

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 "Nonconforming Buildings and Uses"

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 within the accessible route 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, storm water, conservation, environmental, etc.)

s.602.3

Record keeping 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 section 302.

s.602.6

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

- a. In all zones except the A and CV, 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 and shall meet standard setbacks for accessory structures in that zone.
- 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 wastes 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.
- f. No mud pools or wallows shall be permitted on any land, nor shall any natural stream or body of water be allowed to become an animal wallow,

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 may be offended upon

entry.

- e. 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.
- f. Such establishment shall otherwise comply with all applicable laws including provisions pertaining to interior plan, illumination, and visibility.

s.603.2

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, hangar 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.603.3

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 dog runs, fenced enclosures and similar structures shall be located at least one hundred (100) feet from all property or street lines.

s.603.4

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

- a. Lot Area; Ten (2) 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.603.5 **Antique Sales:** In the R and RA Zones as a special exception and the VC and CI Zones 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 not be placed in the accessible route.

s.603.6 **Bed and Breakfast Inn:** In All Zones as a special exception subject to the requirements of that zone except as herein modified and provided:

- a. Guests stays shall be limited to a maximum of seven (7) consecutive days per month.
- b. Maximum of three (3) guest rooms.
- c. Breakfast meals only shall be served to overnight lodgers.
- d. A minimum of one (1) off-street parking space per guestroom shall be provided in addition to the required parking for the dwelling unit.

s.603.7 **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 Borough's Thoroughfare Classification Plan.
- b. All outdoor storage and display areas shall be screened from adjoining roads and properties.

s.603.8 **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. That none of the automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises be utilized as a permanent place of abode, as a permanent dwelling, or be resided in for consecutive periods in excess of ninety (90) days. None of the automobile trailers, travel trailers, motor homes, campers, or tents shall remain on the approved premises for more than 90 (90) 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, laundry facilities; such building to 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 individual dressing compartment of at least twelve (12) feet square.
 - (3) Floors of toilets, showers, and the laundry shall be of concrete, tile or similar material impervious to water, easily cleaned, 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 opened to the public for occupancy.
- e. Each cabin, campsite, trailer site, camper site shall be accessible to a roadway or driveway which shall have an improved cart way at least twenty (20) feet in width and shall be improved with a six (6) inch stone base, and there shall be a roadway with an improved cart way 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 cart way 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 Protections 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 site shall meet minimum setback requirements of forty (40) feet along exterior lot lines.

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.603.9

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

a. Adult Day Care: In all zones as a special exception.

- (1) The facility must be an accessory use.
- (2) The facility must be in the principal structure and be owner occupied.
- (3) A limit of one (1) non-resident employee.
- (4) Sign limited to six (6) square feet in size and only one (1) sign.
- (5) The facility must comply to all local, state, and federal regulations, including handicap accessible.

b. **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.

c. **Community Living Arrangement:** In all zones as a special exception.

- (1) The community living arrangement must maintain with the Borough 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 Borough, 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.

d. **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 street or collector street as designated in the Borough Comprehensive Plan.
- (6) Will not be constructed, enlarged, or expanded if located completely or partially within an identified floodplain area (s.502.)
- (7) Must show proof of a currently valid license from the Commonwealth of Pennsylvania Permitting this type of facility.

e. **Domiciliary Care Home:** In all zones as a special exception.

- (1) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Fawn Grove Borough.
- (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.

f. **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.

g. **Group Home:** In the Residential Zone, Rural Agricultural Zone and Conservational Zones as a use by right subject to the requirements of that zone except as herein modified and provided.

- (1) No more than eight (8) boarders shall be allowed in any Single Family Dwelling.
- (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.
- (5) A group home shall be in compliance with the Fair Housing Act, no Borough requirements shall exceed the same act

s.603.10

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 (s.502.7)
- d. Pet cemeteries must meet all of the above applicable requirements.

s.603.11

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 street or collector street as designated in the Borough 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.603.12 **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 street or collector street as designated in the Borough Comprehensive Plan.

s.603.13 **Communication Transmitting and Receiving Facilities:** In all 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 zoning district in which the site is located; and,
- 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 in the all zones, 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 (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 zoning district;
 - 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 Borough, 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 Borough 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 Borough 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 the Fawn Grove Borough Zoning and Subdivision and Land Development Ordinances 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 a-ty event, may not be less than two (2) off-street parking space
- (10) No antenna support structure may be artificially lighted, except when required by the Federal Aviation Administration, and
- (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 zoning district in which the site is located.
- (12) In order to reduce the number of antenna support structures needed in the Borough 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 zoning district 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 Fawn Grove Borough Subdivision and Land Development Ordinance.

s.603.14

Convenience Store Dispensing Fuel: In the CI or VC 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. Minimum width: twelve (12) feet.
 - (3) Maximum width: thirty-five (35) feet. 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 (10) percent of the lot on which the facility is situated must be devoted to natural landscaping.

s.603.15

Craft Shop: In the RA Zone 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 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 street or collector street as designated in the Borough Comprehensive Plan.

s.603.16 **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 feet (250) minimum.
- c. Side setbacks: Thirty feet (30') 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 use, ~~e.~~ Dormitory must be non-profit or non-commercial in nature.

s.603.17 **Drive-In Business:** In the CI and VC Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Front setback: Fifty feet (50') minimum.
- b. Side setback: Thirty feet (30') minimum.
- c. Lot width: Two hundred fifty feet (250') minimum.
- d. Buffering in accordance with section 704 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. Site distance pursuant to section 400.2 of this ordinance shall be required.

s.603.18 **Dwellings:**

- a. **Conversion Apartment-** Permitted in the R and VC 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) 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, CV, VC 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 the Borough Subdivision and Land Development Regulations.
- 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, and screening).

- d. **Single Family Attached 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 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 building.
 - (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.603.19

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 building materials and must store all construction equipment and building materials inside excepting 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. That the environmental regulations of Article V of this Ordinance be complied with.

s.603.20

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 to 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 stipulation 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 operation yard and points of ingress and egress to State and Borough 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 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.603.21

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 (50) percent of annual gross sales must be agricultural commodities produced on the tract of land which is devoted to normal agricultural operations, 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 (50) percent limitation of production on the land where the market exists, as set forth in section 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 Borough Zoning Officer, in consultation with the Council.
- e. Each farm market may have a maximum of two (2) signs on the property, each
- f. 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 s.400.2.
- g. 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.
- h. Parking shall be provided pursuant to s.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.
- i. For tracts of land in the R Zone, a Farm Market 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 site distance requirements in s.400.2 of this Ordinance.
- j. 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 event, activity, or display shall be limited to no more than ten (10) times a year, and five (5) or less day's duration for any single event or activity.
 - (2) Adequate parking must be provided for each such event or activity.

s.603.22

Farm Sited Business: In the RA and CV Zones as a special exception.

a. In the RA and CV Zones, the owner/occupant of the farm (as defined in Section 103.2) may be permitted to operate a business directed at meeting needs of others engaged in farming in local area and the needs of the local community for other goods, materials and services. The Farm Sited Business must be shown to be a use accessory to the principal use of the premises as a farm and may not be a principal use of such premises. Additionally, Farm Sited Businesses are subject to the following standards.

- (1) A Farm Sited Business shall not occupy more than one (1) acre.
- (2) The business shall be confined to one structure that shall not exceed one thousand (1000) square feet of total floor area except the structure for farm equipment; repair and maintenance shall not exceed two thousand (2000) square feet
- (3) The business shall be owned, conducted and managed only by the owner/occupant of the farm and/or a member of his/her immediate family.
- (4) The business shall not have more than two nonresident employees. For this standard, an employee shall be defined as any person who works twenty (20) hours or more per week in the business, but shall not include any member of the immediate family of the owner/occupier of the farm.
- (5) The character and external appearance of the structure housing the business shall be that of a farm building or structure. Any building constructed or altered for the use of the Farm Site Business shall be such that it can be converted to agricultural use in the event that the business is discontinued.
- (6) The portion of the farm premises devoted to the Farm Site Business shall be clearly defined on such drawings as the Zoning Officer may require and shall thereafter be limited to such defined area.
- (7) The Farm Site Business area shall be kept neat and orderly and there shall be no outside storage of the following.
 - (a) Automobiles, buses, vans, recreational vehicles of the type required to be registered for highway operation pursuant to the provisions of the Commonwealth of Pennsylvania Motor Vehicle Code but not so registered.
 - (b) Farm equipment or machinery except those on the premises for service which may be placed and remain outside the building for not more than fifteen (15) days.

- (c) Discarded equipment and machinery or parts and accessories thereof.
 - (d) Other trash or junk as defined in this Ordinance.
- (8) No products, material, supplies or goods shall be sold on the premises except those actually produced or made thereon or are otherwise clearly incidental to the Farm Site Business.
 - (9) The Farm Site Business must provide designated parking spaces as follows; One for each full-time employee; one for each 200 square feet of floor area; in no case fewer than three such parking spaces.
 - (10) Access to the business shall be limited to the use of the existing lane or driveway which shall be paved or otherwise consist of a gravel-base sufficient to prevent tracking of mud and dirt unto the roadway.
 - (11) No Farm Site Business shall be located within one hundred (100) feet of any other property used principally for residential purposes. Any Farm Sited Business which creates dust, odor, light or noise, may require greater setbacks as determined by the Zoning Hearing Board.
 - (12) Outdoor advertising signs for the Farm Sited Business shall be regulated Accordance with the sign regulations contained elsewhere in this Zoning Ordinance. However, no such sign shall exceed ten (10) square feet in total area.
 - (13) The Zoning Hearing Board may also attach such other reasonable conditions as are necessary and appropriate.

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 opening sized to contain wildlife.
- c. Signs showing danger and listing the type of wildlife will be posted at a minimum 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. All Uses must comply with Borough building, health, housing, rental, safety, property and other applicable local county, state, and federal code and licensing requirements. All such licenses, certificates and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.
- b. A Half-Way House shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration of the residents of the Half-Way House.
- c. A minimum of two hundred fifty (250) square feet of Habitable Floor Area must be provided for each occupant, including any staff.
- d. 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.
- e. The residents of the Half-Way House shall reside on the premises to benefit from the services provided.
- f. All Half-Way Houses shall be connected to water and sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.
- g. Off-street parking shall be provided for all Half-Way Houses based upon one (1) parking space for each occupant.
- h. No portion of a Half-Way House shall be located within five hundred (500) feet of another Half-Way House or Group Home, and/or Day Care Facility.
- i. No portion of a Building occupied by a Half-Way House Use shall be located within one thousand (1,000) feet of any property which contains any one (1) or more of the following specified land Uses where minor may congregate:
 - (1) Commercial recreation facility, Indoor/Outdoor;
 - (2) Daycare facility primarily for children;
 - (3) Library
 - (4) Park, Playground, Playfield;
 - (5) House of Worship;
 - (6) School, Private/Public
 - (7) Swimming Pool, Public; or
 - (8) Other lands, buildings, and Uses where minors congregate.
- j. Each application shall be accompanied by as statement describing the following:
 - (1) The composition of the Half-Way House;
 - (2) The policies and the goals of the Half-Way House and means proposed to accomplish those goals;
 - (3) The characteristics of the residents and number of residents to be served;
 - (4) The operating methods and procedures to be used;
 - (5) Any other facts relevant to the proposed operation of the Halfway-House;

and

- (6) Any Use permit granted for the Half-Way House shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new review and subsequent consideration for approval.

s.603.25

Home Occupations or Professions:

- a. In all zones as an accessory use, subject to the requirements of that zone except as herein modified and provided:
 - (1) 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 will be located and a maximum of one (1) nonresident employee.
 - (2) 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.
 - (3) No display of products may be displayed so as to be visible from outside the dwelling.
 - (4) Signs must be in conformance with s.301.2.
 - (5) Not more than thirty percent (30%) of the ground floor area of a dwelling unit may be devoted to a home occupation or profession, whether located in the home or an accessory structure,
 - (6) Besides the required parking for the dwelling unit, additional parking located in the rear yard is required by s.302.5.
 - (7) The premises must at all times be kept neat and orderly.
 - (8) The use will not result in a substantial increase in traffic. A twenty percent (20%) increase in traffic shall be regarded as substantial. For this purpose, measurement of traffic increase shall occur on the nearest non dead end or non cul-de-sac street.
 - (9) The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act)
 - (10) The use will not involve sale or any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bakeshops, and handcraft shops are examples of the type of uses, which normally will meet this requirement.

- (11) The use will not involve any dimensional alteration to any existing building, or construction or placement of any new building.
 - (12) The use will not involve any outside storage,
 - (13) The use will not be one which tends to create dust, heat, glare, smoke, vibration or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. A motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.
 - (12) The applicant includes with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above enumerated requirements of this Ordinance will be met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of Section 603.25 continue to be met.
 - (13) Copies of these requirements are to be attached to the use certificate.
- b. If the proposed use would fail to meet one (1) or more of the requirements of Section 603.25a, the use will be permitted only following application and approval as a special exception by the Zoning Hearing Board. The Zoning Hearing Board shall review the application and approve it only if the applicant establishes that all of the requirements of Section 603.25a will be met and the applicant also establishes that the following additional requirements will be met:
- (1) 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 not so registered.
 - (b) 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 and so registered, but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.
 - (c) Discarded motor vehicle parts or accessories.
 - (d) Other trash or junk as defined in this Ordinance.

- (2) 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 be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
- (3) 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 habitable floor area in excess of fifty percent (50%) of the habitable floor area of the dwelling unless the building is at least five hundred (500) feet from any neighboring residence.
- (4) The use shall not create any vibrations, smoke, dust, odor, heat or glare detectable beyond the property of the owner of the use except as permitted within the performance Standards of Article V of this Ordinance.
- (5) Except for "home occupation" or "domiciliary care unit" there may be no business use or other use involving monetary receipt to the property owner or operator of the "use" accessory to the use of a tract for residential purposes.

s.603.26 **Hospital:** 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: 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 street or collector street as designated in the Borough Comprehensive Plan.
- g. Will not be constructed, enlarged, or expanded if located completely or partially within an identified floodplain area (s.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 Borough 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 collector or arterial street as designated by the Borough'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 street or collector street as designated in the Borough 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 fifty (50) feet wide must be located on the site in all instances where the site adjoins a 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. Any area for this purpose must be at least thirty (30) feet from any property line and fifty feet from any street line.
- d. No garbage or other organic waste shall be stored on such premises.
- e. The manner of storage and arrangement of Junk and the drainage facilities on the Premises shall be such as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.

- f. Every Structure other than a Caretaker house or an Office shall be of fireproof construction.
- g. The area used in connection with the Junkyard shall be enclosed by a metal chain link Fence constructed of good heavy duty steel and supported upon steel posts, or in lieu thereof, a solid masonry or metal wall of a uniform design, texture and Structure. The erection of such Fence or wall shall be controlled by the Setback provisions of this Ordinance. Such Fence or wall shall not be less than eight (8) feet in height. If a chain link Fence is utilized, it shall be constructed so as to make it sight tight. The erection of said fence shall be completed within six (6) months after obtaining a Permit for the Use.
- h. The land area between the Fence required above and the public highway or street and the area between the Fence and any neighboring Property Line shall be planted with evergreen trees or other vegetation approved by the Borough as equivalent in growth and shading characteristics. Trees shall be planted in two (2) rows twenty (20) feet apart in each row and alternated eight (8) feet apart on center except for Hemlocks which shall be eight feet apart and four (4) feet on center. The trees, when planted, shall be at least five (five) in height from the ground. The trees shall be maintained in good health and replaced as required in order to achieve a full screening effect within five (5) years.
- i. Irrespective of paragraph h above the Access Drive and area required to provide adequate sight distance to the Access Drive shall be kept free of plantings which interfere with such sight distance.
- j. All burning in connection with any Junkyard shall be in full and complete compliance with the Fawn Grove Borough Outdoor Burning Ordinance as well as any and all applicable county, state, and federal laws, rules and regulations.
- k. All Junk contained in a Junkyard shall be arranged and maintained in a neat and orderly fashion. All Junk vehicles and other Junk shall be arranged in rows with a minimum of twenty (20) feet of clear space between rows with each row to be no greater in width than forty (40) feet. Vehicles shall not be stored on top of one another so as to be visible beyond the Fence or wall constructed pursuant to subsection (g) above.
- l. No Junk shall be stored or located within any river, watercourse, run, creek, irrigation ditch, designated wetland or any other natural watercourse.
- m. There shall be at least five (5) Off street parking spaces inside the fenced area.
- n. The Applicant shall submit and demonstrate the ability to implement an operations plan that shall include the following;
 - (1) The unloading, transfer and disposition of material shall be continuously supervised.

- (2) There shall be no access permitted to the site when an attendant is not on duty.
 - (3) Access Drives shall be secured by Fences, gates, locks, and other means to deny access at unauthorized times.
 - (4) There shall be a plan for the prompt removal of all hazardous materials. Drainage of fluids shall be conducted only on a Borough approved concrete drainage pad with appropriate catch basins and storage tanks.
 - (5) The Applicant shall submit quarterly proof to the Borough of proper and authorized disposal of all petroleum and other products including oil, gas, Freon, and antifreeze.
 - (6) The Applicant shall create sufficient drainage swales so as to preclude water from lands at higher grade than the Applicant's from washing over the area used in the Junkyard operation.
 - (7) Motor vehicles shall not be stacked so as to become visible from adjoining properties.
 - (8) Crushing of automobiles and operation of a crusher shall occur on during Monday through Friday and only between the hours of 7:00 a.m. and 4:00 p.m. No crushing of vehicles shall take place on federal or state holidays.
- o. The Applicant must establish that the environmental requirements of this Ordinance will be complied with.
 - p. Every Junkyard in the Borough shall, at all times, be subject to inspection by Borough Council, or its duly designated and authorized agent or representative for the purpose of determining whether said license has established and maintained its premises in full compliance with the provisions of this Ordinance.

s.603.32 **Kennel:** In the RA ,CV and the 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. No part of any building or facility used for such purposes shall be located within two hundred (200) feet of any street or property line and three hundred (300) feet from any residence.
- c. No accumulation of waste shall be allowed on the property.
- d. Must meet all state and federal requirements for Kennels.

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 street or collector street as designated in the Borough 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 Borough.
- 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 Borough 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 hundred (200) feet of any property line or within five hundred (500) feet of any land within a R Zone.
- e. The applicant must establish that the drainage requirements of section 503 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 Borough.
- r. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating 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 Borough 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 Borough 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 Borough.
 - (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 signature(s) 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 use and occupancy permit shall be issued for a solid waste disposal facility until the operator shall have 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 (3 1/2) feet shall be preserved, and all solid waste shall be covered with at least three and one-half (3 1/2) 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 (3 1/2) feet in depth.
 - v. In conjunction with the application for a special exception, the applicant shall present a soil conservation plan which plan shall include the applicant's proposal for preserving both the top foot of topsoil and the second two and one-half (2 1/2) 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 R and VC 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 street or collector street as designated in the Borough 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.
- c. 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.
- d. 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 Borough 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 and VC Zones as a special exception and the RA and 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. Sale or storage of general hardware, power tools or motorized equipment is permitted as accessory to the principal use.

s.603.40 **Office:** In the CI and VC Zones as permitted use; And in the R zone 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 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 street or collector street as designated in the Borough 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 width: Two hundred fifty (250) feet 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 street or collector street as designated in the Borough Comprehensive Plan.
- d. A buffer yard fifty (50) 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.
- e. A buffer yard fifty (50) 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.603.43 **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) foot 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 Borough 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. Un-housed equipment shall be enclosed with 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 four (4) 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 district in which the facility is located.
- c. The required fence for un-housed 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 a R or VC 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 minimum 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: 3 (three) acres minimum.

- b. The lot shall have direct access to a collector or arterial highway as designated in the Comprehensive Plan.
- c. No building shall be located within one hundred (100) feet of any street line or property line.
- d. A naturally landscaped planting strip at least fifteen feet (15') wide shall be provided along the roadway.

s.603.48 **Restaurants:** In the CI and VC zone as a permitted use subject to the requirements of that zone except as herein modified and provided:

- a. Adequate parking must be provided.
- b. The lot shall have direct access to a collector or arterial highway as designated in the Comprehensive Plan.
- c. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.
- d. A buffer yard fifty (50) 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.
- e. The applicant must demonstrate that there is an adequate water supply for his proposed use without adversely affecting water supplies utilized by neighboring properties.

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. A minimum of 1 parking space per employee and one (1) for every three (3) students must be provided.
- c. 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.
- d. 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 **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 less 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.603.51 **School:** In the CI as a use by right and in the R, RA, and VC Zones as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. Minimum lot size shall be two (2) acres.
 - a. In the event the facility requires certifications and/or licenses from Federal and/or State agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
 - b. The facility must be inspected by the Building Inspector and receive a Use and Occupancy Certificate under the Uniform Construction Code to ensure compliance with all Building Codes.
 - c. The septic system must be inspected and certified by the Sewage Enforcement Officer that it is adequate to serve the needs of the proposed use.
 - d. If a play area is to be provided it must be fenced and not located in the front yard area.
 - e. There must be one parking space for each employee of the school and in addition be one parking space per 5 children served.
 - f. There must be a designated off-street area where children can be dropped off and picked up.

s.603.52 **Shopping Center:** In the CI & VC 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. 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 his proposed use without adversely affecting water supplies utilized by neighboring properties.

s.603.53

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 frat 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 or other vehicles or trailers, 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 and be so maintained.

- h. Access shall be via an arterial or collector street as designated in the Borough's 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.603.54 **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.
- d. If a vehicle repair facility is to be included on the property all requirements of Section 603.57 shall be met.
- e. All lights shall be diverted toward the facility or downward on the lot.
- f. All parking area shall be paved or gravel and must be maintained as mud and dust free.

s.603.55 **Vehicle Facilities:** In the CI Zone as a permitted use, and in the VC Zone as a special exception, subject to the requirements of that zone except as herein modified and provided:

- a. **Vehicle Body Repair-**
 - (1) Store automobile parts, dismantled vehicles and similar articles within a building.
 - (2) The outside storage area to be used must be completely enclosed with a
 - (3) (6) foot high fence so constructed as not to have openings greater than four (4) inches in any direction.
 - (4) Must meet all State and Federal requirements for painting facilities. Noise levels shall be controlled so as not to affect surrounding residential properties.
 - (5) Hours of operation shall be limited to 6 am. to 9 pm.

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 s.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-**

- (1) The unenclosed storage of automobiles and other vehicles not in Operating condition shall not be permitted.
- (2) Minimum lot size shall be one (1) acre.
- (3) A side and rear buffer area of fifteen (15) feet shall be provided from property line.
- (4) Hours of operation shall be limited to 7 am. to 10 pm.
- (5) All parking area shall be paved or gravel and must be maintained as mud and dust free.
- (6) All lights shall be diverted toward the facility or downward on the lot.

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 (10) percent of the lot on which the facility is situated must be devoted to natural landscaping.
 - (9) Hours of operation shall be limited to 5 am. to 11 pm.
- 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 Borough'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.
 - (6) Hours of operation shall be limited to 5 am. to 11 pm.
- f. **Vehicle Wrecking Facility -**
- (1) Lot area: Thirty (30) acres minimum.
 - (2) Lot width: Five hundred (500) feet minimum
 - (3) Setbacks: Any areas 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 all other applicable State and Federal regulations.

- (6) The Use must have direct access on an Arterial Street or Collector Street as designated in the Borough Comprehensive Plan.