

# 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 Grove Borough Zoning Ordinance".

### s.101 AUTHORITY

s.101.1 **Borough Authority:** Section 601 of the Pennsylvania Municipalities Planning Code (Act 247) provides that the Council of Fawn Grove Borough 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 Borough of Fawn Grove, 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 Borough of Fawn Grove 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 Borough development and redevelopment. Its provisions are guided by the policies and proposals contained within the Borough 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 Borough Building Permit Ordinance 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.

**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. **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 borough 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 Council, consisting of one (1) Council person, 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 Council, 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, 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 service way 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 Borough 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 Borough official for the purpose of obtaining approval thereof.

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

**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** - A structure having a roof which is used for the shelter or enclosure of persons, animals or Chattels. The word "building" shall include any part thereof. 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.

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,

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.

**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,

**Child Day Care Center** - A facility licensed by the State that provides a wide range of formal day care services for remuneration to five (5) 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.

**Community Living Arrangement** - A building or structure designed to provide living quarters for not more than four (4) non-related people who are disabled.

**Convalescent Home** - (Also known as a Nursing Home.) A licensed establishment which provides full-time convalesce center 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,

- a. **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.

- b. **Family Day Care Home** - A facility, located in a single family residence, which provides supervised care for remuneration to not more than four (4) Children, who are not relatives of the caregiver.
- c. **Group Dwelling** - 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.

**Cart way** - The surface of a street or alley available for vehicular traffic or the area between curbs.

**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 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.

**Clear Sight Triangle**- An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines of both streets.

**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.

**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.

**Comprehensive Plan**- The plan, or parts thereof, which have been adopted by the Council of Fawn Grove Borough.

**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.

**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 arts 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.

**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.

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

**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.

**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 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** - A limited right-of-use granted in private land for public, quasi-public, or private purposes.

**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.

**Farm**- A tract of land in Common ownership which is used for agricultural operations 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 a 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 Market** - A commercial enterprise consisting of a building or structure or part of a building or structure, either permanent or temporary, designed and used for the purpose of the sale of agricultural commodities located on a tract of land devoted to normal agricultural operations.

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

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

**Floodway** - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge floodwaters of a 100 year frequency.

**Flood, Regulatory** - The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular watercourse. The regulatory flood has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

**Flood Fringe** - That part of the floodplain not included within the floodway,

**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.

**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

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

**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.

**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 utility.

**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 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 and or farming.

**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 in patient care including such establishments as a sanatorium, sanitarium, 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.

**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.

**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 dogs, by a person for profit.
- b. **Kennel, Noncommercial** - Any building or buildings, and/or land used for the boarding, breeding, or training of four (4) or more dogs at least six (6) months of age belonging to the owner thereof and kept for purposes of show, hunting or as pets.

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

**Landfill** - 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 land owner, 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.

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

**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 Grove Borough which either has a principal building, driveway, parking lot, or other structure constructed thereon.
- d. **Lot Area** - The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, and including the area of any easement .
- e. **Lot Coverage** - That portion of a lot covered by nonporous surfaces such as, 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 lot shall have two front yards and two side yards. 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, one front yard and two side yards shall be provided.
- b. **Side Lot Line** - Any lot line which is not a street line or a rear lot line.
- c. **Street Line** - The dividing line between the lot and the street right-of-way.

**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 out-patient bases.

**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 no transient 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.

**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 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.

**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 Borough 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** - Any tract of land that is in the same ownership and contained in the same deed as of the date of this Ordinance.

**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 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, printing, copy and Photostatting services, arts, crafts, drafting, and stationary supplies.

**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.

**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 Borough. 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 sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Resources.

**Public Utility Building** - Any structure used for any utility under the jurisdiction of the Pennsylvania Utility Commission or the federal government.

**Public Water** - A municipal water supply system or a comparable common water facility 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 building permit has been made. This includes sandpits, gravel pits, burrow pits, strip mines, and top soil stripping.

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

**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 recreation 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 premise consumption.
- b. **Sit-down** - A public eating-place primarily offering sit-down counter or table service and custom-prepared foods for on- premises consumption.

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

**Right-of-way** - Land set aside for use by streets, crosswalks or utility lines, as established by the Commonwealth, the Borough or other legal authority and currently in existence.

**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, one (1) foot 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.

**Setback** - The required horizontal distance between a setback line and a property or street line. Setbacks are further classified as follows:

- a. **Setback, Front** - The distance between the street right-of-way and the front setback line.
- b. **Setback Line** - A line beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building or structure shall not project, in accordance with the minimum setbacks of the zone in which the lot is located as established by the Zoning Ordinance.
- c. **Setback, Rear** - The distance between the rear lot line and the rear setback line projected the full width of the lot.
- d. **Setback, Side** - The distance between the side lot line and the side setback line projected from the front yard to the rear yard.

**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,

**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, no flashing 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.

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

**Solid Waste** - Garbage, refuse, and other discarded materials including, 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 I, Part 261, dated July 1, 1984, or as amended.

**Storage Facility** -

- a. **Storage, Heavy** - The enclosed storage of goods, material, equipment and/or large vehicles (including, but not limited to, trucks, excavation equipment 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 and 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 collector or arterial streets.
- e. **Private Street** - A street which provides direct access to not more than three (3) residential lots, and not offered for dedication to the Borough 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 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.

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

**Structure, Accessory** - A 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 re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, 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.

**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 (1 1/2) 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.

**Tract** - An area of land which may comprise the entire area or a sub-part of a parcel. Individual "tracts" within a parcel of land shall not constitute separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within a parcel shall be considered descriptive only,

**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.

**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 Public Utility Commission of Pennsylvania, or Fawn Grove Borough.

**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.

#### **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 non-occupant 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 re-treading.
- c. **Vehicle Repair Facility** - Any area of land including structures thereon that are 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, the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**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.

**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** - Area laid out on the Fawn Grove Borough Zoning Map, and further detailed in the Zoning Ordinance and listed as residential (R), Rural Agricultural (PA), Conservation (Cv) and/or Commercial Industrial (CI),

**Zoning Officer** - The duly appointed Borough 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.