, and provided further, that no rent or consideration is received for the use of the mobile home or other residential unit, or the space which the same occupies; such hardship permit to be issued for such periods of time as the Board of Supervisors deem appropriate and as the conditions warranting the permit continue. Such permit shall be issued only upon the finding that there is a genuine physical or medical hardship involved to either occupant of the mobile home or other residential unit for which the permit is issued, which requires the family member to live in close proximity with the owner of the parcel of land on which the mobile home or other residential unit is to be placed and that there is no other reasonable way in which the requirements of the ordinance can be satisfied. The unit must be removed ninety (90) days after the hardship ceases to exist. Hardship permits shall be subject to the following additional conditions:

- a. Residential units that are attached to the principal residence shall not be permitted to have separate cooking facilities.
- b. Residential units that are attached to the principal residence shall not be permitted to have a separate electric service or meter. Mobile homes or residential units that are detached from the principal residence may either have a separate electric service and/or meter, or may use the electric service and meter of the principal residence.
- c. Hardship permits shall be issued for one (1) year, and shall be renewed annually by the applicant. By applying for a permit, the applicant agrees that the Township's Zoning Officer, Codes Enforcement Officer, and/or Sewage Enforcement Officer shall have the right to inspect the premises before issuance of the permit, and after improvements to the property to assure compliance with the application, permit, and all relevant Township ordinances, as well as for one (1) year following the removal of the improvement to assure continued compliance. Inspections shall be conducted during normal daytime business hours upon forty-eight (48) hours' notice by the inspector. Failure to renew a permit may, and failure to permit inspection shall, constitute an abandonment of the hardship, or be grounds for denial of a permit renewal.
- d. Before a permit is issued, the applicant, as well as all owners of the property and the person with the hardship (and his or her spouse), shall execute an agreement setting forth the terms of this section.

s.309

DRAINAGE

s.309.1

Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from proposed and existing buildings and on-site sewage disposal facilities and to prevent the collection of stormwater in pools. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

s.309.2

Nearby Existing Facilities: Where adequate existing storm sewers are readily accessible, the developer must connect his stormwater facilities to these existing storm sewers.

s.309.3

Open Drainageways: When open drainageways are used for the disposal of stormwater, the Township Engineer shall review the design of such open drainageways in relation to the following:

- a. Safety: Steep banks and deep pools shall be avoided.
- b. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
- c. Stagnation: Design of open drainageways shall not create stagnant pools. Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities as necessary to:
 - (1) Permit the unimpeded flow of natural watercourses.
 - (2) Ensure the drainage of all low points along the line of streets.
 - (3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 - (4) Provide adequate drainage away from on-site sewage disposal facilities.

s. 309.4

Drainage Upon Adjacent Properties: In the design of storm drainage facilities, consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would result in:

- a. Increasing any portion of the slope steeper than one (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills, or one (1) foot vertical measurement for four (4) feet of horizontal measurement for cuts, within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided; or

- b. A slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

s.309.5 **Drainage Onto Streets:** In order to minimize improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveway or access drive must be at a grade in satisfactory relationship with the established street grade or with the existing street grade where none is established.

s.309.6 **Obstruction to Drainage Prohibited:** The damming, filling, or otherwise interfering with the natural flow of a surface water course is not permitted without approval of the Township Board of Supervisors and the Pennsylvania Department of Environmental Protection.

s.309.7 **Drainage Facilities:** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. Plans shall be subject to the review and approval of the Township Board of Supervisors upon recommendation of the Township Engineer. Drainage plans shall be consistent with local and regional drainage plans.

s.309.8 **Roof Drain Seepage Pits:** All dwellings, roofed accessory buildings or structures in excess of eight hundred (800) square feet floor area must utilize roof drain seepage pits for stormwater. Farm buildings or structures are exempt. Such pits shall be constructed in accordance with the detail at Chart C, which follows this section, and the following criteria:

- a. Seepage pits must provide a volume of one (1) cubic foot for every two (2) square feet of roof surface.
- b. AASHTO #1 (Penn DOT #4) stone must be used in the seepage pit.
- c. A filter cloth liner must be used on the sides, top and bottom of the seepage pit.
- d. Seepage pits must be located a minimum of ten (10) feet from the wall of a dwelling.
- e. The inlet pipe for the seepage pit must be no less than four (4) inches in diameter and shall have an above-ground overflow tee with a cap and weep hole.
- f. A seepage pit shall have a capped, perforated clean-out pipe for access to the pit.
- g. Prior to installation of a seepage pit, a soil percolation test by the Zoning Officer may be required.

s. 310

EROSION AND SEDIMENTATION CONTROL

s. 310.1 **E & S Ordinance Compliance.** For any building, structure, or proposed use which will involve a change in the contour of the land, grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land, no permit either under this Ordinance, or any other Township Ordinance or state statute shall be issued until the requirements of The Fawn Township Erosion and Sedimentation Control Ordinance (E & S Ordinance) have been met.

s.311 **Construction Manual**

s.311.1 The Board of Supervisors has adopted, and from time to time by Resolution may amend, a Construction Manual as defined in this Ordinance, which Construction Manual is hereby authorized and ratified. To the extent that the standards in this Ordinance are or become inconsistent with the Construction Manual, the standards in the Construction Manual shall control. To the extent that there is no inconsistency, both the standards in this Ordinance and in the Construction Manual shall apply.

ARTICLE IV

SETBACK MODIFICATIONS AND NONCONFORMITIES

s.400 **SETBACK MODIFICATIONS**

s.400.1 **Front Setbacks From Major Thoroughfares:** For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and nonresidential buildings) along these thoroughfares must be set back at least fifty (50) feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets so designated by the Township Planning Commission or as specified in the Township Comprehensive Plan and approved by the Township Board of Supervisors.

s.400.2 **Sight Distance:** Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor and any other streets	75 feet

No building or construction is permitted in this area except as follows:

- a. No walk, fence, sign, or other structure shall be erected, altered and no hedge, trees, shrubs, or other growth shall be maintained or permitted, which may cause danger to traffic on a street or public road by obscuring the view.
- b. At all intersections of streets, private roads and/or access drives a clear sight triangle shall be maintained within which there shall be no visual obstructions other than public utility poles and trees not more than one (1) foot in diameter, such as a wall fence, sign, or other structure, and hedge, shrub, or other growth of more than three (3) feet above the grade of the street and/or access drive or private road as the case may be.
- c. The clear sight triangle shall be as follows when measured from the point of intersection of:
 - (1) Two street lines - Equal to the required depth of the building setback from the street line in the zone where located.
 - (2) A Street and an access drive or private road - Equal to the width of the access drive or private road.

s.400.3 Accessory or Appurtenant Structures:

The setback regulations do not apply to:

- a. School bus shelters, telephone booths, cornices, chimneys, steps, or canopies.
- b. Open fire escapes, eaves.
- c. Minor utility fixtures, articles of ornamentation or decoration.
- d. Fences, retaining walls. See s.300.3.

s.400.4 **Corner and Double Frontage Lots:** See s.702.5 for setback regulations on corner lots and double frontage lots.

s.401 **HEIGHT MODIFICATIONS:** The height regulations do not apply to:

- a. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- b. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.
- c. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

s.402 **BUILDINGS UNDER CONSTRUCTION:** If the construction is completed by one (1) year after effective date of the zoning permit, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building the foundation of which was completed before an amendment may be constructed if the construction is completed within one (1) year after the amendment.

s.403 **DIVISION OF BUILT-ON LOTS:** No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

s.404 **STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN:** From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Township's Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of this Ordinance shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of this

Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in this Ordinance.

When a preliminary or final subdivision or land development plan has been approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in this Ordinance or the plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

s.405 **LOTS OF RECORD:** On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

s.406 **NONCONFORMITIES**

s.406.1 **Nonconforming Structures:**

- a. **Continuation:** Any nonconforming structure may remain although such structure does not conform to the dimensional requirements of this Ordinance.
- b. **Restoration:** A nonconforming structure which has been damaged or destroyed by fire or other causes to an extent of not more than seventy-five percent (75%) of its market value or a nonconforming structure which has been legally condemned may be reconstructed, provided that:
 - (1) The reconstructed structure shall not exceed in height, area and volume the structure destroyed or condemned; and
 - (2) Structure reconstruction shall be commenced within one (1) year from date the structure was destroyed or condemned and shall be carried on without interruption, or else the nonconforming structure status shall be void.

No structure damaged or destroyed by fire or other natural causes to the extent of more than seventy five percent (75%) of its market value shall be repaired, reconstructed or used except in conformity with the regulations of this Ordinance.

- c. **Extension of Alteration:** A nonconforming structure may be extended or altered, provided the extension or alteration does not create a further dimensional nonconformity, and otherwise conforms with all dimensional requirements of this Ordinance and all other applicable regulations of this Ordinance.

s.406.2

Nonconforming Lots:

- a. **Continuation:** Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the zone in which it is located.
- b. **Construction:** The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, and the use is one permitted in the zone by this Ordinance.

However, this provision shall not apply to any two (2) or more contiguous lots in single ownership as of or subsequent to the effective date of this Ordinance where reparceling or replotting would create one (1) or more conforming lots.

s.406.3

Nonconforming Uses:

- a. **Continuation:** Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Ordinance. Unless specifically provided by the Zoning Hearing Board for a particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.
- b. **Extension:** A nonconforming use may be extended, provided:
 - (1) Any extension shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming.
 - (2) No nonconforming use shall be extended to displace a conforming use.
 - (3) Any extension shall conform with the area, building, height, parking, sign, and other requirements of the zone in which said extension is located.
 - (4) Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than fifty percent (50%) of such volume or area during the life of the nonconformity, which begins

as of July 14, 1975. For nonconforming uses whose normal operations involve natural expansion (quarries, landfills, cemeteries, etc.), expansion shall be permitted by right up to fifty percent (50%) of the volume or area of the nonconformity; for expansion beyond fifty percent (50%), a special exception shall be required.

- c. **Change of Use:** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:
- (1) Such change shall be permitted only as a special exception under the provisions of Section 804.
 - (2) The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.
 - (3) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - (a) Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - (b) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 - (c) Storage and waste disposal;
 - (d) Appearance.
 - (4) The proposed use is a permitted use in one or more of the zones of this Ordinance.
- d. **Abandonment:** If a nonconforming use of a building or land ceases and is abandoned for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance. For the purposes of this Ordinance abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, sale, etc.) a nonconforming use have ceased. If nonconforming use of land ceased for any length of time for any reason, subsequent use of such land shall be in conformity with the provisions of this Ordinance.
- e. **Delinquent Properties:** If the Township or County acquire title to any property by reason of tax delinquency and such property is not redeemed and is sold as provided by law, the future use of such property shall be in conformity with all provisions of this Ordinance.

- f. **List of Nonconforming Uses:** Immediately after passage of this Ordinance or any amendment thereto, the Zoning Officer, according to procedures prescribed by the Township Board of Supervisors, shall prepare and publish a complete list of all nonconforming uses existing at the time of the adoption of the Ordinance or its amendment.
- (1) Such list shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupancy other than the owner, the legal description or the County Assessor's tax map number, and the nature and extent of the nonconforming use.
 - (2) Among the procedures to be established by the Township Board of Supervisors shall be a requirement for all owners of lots occupied by a nonconforming use to secure a certificate of nonconformance from the Zoning Officer. Such certificate shall insure such owners the right to continue a nonconforming use within the regulations prescribed herein. Within ninety (90) days of passage of this Ordinance or of the amendment creating the nonconformity, property owners shall apply to the Zoning Officer for certificates of nonconformance.
 - (3) After any necessary corrections have been made, copies of such list shall be approved by the Planning Commission. The list shall be corrected yearly as the Planning Commission may prescribe.

ARTICLE V

ENVIRONMENTAL REGULATIONS

s. 501 **PERFORMANCE STANDARDS:** All non-agricultural uses and activities established in all zones after the effective date of this Ordinance shall comply with the following performance standards; all existing non-agricultural uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing non-agricultural uses and activities not in compliance with Sections 501.1 through 501.5 regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

s.501.1 **Noise:** The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound-pressure level shall be measured with an octave band analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (preferred Frequencies for Acoustical Measurements, SI 6-1960, American Standards Association, New York, New York).

a. **Standards:** At no point on the zone boundary of, or at any point within, any Zone shall the sound-pressure level resulting from any operation in any zone exceed the maximum permitted sound levels set forth below expressly or waived in Section 501.1.b below.

Center Frequency (Cycles per second)	Maximum Sound-Pressure Level (Decibels)
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

(Sound pressure level
in decibels equals
0.0002 dynes/cm²)

b. **Waivers:** The following sources of noise are exempt:

- (1) Transportation vehicles not under the control of an on-site use.
- (2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- (3) Temporary construction activity between 7:00 a.m. and 7 p.m.

(4) Agricultural activities.

s.501.2

Vibration: No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequently. When computed, the following formula shall be used:

PV 6.28 F x D where

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration inches.

Particle velocity shall be the vector sum of three (3) individual components measured simultaneously in three (3) mutually perpendicular directions.

Maximum Ground Transmitted Vibration

<u>Zone</u>	<u>Particle Velocity (Inches/Second)</u>	
	<u>Adjacent Lot Line</u>	<u>Residential Zone</u>
Conservation, Agricultural, & Residential	0.05	0.02
Commercial Industrial	0.10	0.02

Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two (2).

s.501.3

Heat: No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one (1) degree Fahrenheit.

s.501.4

Glare: In the Commercial Industrial Zone, any operation or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any zone other than a Commercial Industrial Zone.

s.501.5

Air Pollution: Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Township adopts these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided:

- a. **Odor:** Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution

Method)" or its equivalent.

- (1) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - (2) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- b. Smoke: For the purpose of grading the density or equivalent opacity of smoke, the Ringlemann Chart published by the U.S. Bureau of Mines shall be used.

s.501.6

Application of Performance Standards:

- a. Any use established or changed to and any building, structure or land developed, constructed or used for any use or any accessory use thereto shall comply with all the performance standards herein set forth.
- b. If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein set forth shall apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
- c. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:
 - (1) Where determinations can be made by the Zoning Officer or other Township employees using equipment normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - (2) Where technical complexity or extraordinary expense makes it unreasonable for the Township to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations, and protecting the general public from unnecessary costs for administration and enforcement.

- d. If the Zoning Officer finds that after making determinations in the manner set forth in this Ordinance, there is a violation of the performance standards set forth herein, he/she shall take or cause to be taken lawful action (within the guidelines set by section 616.1 of the Pennsylvania Municipalities Planning Code) to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 907.

- e. If, in the considered judgment of the Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:
 - (1) The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes an admission of violation of the terms of this Ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.

 - (2) If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Officer, he/she shall note "Violation Corrected" on his/her copy of the notice and it shall be retained among his/her official records, taking such other action as may be warranted.

 - (3) If there is no reply within the time limit set, and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he/she shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease is given.

 - (4) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if deemed warranted in the circumstances of the case and if the extension will not, in his/her opinion, cause imminent peril to life, health or property.

- (5) If the alleged violator feels that the determination of the Zoning Officer is in error the person may appeal the decision to the Zoning Hearing Board.
- (6) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 907.
- (7) If no violation is found, the costs of the determinations shall be paid by the Township without assessment against the person or persons involved.

s.501.7 **Concentration of Odors or Waste:** In order to prevent buildup or concentration of waste or odors, industrial waste products and/or pomace (excluding household and/or agricultural waste) shall not be spread in Fawn Township within one (1) mile from sewer treatment facilities, or storage lagoon or spray facilities which treat, hold or spray industrial waste. This shall not be interpreted to preclude the spreading of materials resulting from the cleaning of a lagoon, which materials are promptly plowed down and which cleaning does not occur at more frequent than four (4) year intervals.

s.501.8 **Water Pollution:** For purposes of this Ordinance, a water supply or source shall be considered polluted if it is degraded, contaminated or discolored in any way.

s.502 **FLOODPLAIN REGULATIONS**

s.502.1 **Relation to Flood Plain Ordinance:** In addition to the provisions of this Zoning Ordinance, all portions of properties in the Township which are located in a floodplain area as identified in the Federal Emergency Management Agency (FEMA) 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), or as defined in the Fawn Township Floodplain Management Ordinance of 2009 or its successors, shall also be subject to and regulated by the provisions of the Fawn Township Floodplain Management Ordinance of 2009 or its successors.

s. 502.2 **Conflicts With Other Ordinances:** To the extent the Township's Floodplain Management Ordinance of 2009 or its successors is more restrictive than, or conflicts with, this Zoning Ordinance, the provisions of the Township's Floodplain Management Ordinance of 2009 or its successors shall apply. To the extent that there is no conflict, or the provisions of this Zoning Ordinance are more restrictive, the provisions of this Zoning Ordinance shall apply.

s. 502.3

Limitations on Actions: Activities in the floodplain as identified in FEMA's 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) are regulated by the Pennsylvania Flood Plain Management Act, 32 P.S. § 679.101 et seq. (PFPMMA), and the Township's Floodplain Management Ordinance of 2009 or its successors. Pursuant to §204 of the PFPMMA, the standards of the National Flood Insurance Program (NFIP) shall be deemed the minimum standards for the management of properties in the floodplain as defined and identified in the FIS, FIRMs, and/or the Township's Floodplain Management Ordinance of 2009 or its successors, and the power of the Board of Supervisors or any other body to grant waivers, variances, or other relief from the provisions of the Floodplain Management Ordinance of 2009 or its successors pursuant to this Zoning Ordinance shall be limited to those minimum requirements of the NFIP, as provided in §204 of the PFPMMA, and the Township's Floodplain Management Ordinance of 2009 or its successors.

ARTICLE VI

SUPPLEMENTARY USE REGULATIONS

s.601

COMPLIANCE:

- a. The regulations for each zone pertaining to minimum use, lot size, minimum lot width, maximum lot coverage, and yard requirements are specified in Article II. The purpose of this Article is to supplement Article II with additional requirements applicable to certain permitted uses. In cases where the provisions of this Article are more restrictive than the general zone regulations contained in Article II, the provisions of this Article take precedence.
- b. Regulations applying to lots, buildings and uses in existence prior to the effective date of this Ordinance shall be governed by Section 406, Nonconformities.

s.602

GENERAL STANDARDS AND CRITERIA:

s.602.1

Display Units and/or Vending Machines. No newspaper sales machines, vending machines, or any type of display unit may be placed on a public sidewalk or other public right-of-way.

s.602.2

External Regulatory Requirements. All local, state, and federal regulations must be met and proof shown (i.e., building codes, labor and industry, sewage, stormwater, conservation, environmental, etc).

s.602.3

Recordkeeping Requirements. The applicant must keep such records as are necessary to establish compliance with sections of this Ordinance.

s.602.4

Uses Not Otherwise Permitted. Any use which is not specifically authorized in this Ordinance in at least one (1) zone shall be permitted by special exception in the zone which permits other uses most similar to the proposed use.

s.602.5

Parking: Parking shall be provided in accordance with the specifics of the following and Article III.

s.602.6

Keeping of Livestock, Small Animals, and/or Poultry.

- a. In all zones, the keeping of livestock, small animals, and/or poultry shall be accessory and clearly incidental to the principal use of the property for a full-time resident. Animals or poultry shall be kept only as pets, for pleasure, or to provide food for the residents of the premises where the livestock, small animals or poultry are kept.
- b. Lot area: One (1) acre minimum.

- c. All poultry, livestock and small animals shall, except while pasturing, grazing, feeding or exercising, be housed in a building erected and maintained for that purpose. Such buildings shall only be located in the rear yard, shall be set back at least fifty (50) feet from any property line, and shall be no closer than one hundred (100) feet to any existing residence on adjacent land.
- d. All outdoor pasture, holding, or exercise areas shall be enclosed to prevent the escape of the livestock, small animals or poultry. All such enclosures may be located up to but not on the property line.
- e. All livestock, small animal and poultry waste shall be properly stored and disposed of so as not to be objectionable at the site's property line or create a public health hazard or nuisance.

s.603

SPECIFIC STANDARDS AND CRITERIA

s.603.1

Adult-Oriented Establishment. In the CI Zone as a special exception, subject to the requirements of that zone, except as herein modified and provided:

- a. No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- b. Any building or structure used and occupied as an Adult-Oriented Establishment shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise film, service or entertainment are exhibited or displayed. No sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- c. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- d. Each and every entrance to the structure shall be posted with a notice that the use is an Adult-Oriented Establishment; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry. Parking shall be established at the minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.
- e. Such establishment shall otherwise comply with all applicable laws including provisions pertaining to interior plan, illumination, and visibility.

s.603.2 **Agricultural Activities.**

Normal agricultural operations shall be permitted in any zone, providing that only gardening as is incidental to residential uses shall be permitted on improved lots of less than ten (10) acres in size located in a subdivision approved by the Township, unless cultivated (cropping) as part of a larger farming operation.

s.603.3 **Airport, Airstrip.** In the RA Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Ten (10) acres minimum.
- b. The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- c. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zone.
- d. Any building, hanger or structure shall be located a sufficient distance away from the outside of the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- e. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the useable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.
- f. All local, state, and federal regulations must be met and proof shown.

s.603.4 **Animal Hospital.** In the RA and Cv Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Setbacks: All buildings, dog runs, fenced enclosures and similar structures shall be located at least one hundred (100) feet from all property or street lines.

s.603.5 **Animal Husbandry.** In all zones subject to the requirements of that zone except as herein modified and provided:

- a. Lot Area: Ten (10) acres minimum.

- b. Except in CI and RA Zones, no stockyards or piggeries shall be permitted.
- c. In RA Zones only:
 - (1) Buildings in which animals and poultry are kept shall not hereafter be erected within one hundred (100) feet of any lot line.
 - (2) No manure storage, animal shelters, feed yards or similar agricultural accessory uses of an odor or dust providing nature shall be located closer than one hundred (100) feet from any lot line or zone boundary.

s.603.6 **Antique Sales.** In the R and RA Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified, and provided that any outdoor display of articles for sale shall be at least thirty (30) feet from any property line and fifty (50) feet from any street line.

s.603.7 **Bed and Breakfast Inn.** In the R, RA, and Cv Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Guest stays shall be limited to a maximum of fourteen (14) consecutive days per month.
- b. Maximum of five (5) guest rooms.
- c. Meals shall only be served to overnight lodgers.
- d. A minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.

s.603.8 **Building Material Yard/Sales.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Access shall be via an arterial or collector street as designated by the Township's Thoroughfare Classification Plan.
- b. All outdoor storage and display areas shall be screened from adjoining roads and properties.

s.603.9 **Camp and Campgrounds.** In the Cv Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. None of the automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises shall be utilized as a permanent place of abode, as a permanent dwelling, or be resided in for consecutive periods in excess of two (2) weeks. None of the automobile

trailers, travel trailers, motor homes, campers, or tents shall remain on the approved premises for more than seven (7) consecutive days during the period from September 1 to June 1.

- b. Every camp or campground shall have erected thereon at a distance not greater than two hundred (200) feet from any cabin, tent site, trailer site, or camper site which it is designed to serve, a suitable building for housing toilets, showers, and laundry facilities; such building shall be known as the service building.
 - (1) There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided with an adequate water supply in the ratio of one men's toilet and one ladies' toilet for each eight (8) cabins, trailer sites, tent sites, or camper sites, or fractions thereof. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one (1) lavatory to every two (2) or less toilets.
 - (2) Separate bathing facilities for each sex shall be provided, with one shower enclosed in a compartment at least four (4) feet square for each eight (8) cabins, tent sites, camper sites, or trailer sites, or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve (12) feet square.
 - (3) Laundry facilities shall be provided in the ratio of one (1) double tray and one (1) ironing board for each ten (10) campsites, cabin sites, cabins, trailer sites, or camper sites.
 - (4) Floors of toilets, showers, and the laundry shall be of concrete, tile or similar material impervious to water, easily cleanable, and pitched to a floor drain.
- c. All waste from showers, toilets, laundries, faucets, and lavatories shall drain into a sewage disposal system meeting the approval of the Pennsylvania Department of Environmental Protection.
- d. In every camp or campground there shall be an office building in which shall be located the office of the person in charge of the camp or campground, which office building shall be occupied by someone in charge of the camp facilities at all times the camp facility is occupied or is open to the public for occupancy.
- e. Each cabin, campsite, trailer site, or camper site shall be accessible to a roadway or driveway which shall have an improved cartway at least twenty (20) feet in width, which shall be improved with a six (6) inch stone base, and there shall be a roadway with an improved cartway of at least twenty-eight (28) feet in width improved by an eight (8) inch stone base leading from a public road to the campground, except that in the case

of one-way streets, the required minimum width of the improved cartway shall be fourteen (14) feet.

- f. The application for a special exception shall be accompanied by such plans as will enable the Zoning Hearing Board to insure that the above requirements will be kept, and proof of the Department of Environmental Protection's approval of the proposed sewage disposal system and proof that the proposed water supply is sufficient to meet the water supply needs of the proposed camp or campground.
- g. All recreation vehicles shall be provided with a bituminous, stone or concrete pad on which to place the vehicle.
- h. Each recreational vehicle stand shall meet minimum yard requirements of forty (40) feet along exterior lot lines; also, no vehicle stand shall be located less than thirty (30) feet from any other vehicle stand, building, access way or parking area (other than that provided for the subject recreation vehicle and two vehicles).
- i. A camp or campground hereafter established within three hundred (300) feet of an existing residence shall be buffered and screened in accordance with Section 703 of this Ordinance.

s.603.10

Care Facilities. In all zones subject to the requirements of that zone except as herein modified and provided:

- a. **Child Day Care Center.** In all zones as a special exception. Outdoor play areas shall be sufficiently screened and sound insulated so as to protect the neighborhood from noise and other disturbances.
- b. **Community Living Arrangement.** In all zones as a special exception.
 - (1) The community living arrangement must maintain with the Township a currently valid license from the Commonwealth of Pennsylvania permitting the operation of the facility as a "community living arrangement". In the event such license is not maintained with the Township, the special exception authorizing the use shall expire and terminate.
 - (2) If located in the RA Zone, the community living arrangement shall be considered to have utilized one of the dwelling rights permitted under section 203.9.a, and the location of the community living arrangement shall be subject to all of the conditions of section 203.9 regarding the location of single family dwellings within the RA Zone.

- c. **Convalescent Home.** In all zones as a special exception.
- (1) Lot area: Five (5) acres minimum.
 - (2) Maximum density: One (1) bed per fifteen hundred (1500) square feet of lot area in the R zone and one (1) bed per seven hundred fifty (750) square feet of lot area in all other zones.
 - (3) Suitable screen planting may be required by the Zoning Hearing Board in order to screen the use from view from adjoining properties.
 - (4) Building coverage: Fifteen percent (15%) maximum
 - (5) Must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.
 - (6) The convalescent home must be supplied by both public sewer and public water as defined in this Ordinance and the Township's Subdivision Land Development Ordinance, when possible.
 - (7) Will not be constructed, enlarged, or expanded if located completely or partially within an identified floodplain area (Section 502.7).
 - (8) Must show proof of a currently valid license from the Commonwealth of Pennsylvania permitting this type of facility.
- d. **Domiciliary Care Home.** Permitted in the R Zone and by special exception in RA, Cv, and CI Zones.
- (1) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Fawn Township.
 - (2) Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.
 - (3) The domiciliary care home must be owner-occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.
 - (4) No facilities for cooking or dining shall be provided in individual rooms or suites.
 - (5) The home must comply with all local, state, and federal regulations, including but not limited to fire, health, and building codes.

- e. **Family Day Care Home.** In RA and Cv zones as a special exception. Outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from noise and other disturbances.
- f. **Group Home.** In all zones as a special exception.
 - (1) In R Zones, group quarters may be an accessory or principal use, and a lot area of not less than forty thousand (40,000) square feet shall be provided. The front yard, side yard, and rear yard must each be thirty-five (35) feet in depth. No more than fifteen (15) boarders shall be provided for upon any lot or in any building.
 - (2) Common cooking and eating facilities must be provided, and the minimum period of residency shall be one (1) week.
 - (3) Necessary health permits regarding water supply and sanitary waste disposal are required.
 - (4) A group home shall be directly affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.

s.603.11 **Cemetery.** In all zones as a special exception subject to the requirements of that zone except as herein modified and provided:

- a. All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- c. No burial plots or facilities are permitted on land subject to flooding (Section 502.7).
- d. Pet cemeteries must meet all of the above applicable requirements.

s.603.12 **Club Facilities.** In the RA and Cv Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setbacks: Fifty (50) feet minimum for each setback (front, side, and rear).

- d. Access must be on an arterial or collector street as designated in the Township Comprehensive Plan.
- e. In zones where permitted, these and similar uses are restricted to those not conducted primarily for gain or profit, although a dining room may be operated for the benefit of club members, provided no sign advertising the sale of food or beverages will be permitted.
- f. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the zone in which the facility is to be located.

s.603.13 **Community Center.** In R, RA, and Cv Zones as a special exception and in the CI Zone as a permitted use subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setbacks: Fifty (50) feet minimum for each setback (front, side, and rear).
- d. Access must be on an arterial or collector street as designated in the Township Comprehensive Plan.

s.603.14 **Communication Transmitting and Receiving Facilities.** In the RA, Cv and CI Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. A commercial communications antenna that is attached to an existing communications tower, smokestack, water tower, farm silo, or other tall structure is permitted provided:
 - (1) That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet;
 - (2) All other uses associated with the commercial communications antenna, such as a business office, maintenance depot, or vehicle storage, shall not be located on the site unless the use is otherwise permitted in the zone in which the site is located.
- b. A commercial communications antenna that is either not mounted on an existing structure or is more than ten (10) feet higher than the structure on which it is mounted is permitted by special exception, subject to the following:
 - (1) The applicant shall be 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 service system;

- (2) If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of all tall structures within a one-quarter ($\frac{1}{4}$) mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than economic reasons. This shall include smokestacks, water towers, farm silos, and other tall structures. The Zoning Hearing Board may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure;
- (3) The applicant must demonstrate that the antenna is not higher than the minimum height required to function satisfactorily;
- (4) If a new antenna support structure is constructed (as opposed to mounting the antenna on the existing structure), and the applicant meets the requirements of (5) below, the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
 - (a) Forty percent (40%) of antenna height;
 - (b) The minimum setback in the underlying zone;
 - (c) Forty (40) feet;
 - (d) The minimum distance from the base in which the antenna, as designed, could fall under any credible conditions.

If the requirements of (5) below are not met to the satisfaction of the Zoning Hearing Board, the minimum setbacks shall be as required.

- (5) The applicant shall demonstrate that the proposed antenna and support structure are safe and that the surrounding area will not be negatively affected by support structure failure, falling ice, or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the structure manufacturer. In the review of the application for special exception, the Township, at the applicant's expense, may retain a registered professional engineer to review the structural design of the proposed antenna and support structure, and testify on behalf of the Township, if the Zoning Officer requests such testimony. The applicant shall pay the reasonable engineering costs, estimated by the Zoning Officer, at the time of application for a special exception. After the Zoning Hearing

Board has heard its testimony, the Township shall bill the applicant for any additional reasonable engineering fees or refund to the applicant any amounts not used for reasonable engineering fees.

- (6) A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a maximum of eight (8) feet in height.
- (7) Landscaping and screening shall be in conformance with this Ordinance and the Township's Subdivision and Land Development Ordinance to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (8) The applicant must be licensed by the Federal Communications Commission.
- (9) If an antenna site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
- (10) No antenna support structure may be artificially lighted, except when required by the Federal Aviation Administration.
- (11) All other uses associated with the antenna, such as a business office, maintenance depot, or vehicle storage shall not be located on the site, unless the use is otherwise permitted in the zone in which the site is located.
- (12) In order to reduce the number of antenna support structures needed in the Township in the future, the proposed support structure shall be required to accommodate other uses, including local police, fire, and ambulance companies.
- (13) Any commercial communication antenna and support structure, if applicable, which ceases to be used for its intended purpose, shall be removed within one hundred eighty (180) days of termination of uses. Such antenna and any related support structure shall be removed by the persons responsible for the erection and/or maintenance thereof. After the one hundred eighty (180) day time period has elapsed, the Zoning Officer shall notify the property owner (or other responsible party) that the antenna and related support structure must be removed within sixty (60) days after

receipt of said notice. If such persons fail or refuse to remove such facilities after the notice said, the Zoning Officer may have the facilities removed at the expense of the property owner or the persons responsible for the erection and/or maintenance thereof.

- (14) Ownership of site.
 - (a) If the proposed commercial communications antenna site is to be leased only for the time period in which said site is in operation, then the minimum site area shall be only as large as is necessary to meet the required setbacks, off-street parking areas, and other applicable provisions of this section.
 - (b) If the proposed commercial communications antenna site is to be subdivided as a separate lot, then the minimum lot area and dimensions shall be of sufficient size so that, in the event of discontinuance of said use, the subdivided lot will meet the minimum area and dimensional requirements for permitted uses in the zone in which it is located.
- (15) All commercial communications antenna sites, after approval as a special exception by the Zoning Hearing Board, shall be required to be reviewed in accordance with the requirements of the Township's Subdivision and Land Development Ordinance.

s.603.15 **Convenience Store Dispensing Fuel.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Buildings must be set back at least forty (40) feet from the street line.
- b. Pumps and all service equipment must be set back at least twenty-five (25) feet from any lot line or street right-of-way and located so that vehicles stopped for service will not extend over the property line.
- c. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- d. Two access drives may be permitted but must be located as follows:
 - (1) Minimum offset from intersection of street right of way lines: Forty (40) feet.
 - (2) Side lot line offset: Ten (10) feet.

- (3) Minimum width: Twelve (12) feet.
- (4) Maximum width: Thirty-five (35) feet.
- (5) Minimum separation of drives on same lot: Twenty-five (25) feet.
- e. Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- f. All lights shall be diverted toward the facility or downward on the lot.
- g. At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.

s.603.16

Craft Shop. In the RA Zone as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: One (1) acre minimum.
- b. Lot width: Two hundred (200) feet minimum.
- c. Side setback: Thirty (30) feet minimum.
- d. Building coverage: Fifteen percent (15%) maximum.
- e. The exterior of the building shall be in harmony with the character of the neighborhood.
- f. No nameplate or any other sign displayed on the premises shall exceed six (6) square feet.
- g. The use must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.

s.603.17

Dormitory. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Side setbacks: Thirty (30) feet minimum.
- d. Maximum number of occupants to be housed in structure shall be no more than one (1) person per one thousand (1,000) square feet of the lot devoted to the use.

- e. The dormitory must be non-profit or non-commercial in nature.

s.603.18 **Drive-In Business.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Front setback: Fifty (50) feet minimum.
- b. Side setback: Thirty (30) feet minimum.
- c. Lot width: Two hundred fifty (250) feet minimum.
- d. Buffering in accordance with section 703 shall be required.
- e. Access routes shall be a safe distance apart to make ease for entrance into and out of traffic. All of the requirements of section 306 for driveways shall also be met.
- f. Sight distance pursuant to section 400.2 of this Ordinance shall be required.

s.603.19 **Dwellings.**

- a. **Conversion Apartment.** Permitted in the R and Cv Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:
 - (1) The lot area per family should not be reduced thereby to less than the lot area for a multiple family dwelling as required by Section 202.4.
 - (2) The yard, building area and other applicable requirements for the zone shall not be reduced thereby.
 - (3) The minimum habitable floor area is provided for each unit as required in section 705.
 - (4) No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. Fire escapes, where required by other regulatory statutes, shall be in the rear of the building and shall not be located on any wall facing a street.
- b. **Multi-Family Dwelling.** Permitted in the R and CI Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:
 - (1) Lot area: No multi-family dwelling shall be located on a lot containing less than one (1) acre.

- (2) Lot width: Each lot shall have a minimum width of at least two hundred (200) feet.
- (3) Building coverage: Not more than twenty-five percent (25%) of the lot area shall be covered by buildings or structures.
- (4) Density: The maximum density shall be ten (10) dwelling units per gross acre in the tract.
- (5) Green area: Not less than sixty percent (60%) of the lot area shall be devoted to green area.
- (6) Distance between buildings: Where two (2) or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be fifty (50) feet.
- (7) Side setback: Side setback from a property line must be at least twenty-five (25) feet.
- (8) Building Size: No multiple family building or group of attached buildings shall have a single facade which has a length to height ratio greater than five to one (5:1).
- (9) Utilities Required: Each dwelling shall be connected to approved water and sewage facilities at the time of development.
- (10) Site Design: The layout and design shall be consistent with current principles and practices of modern site planning and development. In accordance with section 503(5) of the Pennsylvania Municipalities Planning Code, the Township reserves the right to alter site plans which do not conform with design provisions of the Township Subdivision and Land Development Ordinance.

c. **Group Quarters.** Permitted in the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- (1) A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
- (2) A common kitchen and dining facility shall be provided. No cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- (3) Off-street parking shall be provided for each group quarters based upon one (1) parking space for each occupant.

- (4) The use shall either be connected to a public sewer system approved by the Pennsylvania Department of Environmental Protection or evidence must be submitted indicating that the on-lot sewage disposal system is capable of handling the projected daily sewage flow.
 - (5) All group quarters shall comply with all applicable building, health, safety and fire codes, local, state, and federal.
 - (6) All other sections of this Ordinance will also apply (e.g., parking, screening).
- d. **Single Family Attached Dwelling.** Permitted in the R, RA and CI Zones as a special exception, subject to the requirements of that zone except as herein modified, and provided each single family attached dwelling shall be sited on a separate lot, whether intended for sale or not.
- e. **Rooming House.**
- (1) A rooming house must be an accessory use to a single family detached dwelling.
 - (2) Accommodations must be for not more than three (3) persons and shall be for periods of one week or more.
 - (3) The lot on which such rooming house is located shall have a lot area, in addition to other lot area requirements as may be required by this Ordinance, of not less than five thousand (5,000) square feet for each person for whom accommodation is provided.
 - (4) In addition to the requirements of section 302, one (1) off-street parking space shall be provided for each roomer.

s.603.20 **Excavation Equipment Business.** In the RA Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. The applicant must provide inside storage for all construction equipment and building materials, and must store all construction equipment and building materials inside, except that not more than four (4) licensed and inspected trucks and/or trailers and not more than twenty-five (25) tons of stone and twenty-five (25) tons of soil may be stored outside.
- b. The environmental regulations of Article V of this Ordinance be complied with.

s.603.21 **Extractive Operations/Quarries.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Extractive operations shall meet all performance standards of Section 501, except buffering and screening, which shall be as the Zoning Hearing Board prescribes.
- b. No quarry wall shall be nearer than one hundred and fifty (150) feet of any property line or street line. And in no case shall the slope between the property line or street line and the quarry wall exceed twenty (20) percent.
- c. All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- d. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- e. A rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be subject to such conditions and safeguards as deemed necessary by the Zoning Hearing Board.
- f. Where deemed necessary by the Zoning Hearing Board, an open excavation shall be enclosed by a fence or wall that completely encloses the portions of the property in which the excavation is located; said fence or wall shall not be less than four (4) feet in height and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches. Warning signs may be an additional requirement by the Zoning Hearing Board.
- g. Any proposed or existing extractive operation proposed to expand beyond the limits prescribed in this Section shall submit and have approved a reclamation plan for use of the site following completion of extraction. Such plan shall show:
 - (1) Final grading by contours.
 - (2) Interior road pattern, its relation to the operation yard, and points of ingress and egress to State and Township roads.
 - (3) Estimated amount and description of aggregate and overburden to be removed.
 - (4) Ultimate use and ownership of site after completion of operation.
 - (5) Source of water if the final plan shows use of water.
 - (6) Plan of operation showing:
 - (a) Proposed tree screen locations;

- (b) Soil embankments for noise, dust and visual barriers and heights of spoil mounds;
- (c) Method of disposition of excess water during operation;
- (d) Location and typical schedule of blasting;
- (e) Machinery type and noise levels; and
- (f) Safety measures monitoring of complaints.

s.603.22

Farm Market. In the R, RA and Cv Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. A minimum of fifty percent (50%) of annual gross sales must be agricultural commodities produced on the tract of land which is devoted to normal agricultural activities, operated or controlled by the market operator, and on which the market is located.
- b. The farm market shall be located within the area of existing farm buildings, if feasible.
- c. The portion of gross sales of agricultural commodities sold, but not produced on the property, may come from any area, regardless of distance.
- d. Under circumstances of crop failure due to reasons beyond the control of the owner/operator of the farm market on the tract of land on which the market exists, the direct agricultural sale shall be permitted without regard to the fifty percent (50%) limitation of production on the land where the market exists, as set forth in subsection a., above. This subsection shall not be dependent upon the entire county or township being declared a disaster area, but shall be based on a determination of the tract in question, as determined by the Township Zoning Officer, in consultation with the Board of Supervisors.
- e. Each farm market may have a maximum of two (2) signs on the property, each no larger than thirty two (32) square feet, except as provided in subsection h., below, which shall be in compliance with sight distance requirements in Section 306.2.
- f. Up to forty (40) percent of the annual gross sales may be from non-food related items, hand-crafted, and hand-made commodities and items, which may not include the sale of equipment, tools, and hardware used in making hand-crafted and hand-made items and commodities.

- g. Parking shall be provided pursuant to Section 302, except that the parking area need not be paved with concrete or bituminous paving materials but must be, and be maintained as, mud-free.
- h. For tracts of land in the R Zone, Farm Markets shall be permitted only on tracts of land ten (10) acres or more in size which have a consistent history of being used for at least five (5) years in normal agricultural operation as defined herein, subject to the following additional restrictions:
 - (1) The farm market building shall be limited to a maximum of four thousand five hundred (4,500) square feet.
 - (2) The farm market may have a maximum of one (1) sign on the property, no larger than twenty (20) square feet, which shall be in compliance with distance requirements in Section 301 of this Ordinance.
- i. Promotional events.
 - (1) The owner/operator of a farm market may conduct a temporary event, activity or display, the sole purpose of which is to generate interest in or advertisement for the farm market. Such events, activities, or displays shall be limited to no more than ten (10) times a year, and five (5) or less days duration for any single event or activity.
 - (2) Adequate parking must be provided for each such event or activity.

s.603.23

Forest and Wildlife Preserve. In the RA and Cv Zones as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Establishment of all reasonable provisions for proper and adequate protection and safeguarding of the public from attack by wildlife.
- b. Screening and fencing will be required a minimum of six (6) feet in height with openings sized to contain wildlife.
- c. Signs showing danger and listing the type of wildlife will be posted at a maximum of two hundred (200) feet apart on all property lines.
- d. Evidence must be produced demonstrating issuance of any and all permits or licensing required by law pertaining to forestry and wildlife uses.

s.603.24

Half-Way House. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. A minimum of two hundred fifty (250) square feet of habitable floor area must be provided for each occupant, including any staff.

- b. A common kitchen and dining facility shall be provided, and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if an affiliated institution provides them elsewhere.
- c. All half-way houses shall be connected to water and sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.
- d. All half-way houses shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes, or other regulations of the federal, state or local governments.
- e. Off-street parking shall be provided for all halfway houses based upon one (1) parking space for each occupant.

s.603.25 **Home Occupations or Professions; No-Impact Home-Based Business.**

- a. No-impact home-based businesses shall be permitted in all Zones as an accessory use secondary to the use of a property as a residential dwelling, so long as all of the following criteria are met:
 - (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, vibration, 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 disposal, in volume or type, which is not 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 twenty-five percent (25%) of the habitable floor area.

- (8) The business activity may not involve any illegal activity.
 - (9) The character or external appearance of the dwelling unit must be that of a dwelling.
 - (10) The use will not involve any dimensional alteration to any existing building or construction or placement of any new building.
 - (11) The premises must at all times be kept neat and orderly.
- b. Any person who intends to use his or her residential dwelling unit for a no-impact home-based business shall register such use with the Township Zoning Officer to assure compliance with the conditions of subsection a., above, who shall issue a Use Certificate for the no-impact home-based business, so long as all of the criteria in subsection a. have been met. The Township Zoning Officer may require a drawing or certification of the applicant to assure compliance with the provisions of subsection a.
- c. In the event that the proposed use of the residential dwelling unit for a home occupation or business does not meet all of the requirements of subsection a., then the use shall only be permitted following application and approval as a special exception by the Zoning Hearing Board. In such case, those uses will be designated as a home occupation or profession, and shall meet the following criteria:
- (1) The criteria of subsection a.(1), (3), (5), (6), (8), and (10).
 - (2) The home occupation shall be carried on only by a member of the immediate family of the operator residing on the lot where the home occupation or profession will be located and a maximum of one (1) nonresident employee.
 - (3) Signs shall be in conformance with s. 301.2.h.
 - (4) In addition to the required parking for the dwelling unit, such additional parking shall be located in the side or rear yard, and shall be provided as required by s. 302.5.
 - (5) Not more than twenty-five percent (25%) of the ground floor area of a dwelling unit may be devoted to the home occupation or profession, whether located in the dwelling unit or an accessory structure.
 - (6) If a new building is to be constructed or placed, an existing accessory building is to be enlarged, or a building constructed or placed is to be utilized to accommodate the proposed use after the date of this Ordinance, the building after enlargement or

construction shall not have a ground floor area in excess of twenty-five percent (25%) of the ground floor area of the dwelling unit unless the building is at least five hundred (500) feet from any neighboring residence.

- (7) The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling.
 - (8) The use will not result in a substantial increase in traffic, which is defined as an increase of twenty percent (20%) or greater. For this purpose, measurement of traffic increase shall occur on the nearest through street which is neither a dead end nor a cul-de-sac.
 - (9) The premises will be kept neat and orderly and there will be no outdoor storage of the following:
 - (a) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code, but which are not so registered, or which do not display a currently valid inspection sticker issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.
 - (b) Discarded motor vehicle parts or accessories.
 - (c) Other trash or junk as defined in this Ordinance.
 - (10) The use will not involve noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 a.m. and 6:00 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot satisfactorily be reduced by insulation or other action by the applicant, the application shall be denied.
- d. Nothing in this Section 603.25 is intended to, nor shall be construed to, supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common interest ownership community.

603.26

Hospital. In the Cv Zone as a special exception and the CI zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Four (4) acres minimum.
- b. Lot width: Three hundred (300) feet minimum.
- c. Setbacks: No portion of a building shall be within fifty (50) feet of a lot line or street line.
- d. The required parking shall not be permitted in the front yard area.
- e. The required green area shall be located so as to maximize landscaping features, screening for residents of neighboring areas and to achieve a general effect of openness.
- f. Must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.
- g. Will not be constructed, enlarged, or expanded if located completely or partially within an identified floodplain area (Section 502.7).

s.603.27

Hotel. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. The lot shall have access to a collector street as designated in the Township Comprehensive Plan.
- b. If there are ten (10) or more units or sleeping quarters, public water and sewer shall be provided, where possible.
- c. A naturally landscaped planting strip at least fifteen (15) feet wide shall be provided along the roadway.

s.603.28

House of Worship. In all zones subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Side setbacks: Twenty-five (25) feet minimum.
- c. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line or property line.
- d. Access shall be via a arterial or collector street as designated by the Township's Comprehensive Plan.

- e. Any associated residential use shall be considered an accessory use and shall either be located on a separate lot or be positioned so that the lot on which it and the house of worship are located could subsequently be subdivided, separating each use yet meeting all applicable dimensional requirements of the zone in which located. The residential use shall be subject to all applicable regulations of this Ordinance.
- f. Any associated educational or day care uses shall be accessory and located on the same lot as the house of worship.

s.603.29 **Industrial Activities.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Three (3) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setbacks: All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d. Must have access on an arterial or collector street as designated in the Township Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
- e. A buffer yard one hundred fifty (150) feet wide must be located on the site in all instances where the site adjoins an R, RA, Cv zone or adjoining residential use. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage.

s.603.30 **Industrial Park.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Ten (10) acres minimum.
- b. Lot width: Three hundred (300) feet minimum.
- c. All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d. The industrial park site must have access to a major thoroughfare so as not to increase traffic on residential streets.
- e. The applicant must establish that the drainage requirements of Section 309 of this Ordinance will be complied with.

- f. The applicant must establish that there is an adequate water supply for the proposed industrial park without adversely affecting water supplies utilized by neighboring properties.
- g. The industrial buildings must be suitably designed and landscaped so as to be compatible with surrounding areas.
- h. The buffer requirements of Section 703 of this Ordinance must be met.
- i. Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, and gases, electrical emissions, and industrial wastes).

S.603.31 **Junk Yard.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Five (5) acres minimum.
- b. Lot width: Three hundred (300) feet minimum.
- c. The Township Junkyard Ordinance and all applicable State regulations must be complied with.

S.603.32 **Kennel.** In the RA (for both commercial and noncommercial) and Cv (non-commercial only) Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Five (5) acres minimum.
- b. For a commercial kennel: No part of any building used for such purposes shall be located within two hundred (200) feet of any street or property line, and shall be limited to ten (10) animals. For a larger number of animals than listed above, an application must be made to the Zoning Hearing Board for a special exception in the CI Zone.
- c. For a noncommercial kennel: No part of any building used for such purposes shall be located within one hundred (100) feet of any street line or within fifty (50) feet of any property line, and shall be limited to ten (10) animals.

s.603.33 **Laboratory.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Three (3) acres minimum.
- b. Setbacks: All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.

- c. Must have access on an arterial or collector street as designated in the Township Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
- d. A buffer yard fifty (50) feet wide must be located on the site. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage.
- e. Satisfactory provision shall be made to minimize harmful or unpleasant effects. Chemical materials may only be stored in a manner that will not create a public health hazard or nuisance and may only be stored or disposed of according to Federal and State regulations.
- f. All storage shall be totally enclosed within a building.
- g. All industrial activities shall be conducted within a completely enclosed building.

s.603.34

Lakes, Ponds or Swimming Pools for the Public. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Proof that the lake, pond, or pool will not become polluted by reason of existing uses of nearby land. Such proof shall be supplied by a registered engineer retained by the applicant and shall be reviewed, at the expense of the applicant, by an engineer retained by the Township.
- b. If the applicant proposes to remove the pollution which would otherwise enter into the lake, pond, or pool, the Zoning Hearing Board shall require proof that the proposal will be effective in removing pollution, which proof shall be supplied by an engineer retained by the Township at the expense of the applicant.
- c. Proof that the devices proposed to remove the pollution will be continued permanently or that the pollution can be removed by draining of the lake, pond, or pool.
- d. Proof that the lake, pond, or pool will be located at least one hundred (100) feet from the nearest public highway and at least twenty (20) feet from any property line.
- e. Proof that the lake, pond, or pool will comply with all state and federal environmental requirements.
- f. For purposes of this Section, a lake, pond, or pool shall be considered polluted if the dissolved oxygen content drops below six (6) parts per

million by reason of an organic intrusion, or if the phosphate content exceeds 0.1 parts per million.

- g. The requirements of this section will not be applicable to farm ponds which will not be utilized as "public swimming pools."
- h. Any lake, pond, or pool which is used for swimming, boating, fishing or other nonagricultural water related activities by persons other than the owner, his family or his private guests, whose presence on the property does not directly or indirectly inure to the financial benefit of the owner, shall not be considered a farm pond, but rather shall be considered a public swimming pool. Any pond, pool, or lake which is owned by a corporation, club or similar entity, or is abutted by more than one property, shall, due to its potential, and irrespective of its current use, be considered a public swimming pool. This facility shall have a safety fence with openings no larger than two (2) inches in a horizontal dimension. The fence must completely surround the area and be at least six (6) feet in height.

s.603.35

Landfills. In the RA and CI Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. A permit for the proposed use has been issued by the Pennsylvania Department of Environmental Protection.
- b. All regulations of the Pennsylvania Department of Environmental Protection have been complied with.
- c. Any processing of solid waste including, but not limited to, incineration, shredding, compaction, material separation, recycling, refuse derived fuel and pyrolysis shall be conducted within a wholly enclosed building.
- d. No refuse shall be deposited or stored and no building or structure shall be located within two hundred (200) feet of any property line or within five hundred (500) feet of any land within an R Zone.
- e. The applicant must establish that the drainage requirements of Section 309 of this Ordinance will be complied with.
- f. Lot area: Fifty (50) acres minimum.
- g. Lot width: One thousand (1000) feet.
- h. The area being used must be completely surrounded by a twelve (12) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension.

- i. The landfill has direct access to a major thoroughfare and that use of the property for landfill purposes will not cause an increase in truck traffic on residential streets and/or farm roads.
- j. There will be buffer areas of at least one hundred fifty (150) feet in width along the perimeter of the lot, which buffer areas will be landscaped so as to minimize visibility of the landfill use and will not be utilized for landfill purposes.
- k. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from ground-level view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- l. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back up onto public roads.
- m. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, and gates, or other positive means designed to deny access to the area at unauthorized times or locations.
- n. Hazardous waste as described by the Department of Environmental Protection shall not be disposed of on the parcel occupied by the proposed use.
- o. The unloading, processing, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator, or approved municipal inspector.
- p. Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water.
- q. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
- r. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating the quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

- (1) In addition, a water feasibility study must be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township Engineer.
- (2) A water system which does not provide an adequate supply of water for the proposed use, considering both quantity and quality, or does not provide for adequate groundwater, shall not be approved by the Township.
- (3) A water feasibility study shall include the following information:
 - (a) Calculations of the projected water needs.
 - (b) A geologic map of the area with a radius of at least one (1) mile from the site.
 - (c) The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
 - (d) The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
 - (e) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - (f) A statement of the qualifications and the signatures of the person(s) preparing the study.
- s. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
- t. No Certificate of Use and Occupancy shall be issued for a solid waste disposal facility until the operator has submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Protection and has been permitted in writing by said agency.
- u. All topsoil and subsoil to a depth of at least three and one-half (3½) feet shall be preserved, and all solid waste shall be covered with at least three and one-half (3½) feet of the aforesaid soil. The top foot of topsoil shall

be separately conserved and be placed as the top foot of the cover, which cover must total at least three and one-half (3½) feet in depth.

- v. In conjunction with the application for a special exception, the applicant shall present a soil conservation plan, which shall include the applicant's proposal for preserving both the top foot of topsoil and the second two and one-half (2½) feet of soil, and protecting the aforesaid from erosion while the trenches are being filled with solid waste material.

s.603.36 **Medical Clinic.** In the R Zone as a special exception and the CI Zone as a permitted use subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: One (1) acre minimum.
- b. Lot width: Two hundred (200) feet minimum.
- c. Side setback: Thirty (30) feet minimum.
- d. Building coverage: Fifteen percent (15%) maximum.
- e. Not more than three (3) medical practitioners shall occupy the building.
- f. The exterior of the building shall be in harmony with the character of the neighborhood.
- g. Must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.

s.603.37 **Mobile Home Park.** In the R Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than seventy-five hundred (7500) square feet in area and not less than fifty-five (55) feet wide at the building setback line.
- b. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet, and in no case shall the distance between any two (2) mobile homes be less than thirty (30) feet.
- d. The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of

land for a mobile home park as the Board may deem necessary to protect the general welfare.

- e. A mobile home park and extension thereof shall also comply with all applicable state and/or municipal regulations now in effect or hereafter enacted.

s.603.38 **Motel.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. The lot shall have access to a collector street as designated in the Township Comprehensive Plan.
- b. If there are ten (10) or more units or sleeping quarters, public water and sewer shall be provided.
- c. A naturally landscaped planting strip at least fifteen (15) feet wide shall be provided along the roadway.

s.603.39 **Nursery.** In the R, RA and Cv Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: As stated in the applicable zone but in no case less than two (2) acres.
- b. No part of any buildings thereon shall be less than fifty (50) feet from the nearest property or street line.
- c. No outdoor display of tools or equipment.
- d. No sale or storage of general hardware, power tools or motorized equipment is permitted.

s.603.40 **Office.** In the R, RA, and Cv Zones as a special exception and the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: One (1) acre minimum.
- b. Lot width: Two hundred (200) feet minimum.
- c. Side setback: Thirty (30) feet minimum.
- d. Building coverage: Fifteen percent (15%) maximum.
- e. The exterior of the building shall be in harmony with the character of the neighborhood.

- f. No nameplate or any other sign displayed on the premises shall exceed six (6) square feet.
- g. Must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.

s.603.41 **Parking Garage.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Three (3) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setbacks: All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d. Must have access on an arterial or collector street as designated in the Township Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
- e. A buffer yard one hundred fifty (150) feet wide must be located on the site in all instances where the site adjoins an R, RA, or Cv Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.

s.603.42 **Public Entertainment Facility.** In the CI Zone, as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Three (3) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setbacks: All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.

s.603.43 **Public Buildings and/or Facilities.** In all zones as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Outdoor storage of materials and vehicles and related apparatus shall be prohibited unless completely enclosed with a fence six (6) feet in height and screened from adjoining streets and properties.

- b. Screening or fencing may be required where determined appropriate to form an effective visual barrier between the use and adjoining properties.
- c. All off-street parking shall be at least ten (10) feet from adjoining property lines.

s.603.44

Public Parking Space/Lot. In the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Not more than eighty (80) percent of the lot area shall be covered with impervious surfaces.
- b. No sale, rental, service or repair operation is permitted.
- c. The design of the parking facility must be approved by the Township Engineer with regard to layout, access, drainage, and dimensions of aisles.
- d. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- e. To protect other vehicles and pedestrians in the immediate area of such a use, railing, fencing, posts and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits.

s.603.45

Public Utility Building. In the R, RA, and CI Zone, as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than six (6) inches in any dimension.
- b. Housed equipment: When the equipment is totally enclosed within a building, no fence or screen planting shall be required, and the yard shall be maintained in conformity with the zone in which the facility is located.
- c. The required fence for unhoused equipment shall be surrounded by evergreen plantings.
- d. The permitted public facilities shall not include the storage of unlicensed or unregistered vehicles or equipment used in the maintenance of any utility, and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- e. The external design of the building shall be in conformity with the buildings in the zone.

s.603.46 **Range.** In the RA, Cv, and CI Zones, as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area : Five (5) acres minimum.
- b. Lot width: Three hundred (300) feet minimum.
- c. Adjacent areas must be predominantly undeveloped, and the range area must be at least two hundred (200) feet from any property line or street line.
- d. Must be located at least one thousand (1,000) feet from an existing residential dwelling.
- e. A buffer yard at least one hundred fifty (150) feet wide must be provided in all situations where the site adjoins an R, RA or CV zone. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage purposes.
- f. The public must be protected from any harm. Specifically, berms will be constructed to preclude bullets ricocheting outside range boundaries.
- g. Signs showing danger will be posted at a maximum of two hundred (200) feet apart on all property lines.

s.603.47 **Recreation and Vacation Lodges.** In CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. Lot Area: Ten (10) acres minimum.
- b. The lot shall have direct access to an arterial or collector street as designated in the Township Comprehensive Plan.
- c. No building shall be located within one hundred (100) feet of any street line or property line.
- d. A minimum of ten (10) guest rooms for overnight guests shall be provided in the main hotel building.
- e. Public water and sewer will be provided.
- f. Individual guest rooms and suites shall include no facilities for cooking.
- g. A naturally landscaped planting strip at least fifteen feet (15) wide shall be provided along the roadway.

s.603.48 **Restaurants.** In the CI Zone as a permitted use, provided it shall give consideration to and provide for, if so required by the Board of Supervisors as part of a land development plan, either joint access with neighboring uses or marginal access streets.

s.603.49 **Riding Academy/Stable.** In the RA Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Five (5) acres minimum.
- b. For a commercial stable: No part of any building used for such purposes shall be located within two hundred (200) feet of any street or property line.
- c. For a noncommercial stable: No part of any building used for such purposes shall be located within one hundred (100) feet of any street line or within fifty (50) feet of any property line.

s.603.50 **Satellite Dish Antenna (Private).** In all zones as an accessory use, subject to the requirements of that zone except as herein modified and provided:

- a. Satellite dish antennas shall not be placed in any required setback area.
- b. Satellite dish antennas must be located to the rear of the dwelling unit on any residential lot.
- c. No dish antenna shall exceed an overall height of eighteen (18) feet above the ground or an overall diameter of twelve (12) feet.
- d. No more than one (1) dish antenna is permitted per building lot.
- e. Satellite dish antennas must be appropriately screened and/or fenced so as not to be an eyesore to neighboring properties.

s.603.51 **Sawmill Operation.** In the RA, Cv, and CI Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Two (2) acres minimum.
- b. Lot width: Two hundred (200) feet minimum.
- c. No saw or other machinery used shall be closer than seventy-five (75) feet from any property or street line.
- d. All power saws and machinery shall be secured against tampering or locked when not in use.
- e. Shall meet the requirements of Article V and section 703.

s.603.52 **School.** In the R, RA, and CI Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: One (1) acre minimum.
- b. Lot width: Two hundred (200) feet minimum.
- c. Side setbacks: Thirty (30) feet minimum.
- d. The maximum attendance (number of students physically present) at any one time may not exceed one (1) student per one thousand (1, 000) square feet of the lot area devoted to the use.
- e. The school must be of a non-profit or non-commercial nature.

s.603.53 **Shopping Center.** In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Five (5) acres minimum.
- b. Lot width: Three hundred (300) feet minimum.
- c. All buildings must be set back at least fifty (50) feet from any property line and 100 feet from a street line.
- d. The shopping center must be located so as to have access to a major thoroughfare and avoid increasing traffic on residential streets and/or farm roads.
- e. There must be parking space at the ratio of parking space to gross floor area of four (4) spaces to one thousand (1,000) square feet.
- f. The buildings must be suitably designed and landscaped so as to be compatible with surrounding areas.
- g. The drainage requirements of Section 309 of this Ordinance must be complied with.
- h. The buffer requirements of Section 703 of this ordinance must be complied with.
- i. The applicant must demonstrate that there is an adequate water supply for the proposed use without adversely affecting water supplies utilized by neighboring properties.

s.603.54

Storage Facility. In the RA Zone as a special exception for all storage facilities, in the CI Zone as a permitted use for light and mini storage facilities, and in the CI Zone as a special exception for heavy storage facilities, subject to the requirements of that zone except as herein modified and provided:

- a. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least thirty (30) feet wide where access to storage units is on both sides of the aisle.
- b. If a business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
- c. The servicing or repair of stored equipment shall not be conducted on the premises. No business activities, other than rental of storage units, shall be conducted on the premises.
- d. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- e. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- f. All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
- g. All access drives, parking and loading areas must be paved or covered with crushed stone so as to render such areas dust-free and passable in all weather conditions.
- h. Access shall be via an arterial or collector street as designated in the Township Comprehensive Plan.
- i. A buffer yard twenty-five (25) feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading, or storage.
- j. Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties.

s.603.55

Tavern. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Access shall be via an arterial or collector street as designated in the Township Comprehensive Plan.

- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes but is not limited to fences, walls, plantings and open spaces.
- c. The use shall not constitute a public or private nuisance.

s.603.56

Transportation Terminal. In the CI Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Lot area: Three (3) acres minimum.
- b. Lot width: Two hundred fifty (250) feet minimum.
- c. Setback: All buildings must be set back at least fifty (50) feet from any property line and 100 feet from a street line.

s.603.57

Vehicle Facilities. In the CI Zone as a permitted use, subject to the requirements of that zone except as herein modified and provided:

- a. **Vehicle Garage Minor.**
 - (1) Store automobile parts, dismantled vehicles and similar articles within a building.
 - (2) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction.
 - (3) Outside storage of vehicles is limited to vehicles being worked on that day.
 - (4) Noise levels shall be controlled so as not to affect surrounding residential properties.
- b. **Vehicle Recapping Facility.**
 - (1) Lot area: Five (5) acres minimum.
 - (2) Lot width: Three hundred (300) feet minimum.
 - (3) Setbacks: Any area used for this purpose must be at least one hundred (100) feet from any street or property line.
 - (4) All areas used for tire storage must be secured from view with approved screening per the Township Board of Supervisors and Section 703.

- (5) Burning of tires will not be permitted.
- (6) No storage of tires or related materials will be permitted in the front yard. All storage must be inside the facility or in the rear yard.

c. **Vehicle Sales Facility.**

The unenclosed storage of automobiles and other vehicles not in operating condition shall not be permitted.

d. **Vehicle Service Station.**

- (1) Buildings must be set back at least forty (40) feet from the street line.
- (2) Pumps, lubricating and other dispensing devices must be set back at least twenty-five (25) feet from any lot line or street right-of-way and located so that vehicles stopped for service will not extend over the property line.
- (3) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- (4) Store automobile parts, dismantled vehicles and similar articles within a building.
- (5) Two access drives may be permitted but must be located as follows:
 - (a) Minimum offset from intersection of street right of way lines: Forty (40) feet.
 - (b) Side lot line offset: Ten (10) feet.
 - (c) Minimum width: Twelve (12) feet.
 - (d) Maximum width: Thirty-five (35) feet.
 - (e) Minimum separation of drives on same lot: Twenty-five (25) feet.
- (6) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street lines.

- (7) All lights shall be diverted toward the facility or downward on the lot.
- (8) At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.

e. **Vehicle Washing Facility.**

- (1) All structures housing washing apparatus shall be set back at least fifty (50) feet from any street right-of-way line and twenty-five (25) feet from any side or rear property line.
- (2) Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- (3) Access shall be via an arterial or collector street as identified by the Township's Comprehensive Plan.
- (4) Sufficient stacking lanes shall be provided on-site to prevent vehicle back-up on adjoining roads.
- (5) Sewer and water facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.

f. **Vehicle Wrecking Facility.**

- (1) Lot area: Thirty (30) acres minimum.
- (2) Lot width: Five hundred (500) feet minimum.
- (3) Setbacks: Any area used for this purpose must be at least one hundred (100) feet from any street or property line.
- (4) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction.
- (5) Must comply with the Township Junkyard Ordinance and all other applicable State regulations.
- (6) The use must have direct access on an arterial or collector street as designated in the Township Comprehensive Plan.

s. 603.58 **Farm Occupation.** In the RA Zone and the Cv Zone as a use permitted by right, subject to the requirements of that zone except as herein modified and provided:

- a. One (1) farm occupation may be permitted as an accessory use to the principal agricultural use of the property

- b. A farm occupation may only be conducted on farms containing no less than ten (10) acres.
- c. The farm occupation shall be operated by a resident owner of the property where the farm occupation will be located or by a member of such owner's immediate family.
- d. No more than four (4) non-resident employees may be employed by the farm occupation.
- e. The following uses shall be considered farm occupations in Fawn Township, so long as farm occupation remains secondary to the active agricultural operation and compatible with the agricultural character of the Zone:
 - (1) Farm machinery, equipment service and repair, small engines, automobile and truck repairs and maintenance, state inspections and emission testing.
 - (2) Arts and crafts manufacturing.
 - (3) Metalworking, blacksmith and tool sharpening shops.
 - (4) Carriage, buggy, wagon, trailers, farm machinery and related accessories, manufacturing, sales and service.
 - (5) Carpenters, electricians, plumbers, masons and other construction tradespersons.
 - (6) Woodworking, furniture, and cabinet making shops.
 - (7) Bakeries and butcher shops.
- f. No farm occupation shall occupy more than four thousand (4,000) square feet of gross floor area or more than one (1) acre of lot area, inclusive of off-street parking and loading areas.
 - (1) A shared access drive serving the farm occupation and the farm shall Not exceed six hundred (600) square feet.
- g. Retail and display areas affiliated with the farm occupation shall not exceed six hundred (600) square feet.
- h. The farm occupation must be conducted within one (1) completely enclosed building. Where feasible, the farm occupation shall be conducted within an existing building on the property
 - (1) Any new building constructed for use by the farm occupation shall be designed so that it can be converted to agricultural use, or removed, if

the farm occupation is discontinued.

- i. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, or within three hundred (300) feet of any residential parcel, lot or use. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property or district line.
- j. Farm occupations shall not be subdivided or separated from the principal agricultural use.
- k. Outdoor storage is prohibited -- "all supplies, materials, or products, including vehicles shall be located inside of building."

ARTICLE VII

SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

s.701 LOT AREA AND WIDTHS

s.701.1 General Lot Requirements:

- a. The area, width, or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts, yards, or other open spaces are smaller, or so that the coverage is greater, than prescribed in this Ordinance.
- b. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking area and yards. In all cases where public sewers are not available, the lot areas shall be of sufficient size to provide open areas, exclusive of parking areas or other paved areas for a septic tank and tile field; additionally, lot areas shall be increased to the size as deemed necessary by reason of poor soil conditions determined by percolation tests in areas with slopes steeper than twenty percent (20%) grade, or in flood-plains and drainageways, as determined by the Board of Supervisors.

s.702 YARD REGULATIONS:

Yards shall be provided in accordance with the provisions set forth herein.

s.702.1 **Minimum Front Yard Setbacks:** Where the street or private road right-of-way upon which the lot abuts is less than fifty (50) feet in width, the front yard depth and the width of the side yard abutting the street or private road shall be measured from a line parallel to and not less than sixteen and one-half (16½) feet from the centerline of the street or private road.

s.702.2 Adjustments to Front Yard Setbacks:

- a. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard and has been so maintained since the effective date of this Ordinance, the setback in the front yard of such unimproved lot may be the same depth as the front yards of two (2) such adjacent improved lots, notwithstanding the yard requirements of the zone in which it is located, provided the proposed building is within two hundred (200) feet of each of the principal buildings on the adjacent improved lots.
- b. Where an unimproved lot adjoins only one (1) improved lot having thereon a principal building, within twenty-five (25) feet of the common side lot line, which extends into the required front yard of such improved

lot and which extension existed on the effective date of this Ordinance, the setback in the front yard of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the zone in which such unimproved lot is located, notwithstanding the yard requirements for such zone.

s.702.3

Accessory Building Location:

- a. An accessory building shall not be erected within the front yard; provided, however, this regulation shall not apply to the RA Zone if the accessory building is going to be located at least five hundred (500) feet from any dwelling other than one owned by the owner of the accessory building or is going to be located on a farm containing at least fifty (50) acres, excepting that any building to be used to place livestock must be at least one hundred (100) feet from an RA or R Zone boundary and at least one hundred (100) feet from an existing dwelling not owned by the owner of the accessory building. This regulation shall also not apply in any zone so long as the accessory building is set back at least one hundred (100) feet from any street line. See s.300.2.
- b. The minimum distance between the main building and an accessory building at any point shall be ten (10) feet, except where no windows are located in the opposite wall, the minimum distance can be reduced to five (5) feet.

s.702.4

Expansion of Farm Buildings: Expansion of farm buildings existing as of July 14, 1975 shall be permitted without regard to the yard requirements set forth in this Ordinance, provided such expansion does not project further into the required yard area than does the building before expansion.

s.702.5

Corner Lots; Double Frontage Lots:

- a. In the case of corner lots or double frontage lots, each yard abutting a street shall be considered a front yard. Corner lots shall have two (2) front yards, double frontage lots shall have two (2) front yards and two (2) side yards, and on all other lots each yard abutting a street shall be considered a front yard. Front setbacks shall apply to each front yard.
- b. For tracts which are used as farms as defined in this Ordinance which would otherwise be corner or double frontage lots, only that portion of the tract along a street which is accessory to the dwelling and is maintained as a lawn or with similar vegetative cover, or the minimum lot width required in the zone in which the property is located, whichever is greater, shall be considered a front yard. All other portions of the tract fronting on a street shall be considered side or rear yards for purposes of the placement and setback of buildings, whether principal or accessory. For purposes of such lots, the classification of front, rear, and side yards, as defined in s.103.2, shall be determined by the orientation of the principal structure to the

streets. Specifically, the front yard shall be considered the area between the front of the house and the street on which it fronts, and the rear and side yards shall be determined based on that same orientation.

s. 703 **BUFFER YARDS, AND SCREEN PLANTING**

s. 703.1 **Screens:** Where an industrial or commercial use in any zone abuts a residential use, except for street frontage, a solid fence, a minimum of six (6) feet in height, or vegetative screen a minimum of six (6) feet in height acceptable to the Township, shall be erected to screen from view of the residential use the industrial or commercial use.

s.703.2 Where a vegetative screen is used, such screen planting shall be approved by the Township Engineer and shall consist of evergreen plantings of a minimum height of four (4) feet when planted. Such plants shall achieve a minimum mature height of six (6) feet. Vegetative screens shall receive continuing maintenance, which shall include the replacement of any dead or diseased plantings.

s.703.3 Buffer yards shall be provided in accordance with the following standards:

- a. A buffer yard of fifty (50) feet shall be required in all cases where the CI Zone's boundaries abut R or RA Zones' boundaries and in all cases where CI structures abut lots used for R and/or RA purposes.
- b. However, when said zone boundary is a public street, no buffer yard shall be required.
- c. The required yard space for the zone in which the use is located shall be considered as part of the buffer yard.
- d. That portion of the buffer which is the required setback shall be planted with grass seed, sod, or ground cover, and where specified, dense screenplanting. Buffer yards shall be maintained and kept free of all debris and rubbish.
- e. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards; however, access drives may cross the buffer yards.
- f. At locations determined by the Board of Supervisors or Zoning Hearing Board as may be applicable, a dense screen planting shall be required in a buffer yard and shall consist of trees, shrubs and other plant material arranged in a manner to serve as a barrier to visibility, airborne particles, glare and noise.
- g. When, owing to existing conditions, the provisions of the buffer yard would create a hardship, the Zoning Hearing Board may authorize a reduction of and/or waive the requirements for a buffer yard.

s.704

RESERVED

s.705

HABITABLE FLOOR AREA

The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes shall be five hundred (500) square feet. In case of multi-family dwellings and conversion apartments, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one (1) person, which apartment shall each contain not less than two hundred fifty (250) square feet of habitable floor area.

ARTICLE VIII

ZONING HEARING BOARD

s.800 GENERAL PROVISIONS

s.800.1 **Establishment of the Zoning Hearing Board:** A Zoning Hearing Board (ZHB) is established in order that the objectives of this Ordinance may be fully and equitably achieved and a means for competent interpretation of this Ordinance is provided.

s.800.2 **Membership of the Zoning Hearing Board:**

- a. The Fawn Township ZHB shall consist of three (3) members, appointed by the Board of Supervisors in accordance with Section 900.1 of this Ordinance or as allowed under Article IX of the Pennsylvania Municipalities Planning Code.
- b. Alternate members may be approved in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

s.800.3 **Organization of the Zoning Hearing Board:**

- a. The ZHB shall elect a chairman, vice-chairman and secretary from its membership who shall serve annual terms and may succeed themselves. The ZHB shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- b. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the ZHB, but where two (2) members are disqualified to act in a particular matter, the remaining member may act for the ZHB. The ZHB 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 ZHB as provided in Section 802.4. The ZHB may make, alter, and rescind rules and forms for its procedures, consistent with ordinances of the Township and laws of the Commonwealth.

s.800.4 **Removal of Members:** Any ZHB member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

s.801.

POWERS AND DUTIES

The powers and duties of the ZHB are governed by Article IX of the Pennsylvania Municipalities Planning Code. The provisions of Sections 801.1 through 804.3 below shall serve as a supplement thereto. In cases of any conflict, the provisions of the Pennsylvania Municipalities Planning Code shall prevail.

s.801.1.

Interpretation Appeals: Any person aggrieved by a decision of the Zoning Officer shall have the right to appeal to the ZHB within thirty (30) days of such decision by applying to the Zoning Officer for proper forms to file. An appeal shall specify the grounds thereof and including the following:

- a. The name and address of the applicant or appellant;
- b. The name and address of the owner of the zoning lot to be affected by such proposed change or appeal;
- c. A brief description and location of the zoning lot to be affected by such proposed change or appeal;
- d. A statement of the present zoning classification of the zoning lot in question, the improvements thereon and the present use thereof;
- e. A statement of the sections of this Ordinance under which the appeal is made and reasons why it should be granted, or a statement of the sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal;
- f. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.
- g. After filling out forms, the applicant or appellant shall submit them to the Township Secretary with proper fees. The Township Secretary will send the forms to the Zoning Hearing Hoard for scheduling a hearing.

s.802 **RULES AND PROCEDURES**

s.802.1 **Application Procedures:** An applicant, once denied a use certificate or zoning permit, or issued an enforcement notice by the Zoning Officer, may apply to have the case heard before the Zoning Hearing Board. Applications can be obtained from the Zoning Officer. Completed applications should then be filed and fees paid to the Township Administrative Assistant seven (7) days prior to the Township Board of Supervisors Meeting. The case shall be reviewed by the Township Planning Commission prior to being heard at the meeting of the Zoning Hearing Board. Once the application has been completed and all the fees have been paid, the Zoning Hearing Board shall have sixty (60) days to hold a public hearing, unless the applicant has agreed in writing to an extension of time.

s.802.2 **Parties Appellant Before Board:** Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Township Administrative Assistant in writing, by any officer or agency of the Township or any person aggrieved. Requests for a variance, special exception or an appeal from an enforcement notice, however, must be filed with the Township Administrative Assistant by an affected landowner or any authorized agent of such landowner.

s.802.3 **Hearings Required and Notice of Hearings:**

- a. The ZHB shall conduct hearings on any request for interpretation, variance, special exception, appeal from an enforcement notice, challenge, or other matter requiring the ZHB's decision or other official action.
- b. Such hearing shall be held within sixty (60) days from the date of the applicant's request and the payment of all applicable fees, unless the applicant has agreed in writing to an extension of time.
- c. Upon the filing with the Township of a request or application for hearing before the ZHB, or for any action which requires a hearing by the ZHB, the Township shall give the following notices:
 - (1) Public notice. The Township shall advertise such hearing in a newspaper of general circulation for two consecutive weeks, the first notice being not more than thirty (30) days and the second notice being no less than seven (7) days prior to the date of the hearing. The first notice shall be at least seven (7) days prior to the second notice.
 - (2) Post in a conspicuous place or places on the affected property written notice of the hearing at least seven (7) days prior to the hearing.
 - (3) Give written notice to the applicant and the Zoning Officer of the time and date of the hearing.

(4) Give written notice to adjoining property owners, including owners of properties across public streets from the property in question, and to such other persons as the Zoning Officer shall determine under the particular circumstances are appropriate, including any person who has made a request for such notice prior to the date on which notices shall be sent out.

(5) Notices required in subsections (3) and (4) shall be mailed by both certified mail, return receipt requested and by first class mail postage prepaid, at least (14) days prior to the scheduled date of the hearing, except that notice to the Zoning Officer need only be by first class mail.

d. Hearings shall be further conducted pursuant to Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908 which is in effect at the time of the hearing, including the length, timing, and order of such hearings.

s.802.4 **Conduct of Meetings:** The ZHB shall prescribe rules for the conduct of its meetings, such rules to be in conformance with the Pennsylvania Municipalities Planning Code and this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the ZHB may specify in its rules of procedure. Meetings shall be open to the public.

s.802.5 **Records and Decisions:**

a. The ZHB shall keep a record of the proceedings. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at a shared cost, as directed by the Pennsylvania Municipalities Planning Code.

b. The ZHB shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors in January of each year, covering the previous year's activities.

c. The ZHB shall render a written decision, or, when no decision is called for, make written findings, on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. A copy of the decision will also be provided to the Board of Supervisors, Planning Commission, and Zoning Officer.

s.802.6 **Appeal to Court:** Any person aggrieved by any decision of the ZHB may, within thirty (30) days after such written decision of the ZHB, appeal to the Court of Common Pleas of York County, Pennsylvania. Such appeals shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.

s.803

VARIANCE APPEALS

s.803.1

Unnecessary Hardships: Where unnecessary hardship exists resulting from the strict interpretation of this Ordinance, the ZHB may grant a variance. In considering any appeal for a variance, the ZHB shall pursue the following procedure:

- a. Upon appeal from a decision by the Zoning Officer, the ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The ZHB shall prescribe the form of application and require preliminary application to the Zoning Officer.
- b. No application for a permit shall be granted by the ZHB for any variance until the ZHB has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern regarding the adequacy of the site area, the arrangement of buildings, driveways, parking area, off-street truck loading spaces and other pertinent features of the site plan.
- c. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been approved by said Planning Commission. The Board of Supervisors may have representation at the public hearing held by the ZHB on such application. After receipt of the report, the ZHB shall hear the application in the same manner and under the same procedure as it is empowered by law and this Ordinance.
- d. The ZHB's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the ZHB.
- e. The ZHB may thereafter grant a variance authorizing the Zoning Officer to issue a zoning permit, provided all of the following findings are made in a given case. That:
 - (1) 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 that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) Such unnecessary hardship had not been created by the appellant.
 - (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) The variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue and will not permit the establishment of a principal or accessory use not otherwise permitted by this Ordinance.
- f. In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
- g. Unless otherwise specified or extended by the ZHB, a variance authorized by the ZHB expires if the applicant fails to obtain, where required to do so, a building or zoning permit or use certificate within six (6) months following the date of the grant of the variance, or any appeals from the grant, or fails to complete the work in the one (1) year next following the issuance of a building or zoning permit; except that in cases where the grant of a building or zoning permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception granted by the ZHB expires if:
- (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the variance; or
 - (2) The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the approval by the Township of the preliminary plan, unless the time is extended by the ZHB; or
 - (3) The applicant fails to obtain a building or zoning permit or use certificate within six (6) months next following the date of the approval by the Township of the final plan; or

- (4) The applicant fails to complete the work within one (1) year of the issuance of the building or zoning permit.

s.804

SPECIAL EXCEPTION APPLICATIONS

s.804.1

General Provisions: In this Ordinance, special exceptions may be granted or denied by the ZHB pursuant to specific standards and criteria contained elsewhere in this ordinance and general provisions contained in this section. The ZHB shall pursue the following procedure:

- a. The ZHB's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and subsequent amendments or additions shall be subject to review and public hearing by the ZHB as a special exception use.
- b. No application for a permit shall be granted by the ZHB for any special exception use until said ZHB has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of adequacy of the site area and arrangement of buildings, driveways, parking area, off-street truck loading spaces and other pertinent features of the site plan.
- c. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been approved by said Planning Commission. The Commission may have representation at the public hearing held by the ZHB on such application. After receipt of the report, the ZHB shall hear the application in the same manner and under the same procedure as it is empowered by law and this Ordinance.
- d. In granting a special exception, the ZHB may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development will secure substantially the purposes of this Ordinance.
- e. The ZHB may thereafter authorize the Zoning Officer to issue a zoning permit if, in its judgement, the use meets all specific standards and criteria contained in this Ordinance and the following general provisions:
 - (1) **Purpose:** The intended purpose of the proposed use must be consistent with the Township's development objectives established in the Comprehensive Plan.
 - (2) **Compatibility:** The proposed use shall be in the best interest of properties in the general area as well as the community at large.

The proposed use will be reviewed as to its relationship to and effect on surrounding land uses, and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.

- (3) **Suitability:** The proposed use shall be suitable for the property in question, and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
- (4) **Serviceability:** Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash, and garbage collection and disposal, and the ability of the Township to supply such services.
- (5) **Accessibility:** The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrian and vehicles, off-street parking and accessibility to the existing or proposed Township street system.
- (6) **Conformity:** The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.
- (7) **Water Supply:** The applicant must establish that there is an adequate water supply for the proposed use without adversely affecting water supplies utilized by neighboring properties. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such periods of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply is obtained from the parcel proposed for the location of the special exception use or is obtained from a nearby parcel, the applicant must establish that the groundwater recharge on the tract where the water supply system is located, will, after development, and during drought conditions (periods when precipitation is forty percent (40%) below normal) exceed projected water usage. The ZHB may require as a condition of approval that the applicant execute an agreement with the Township committing the proposed special exception use not to utilize more water on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified.

- (8) **Drainage:** The applicant must establish that the drainage requirements of Section 309 of this Ordinance will be complied with.
 - (9) **Sewage:** The applicant must establish that adequate provisions will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.
- f. Unless otherwise specified or extended by the ZHB, a special exception authorized by the ZHB expires if the applicant fails to obtain, where required to do so, a building or zoning permit or use certificate within six (6) months following the date of the grant of the special exception, or any appeals from the grant, or fails to complete the work in the one (1) year next following the issuance of a building or zoning permit; except that in cases where the grant of a building or zoning permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception granted by the ZHB expires if:
- (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the special exception; or
 - (2) The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the approval by the Township of the preliminary plan, unless the time is extended by the ZHB; or
 - (3) The applicant fails to obtain a building or zoning permit or use certificate within six (6) months next following the date of the approval by the Township of the final plan; or
 - (4) The applicant fails to complete the work within one (1) year of the issuance of the building or zoning permit.

s.804.2

Temporary Special Exceptions:

- a. A temporary special exception must be obtained from the ZHB for any nonconformity which is or will be seasonal or is or will be in the public interest. The ZHB may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
 - (1) Is beneficial to the public health or general welfare; or

- (2) Is necessary to promote the proper development of the community;
or
- (3) Is seasonal in nature.

b. The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

s. 805

CHALLENGE TO VALIDITY OF ORDINANCE

Except for procedural questions regarding the process of enactment of any ordinance or its amendment or for appeal for a curative amendment as provided in Section 1000.2.d, the ZHB shall hear all challenges to the validity of this Ordinance. In all such challenges, the ZHB shall take evidence and make a record thereon as provided in Section 802.5. At the conclusion of the hearing, the ZHB shall decide all contested questions and make findings on all relevant issues of fact, which shall become part of the record on appeals to Court.

s. 806

FEES

At the time of making an appeal or application to the ZHB for any cause, or to the Board of Supervisors for an amendment or for a curative amendment, each appellant or applicant shall submit a deposit to the Township in accordance with a fee schedule adopted by resolution of the Board of Supervisors. The deposit is established to reimburse the Township for all reasonable advertising, stenographic, engineering or planning services incurred by the Township in connection with the subject appellant's or applicant's hearing before the ZHB or Board of Supervisors which hears the action. Upon completion of the hearing, or if the hearing lasts more than one day, periodically during the course of the hearing, the appellant or applicant shall be billed for expenses in excess of the deposit and shall promptly pay such excess amount. The payment of fees and costs set forth above shall be a prerequisite to the validity of any permit, variance, ruling or decision issued in favor of an applicant pursuant to any proceeding initiated before the ZHB or the Board of Supervisors, or as may be consistent with the Pennsylvania Municipalities Planning Code.

In the case of an enforcement notice, in the event that the Zoning Hearing Board finds that the appellant did not violate the Zoning Ordinance, then that portion of the filing fee attributed and attributable to the appeal of the enforcement notice shall be refunded of the appellant.

ARTICLE IX

ADMINISTRATION

s.900 **TOWNSHIP SUPERVISORS: Powers and Duties**

s.900.1 **Zoning Hearing Board - Appointment:**

- a. The Township Supervisors must appoint three (3) residents of the Township to a Zoning Hearing Board.
- b. No member of the Zoning Hearing Board may hold any other Township Office.
- c. The Township Supervisors must designate one (1) member to serve until the first day of January following the effective date, one (1) member to serve until the first day of the second January thereafter, and one (1) member to serve until the first day of the third January thereafter.
- d. Successors must be appointed on the expiration of the respective terms above to serve three (3) years.
- e. Appointments to fill vacancies must be only for the unexpired portion of the terms.

s.900.2 **Amendments:**

- a. The Township Supervisors may from time to time on its own motion, or on petition or on recommendation of the Township Planning Commission, amend, supplement, or repeal any of the regulations and provisions of this Ordinance after public notice and hearing.
- b. Before the public hearing, a proposed change to this Ordinance, except those coming from the Planning Commission, must be referred to the Planning Commission and York County Planning Commission for their recommendations.
- c. If the Planning Commission fails to make a recommendation within thirty (30) days, the Township Supervisors may act without the Planning Commission's recommendation.

s.901 **PLANNING COMMISSION: Powers and Duties**

s.901.1 **Zoning Hearing Board Cases:** Within thirty (30) days of receiving an application for a special exception or variance from the Zoning Hearing Board, the Planning Commission must give a written report on it to the Board. The Planning Commission is governed by the same standards as the Board in making its recommendations, plus its special knowledge gathered from planning for the Township, and in accordance with the Pennsylvania Municipalities Planning Code.

s.901.2 **Amendments:** The Planning Commission may recommend amendments to the regulations and provisions of this Ordinance to the Township Supervisors. For a proposed amendment stemming from other sources, the Commission must review it and make a recommendation regarding it to the Township Supervisors within thirty (30) days after receipt of the proposal.

s.902 **TOWNSHIP ENGINEER: Powers and Duties**

s.902.1 **Drainage:** At the request of the Board of Supervisors, Planning Commission, Zoning Officer or the Zoning Hearing Board the Township Engineer must review site plans or other data to ascertain that provision for surface water drainage will be adequate.

s.902.2 **Building Adjacent to Drainage Channels and Watercourses:** The Township Engineer shall, upon request by the Township, review plans for buildings adjacent to drainage channels or watercourses to ascertain that the buildings will be an adequate distance from the high water line.

s.902.3 **Zoning Hearing Board Cases:** Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Township Engineer shall make recommendations to the Board. The approving authority in such cases shall be the Zoning Hearing Board and not the Township Engineer.

s.903 **ZONING OFFICER**

s.903.1 **Appointment:** The provisions of this Ordinance shall be administered and enforced by the Zoning Officer, who shall be appointed by the Township Supervisors.

s.903.2 **Primary Duties:** The primary duties of the Zoning Officer shall be as specified below. Upon appointment and until duly released, the Zoning Officer shall ensure that all the below duties are fully executed. By virtue of this Ordinance the Zoning Officer is vested with the power to and shall:

- a. Receive all applications for zoning permits; issue permits when there is compliance with the provisions of this Ordinance, other Township ordinances, and laws of the Commonwealth of Pennsylvania.

- b. Inspect the lands and buildings built or altered under this Ordinance to insure that they comply with the provisions of this Ordinance; and upon satisfactory completion of said inspection, issue a Certificate of Use and Occupancy.
- c. Following refusal of a zoning permit, or refusal of a Certificate of Use and Occupancy, receive any appeals from alleged error of the Zoning Officer and any appeals for variances from the terms of this Ordinance and forward these to the Zoning Hearing Board for action thereon.
- d. Order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders can be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.
- e. Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to all conditions attached thereto.
- f. Maintain a map or maps showing the current zoning classification of all land in the Township.
- g. See Section 614 of the Pennsylvania Municipalities Planning Code for further duties and requirements.

s.903.3

Additional Duties Upon Request: When directed in writing by either the Board of Supervisors, the Planning Commission or the Zoning Hearing Board as specified below the Zoning Officer shall:

- a. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. Such investigations shall be conducted only at the specific request of the Board of Supervisors and shall normally not involve matters which would be reviewed and investigated as part of the Zoning Officer's primary duties. Such investigations may be directed toward a problem located upon a specific site or they may be area wide investigations to determine general compliance with the terms of this Ordinance.
- b. Institute, with the approval of the Board of Supervisors, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance and issue enforcement notices pursuant to the appropriate section of this Ordinance and the Pennsylvania Municipalities Planning Code.
- c. Upon the request of the Board of Supervisors, Planning Commission, or Zoning Hearing Board, present to such bodies facts, records or any similar information to assist such individuals or bodies in reaching a decision upon a specific application, plan or appeal.

- d. Prepare and maintain the list of nonconforming uses as prescribed by Section 406 when requested and as directed by the Planning Commission or Board of Supervisors.

s.903.4

Limits of Authority:

- a. The Zoning officer shall have the authority to issue permits only for construction and uses which are in accordance with the requirements of this Ordinance. Construction and uses which require special exceptions or variances shall be issued zoning permits after approval of such application by the Zoning Hearing Board. Construction and uses which require Planning Commission and Supervisor review as land developments under the Township's Subdivision and Land Development Ordinance shall be issued only following final approval by the Board of Supervisors.
- b. The Zoning Officer shall issue no permits for the construction or use of any land and buildings unless it conforms to all Township ordinances and the laws of the Commonwealth of Pennsylvania and/or special exceptions or variances and conditions thereto granted by the Zoning Hearing Board.
- c. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance 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. Moreover, any permit issued in error may be revoked immediately and shall in no case be construed as waiving any provision of the Ordinance.

s.903.5

Accountability: For purposes of accountability, the Zoning Officer shall maintain, upon forms provided by the Board of Supervisors, a record of all applications and inspections. Among other items, such record shall contain the date, time, building or zoning permit number, and signature of the applicant or his authorized representative. Upon request by the Board of Supervisors, the record shall be submitted to the Supervisors for their review.

s.904

BUILDING, ZONING PERMITS

- a. Hereafter, no building or structure shall be erected, moved, placed, constructed, improved, altered, repaired, or enlarged within the limits of Fawn Township unless a permit to do so shall first be secured in accordance with the provisions of the Building Permit Ordinance and/or the BOCA Building Code Ordinance of Fawn Township, and unless such erection, movement, placement, construction, improvements, alteration, repair, or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance of Fawn Township and with the permit issued pursuant thereto, and in accordance with the procedures set forth in such ordinance.

- b. All of the provisions of the Building Permit, BOCA Code, and any other ordinances of Fawn Township are incorporated herein by reference, and any violation of those ordinances shall constitute a violation of this Ordinance.
- c. **Action on Zoning permits:** Within fifteen (15) days, except for holidays, after receipt of a complete application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the Building Permit Ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, the Zoning Officer must state in writing the grounds of the refusal.
- d. No permit required under this Section or any other Ordinance of the Township or state statute which requires a permit for the erection, enlargement, alteration, moving or demolition of any structure, shall be issued until the permit applicant complies with Section 310 of this Ordinance.

s.905

CERTIFICATE OF USE AND OCCUPANCY

s.905.1

Certificate Required: No land or buildings shall be occupied by a principal use, or changed from one principal use another, and no building hereafter erected, constructed, altered, improved, repaired, or extended shall be occupied until a Certificate of Use and Occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance, the provisions of the Building Permit Ordinance of Fawn Township, the provision of the Building Code of Fawn Township and the provision of all other relevant ordinances.

s.905.2

Application Requirement: All applications for a Certificate of Use and Occupancy shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer, setting forth the information listed, and other such information and data as the Zoning Officer may require, and shall be accompanied by a filing fee as set by the Board of Supervisors.

s.905.3

Certificate Procedures:

- a. **Construction:** In cases where a building or zoning permit is required, all Certificates of Use and Occupancy shall be applied for coincident with the application for the building or zoning permit. The certificate shall be retained by the Zoning Officer until such time as he is notified that construction has been completed. Upon notification, the Zoning Officer shall make a final inspection to determine compliance with this and inspection shall be made in the presence of the applicant or an authorized representative.

- b. **Change of Use:** In cases involving establishment of a use on land or a change of use on land or within a structure, application for a Certificate of Use and Occupancy alone shall suffice. The Zoning Officer shall by letter grant or deny such use within fifteen (15) days following a complete application, except in cases of special exception where further proceedings are necessary.
- (1) Such letter shall be sufficient authorization to occupy the premises. If denied, the Zoning Officer shall state in writing the cause for such denial.
 - (2) Before occupancy, the applicant shall notify the Zoning Officer, upon a form provided by the Zoning Officer at time of application. The Zoning Officer shall subsequently make an on-site inspection, before actual occupancy, to determine compliance with the terms of all applicable Township ordinances and with statements and plans submitted by the applicant. Such inspection shall be made in the presence of the applicant, or other approved persons.

s.905.4

Completion of Improvements. No certificate required under this section shall be issued, or use or occupancy of a structure permitted, until all improvements required by any permits issued pursuant to this or any other Township Ordinance or state statute or regulation have been substantially completed in the sole discretion of the Zoning Officer after an inspection. Substantial completion shall include, in addition to substantial completion of the structure, all required exterior improvements, including final grading and seeding, driveways, curbs, and sidewalks, where required. Such certificate shall be issued by the Zoning Officer within fifteen (15) days after an inspection by the Zoning Officer. In the event that the Zoning Officer denies a certificate, he shall notify the applicant in writing of the reasons for his denial, and the noncompliance with permits, or violations of any Township Ordinance or state statute or regulation, within fifteen (15) days following the inspection.

s. 905.5

Temporary Certificates: Upon request of a holder of a building or zoning permit, the Zoning Officer may in his sole discretion issue a temporary certificate of use for a structure and/or land, or portion thereof, before the entire work covered by the permit has been completed, provided such structure and/or land, or portion thereof, may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare, and so long as in the sole discretion of the Township, the reason for the completion of the improvements was beyond the control of the holder of the permit or his agent.

- a. In the event that a temporary certificate is requested under this Section 905.5, the Township, in its sole discretion, may require the applicant to post a performance guarantee in a form suitable to the Township sufficient to assure substantial completion of all portions of the required improvements which are not completed at the time of the issuance of the temporary certificate. The amount of the bond shall be one hundred ten

percent (110%) of the cost of completing the improvements as determined by the Zoning Officer or, if the Township so chooses, the Township Engineer.

s. 905.6 **Erosion and Sedimentation Control Violations:** No certificate required by this Section shall be issued, and no use or occupancy of any structure for which a permit is required shall be permitted, so long as any notices alleging violations of the Erosion and Sedimentation Control Plan or of the York County Conservation District or DEP regulations have been issued, until all violations have been cured and any and all penalties or fines for such violations, or for violation of Section 310 or any other section of this Ordinance or Section 813 of the Fawn Township Subdivision and Land Development Ordinance have been paid.

s.905.7 **Life of a Certificate:** A certificate of use and occupancy shall become void after ninety (90) days from the date of issuance if the applicant has not occupied or activated the use as approved.

s.905.8 **Land Development Review:** Uses requiring review and approval as a land development under the Township's Subdivision and Land Development Ordinance shall not be acted upon by the Zoning Officer until approval of any such land development by the Board of Supervisors. For purposes of this Ordinance the following principal uses shall be considered land developments:

- a. All institutional uses.
- b. All commercial uses.
- c. All utilities.
- d. All industrial uses.
- e. The following residential uses:
 - (1) Multi-family dwellings.
 - (2) Mobile home parks.
 - (3) Boarding houses.
 - (4) Recreation vehicle parks.
 - (5) Nursing homes.
 - (6) Planned residential development.
 - (7) Cluster development.

s.906 **FEES:**

Each applicant shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution by the Board of Supervisors. No application, certificate, permit or appeal shall be processed or approved without payment of the appropriate fee.

s.907

ENFORCEMENT

s.907.1

Remedies: In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Board of Supervisors or with the approval of the Township Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that the property or person will be substantially affected by the alleged violation, may, in addition to other remedies, 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action shall be maintained until such notice has been given. The Township also follow the procedures as set forth in Article VI of the Pennsylvania Municipalities Planning Code.

s.907.2

Penalties: Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor submits a timely appeal of the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In the aforementioned event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice. Thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township. Also follow the procedures as set forth in Article VI of the Pennsylvania Municipalities Planning Code.

ARTICLE X
AMENDMENTS

s. 1000 **AMENDMENT PROCEDURES**

s.1000.1 **Power of Amendment:** The Board of Supervisors may, from time to time, amend, supplement, change, modify or appeal this Ordinance, including the Zoning Map. When doing so, the Supervisors shall proceed in the manner prescribed in this Article.

s.1000.2 **Initiation of Amendments:** Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition or curative amendment of one (1) or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- a. **Proposals Originated by the Board of Supervisors:** Any proposed amendment, supplement, change, modification or repeal of the Ordinance originated by the Board of Supervisors shall be referred to the Planning Commission. Within thirty (30) days of the submission of the said proposal by the Supervisors, the Planning Commission shall issue a report containing the Planning Commission's recommendations, including any additions or modifications to the original proposal.
- b. **Proposals originated by the Planning Commission:** The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Ordinance.
- c. **Proposals Originated by a Landowner:** One (1) or more owners of property to be affected by a proposal for amendment to this Ordinance may petition to change the Ordinance or may submit a curative amendment.
 - (1) Such petition shall be submitted in writing to the Township Secretary, together with a fee as specified by a fee schedule adopted by resolution of the Board of Supervisors to cover costs, no part of which shall be returnable to the landowner.
 - (2) On receipt, the Township Secretary shall transmit a copy of the petition to the Planning Commission.
 - (3) Within thirty (30) days of this submission to the Planning Commission, the Planning Commission shall submit to the Board of Supervisors a report containing the Planning Commission's

recommendations, including any additions or modifications to the original proposal.

- (4) If the zoning amendment involves a map change, notice of the public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify interested citizens.

d. **Proposals by Curative Amendments:** A landowner who desires to challenge the validity of this Ordinance which prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Board of Supervisors with a written request that the challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code.

- (1) The curative amendment shall be referred to the Planning Commission and York County Planning Commission.

- (2) No action shall be taken thereon by the Board of Supervisors until such time as the Planning Commission shall submit to the Board of Supervisors its written recommendation, after receiving comments from the York County Planning Commission, relative thereto, or until the expiration of thirty (30) days from the time of submission by the Board of Supervisors to the Planning Commission of said curative amendment, whichever shall first occur.

s.1000.3 **Review by County Planning Commission:** At least thirty (30) days prior to the public hearing on any proposed amendment to this Ordinance, the Township Administrative Assistant shall submit the proposed amendment to the York County Planning Commission for recommendations. The recommendations of the County Planning Commission shall be submitted to the Township Administrative Assistant prior to the scheduled hearing on such amendment; if not so received, the recommendations of the County Planning Commission shall be considered to be favorable.

s.1000.4 **Public Hearing:** Upon receipt of the Planning Commission's recommendations and before voting on any proposed amendment to this Ordinance, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. In cases involving a landowner's petition or curative amendment, such hearing shall commence within sixty (60) days of submission with the Township secretary. The parcel of land proposed for a curative amendment shall be posted at least one (1) week prior to public hearing by the Board of Supervisors. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

In addition to the requirement that notice be posted, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be

mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addressees 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. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This requirement of written notice shall not apply when the rezoning constitutes a comprehensive rezoning.

s.1000.5 **Action upon Amendment:** Enactment of any proposed amendment shall be by the majority vote of the Board of Supervisors. Any enacted amendment shall be specifically found to be in accordance with the spirit and intent of the Fawn Township Comprehensive Plan.

s.1000.6 **Appeals:** Any person desiring to challenge this Ordinance or any subsequent amendment hereto shall proceed in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.

ARTICLE XI

INTERPRETATIONS

s.1100.1 CONFLICT WITH OTHER LAWS

Interpreting and applying the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morale, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulation, or permits or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

s.1101.1 VALIDITY

Should any section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof. Likewise, if a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved, and shall not affect any other persons, property or situation.

s.1102.1 REPEALER

All other Township ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

ARTICLE XII

EFFECTIVE DATE AND ENACTMENT

s.1200 **EFFECTIVE DATE**

This Ordinance shall take effect five (5) days after its enactment.

s.1201 **ENACTMENT**

Ordained and adopted by the Board of Supervisors of Fawn Township, York County, Pennsylvania on the 13th day of October, 1997.

**FAWN TOWNSHIP BOARD
OF SUPERVISORS**

/s/ Kevin F. Clark

Chairman

/s/ Robert E. Lloyd

Supervisor

/s/ Henry M. Sommer

Supervisor

ATTEST:

/s/ LuAnn Marsteller

Secretary