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Article I.

TITLE, AUTHORITY, PURPOSES, AND DEFINITIONS

s.100 **SHORT TITLE**

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

s.101 AUTHORITY

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

s.101.2 **Applicability:** This Ordinance requires that, within the Borough of Fawn Grove, in the County of York and the Commonwealth of Pennsylvania, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

s.102 PURPOSES

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

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

s.103

DEFINITIONS

s.103.1

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

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

s.103.2

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

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

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

- a. **Adult Bookstores** - An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or instruments, devices or paraphernalia which is designed primarily for use in conjunction with sexual activities or conduct and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.
- b. **Adult Motion Picture Theaters** - An enclosed building with a capacity of fifty (50) or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter

depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

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

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

Agricultural Commodity- Agricultural, horticultural, viticultural and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and bee raising, forestry and forestry products, and any and all products raised or produced on farms and intended for consumption, to be sold on site, transported or intended to be transported in commerce.

Agricultural Review Committee. A committee established by the Council, consisting of one (1) Council person, one (1) Planning Commission member, one (1) Agricultural Security Member, and the Zoning Officer, who will be advisory only with no vote. The purpose of the Agricultural Review Committee shall be at the discretion and request of the Council, to evaluate the quality of farmland at issue in any subdivision or land

development plan that involves subdividing for residential purposes a tract in either the Rural Agricultural or the Conservation Zones, using a private street.

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

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

Alley - A permanent service way providing a secondary means of access to lots.

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

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

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

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

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

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

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

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

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

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

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

Building - A structure having a roof which is used for the shelter or enclosure of persons, animals or Chattels. The word "building" shall include any part thereof. Buildings are further classified as follows.

- a. **Accessory Building** = A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, including but not limited to, private garages, carports, utility buildings or sheds, tool sheds, noncommercial, greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- b. **Attached Building** - A building which has two (2) or more party walls in common with adjacent buildings.
- c. **Building Area** - See "Area".
- d. **Building Coverage**. - That percentage of the plot or lot area covered by the building area.
- e. **Building Height** - A vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.
- f. **Building Setback Line** - (Also known as the building line) A line within and across a lot defining the required minimum yard between any structure and any adjacent street line and/or property line. (Also see "Setbacks")
- g. **Detached Building** - A building surrounded by open space on the same lot.
- h. **Principal Building** - A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.
- i. **Semi-Detached Building** - A building which has only one (1) party wall in common with an adjacent building.

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

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

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

Any area of land or water of a design or character used for seasonal, recreational, or similar temporary living purposes which may include any building or group of buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters,

Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or Children, either as individuals, families, or groups.

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

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

Adult Day Care Center - Any establishment where care is provided for remuneration to four (4) or more elderly or disabled adults for part of a twenty—four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact,

Child Day Care Center - A facility licensed by the State that provides a wide range of formal day care services for remuneration to five (5) or more children, who are supervised by a qualified staff. The Child care areas in a day care center shall not be used as a family residence.

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

Convalescent Home - (Also known as a Nursing Home.) A licensed establishment which provides full-time convalesce center chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No Care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition,

- a. **Domiciliary Care Home** — An existing building or structure designed as a dwelling unit for one (1) family which in addition to providing living quarters for one (1) family,

provides twenty-four (24) hour supervised, protective living arrangements by the families residing therein, for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

- b. **Family Day Care Home** - A facility, located in a single family residence, which provides supervised care for remuneration to not more than four (4) Children, who are not relatives of the caregiver.
- c. **Group Dwelling** - A dwelling designed for a group of mentally and/or physically disabled persons living together in a single dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.

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

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

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

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

Grade, Finished.

- a. For buildings adjoining one (1) street only, the elevation of the established curb at the center of the wall adjoining the street.
- b. For buildings adjoining more than one (1) street, the average of the elevations of the established curbs at the center of all the walls adjoining streets.
- c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. All walls approximately parallel to and not more than fifty (50) feet from a street line are to be considered as adjoining a street.

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

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

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

Home Occupation or Profession - A special type of accessory use or profession which is characterized by the following:

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

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

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

Hotel - A building in which guest rooms are provided for occupancy, with or without meals, for remuneration, by transient or semi-permanent guests or both.

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

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

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

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

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

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

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

Kennel -

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

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

Landfill - Plot of land for the disposal of municipal solid waste and ash residue.

Landowner - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the land owner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

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

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

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

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit,

- a. **Corner Lot** - A lot which abuts either two intersecting streets or is bounded on two adjoining sides by a street.
- b. **Double Frontage Lot** - A lot which extends from one (1) street to another, with frontage on both streets.
- c. **Improved Lot**- Any lot of record and/or any lot within any subdivision properly approved by Fawn Grove Borough which either has a principal building, driveway, parking lot, or other structure constructed thereon.
- d. **Lot Area** - The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, and including the area of any easement .
- e. **Lot Coverage** - That portion of a lot covered by nonporous surfaces such as, but not limited to buildings, parking areas, driveways, etc.

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

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

- a. **Rear Lot Line** - Any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the lot shall have two front yards and two side yards. In the case of a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot, one front yard and two side yards shall be provided.
- b. **Side Lot Line** - Any lot line which is not a street line or a rear lot line.
- c. **Street Line** - The dividing line between the lot and the street right-of-way.

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

Mobile Home - A transportable, single family dwelling intended for a permanent occupancy contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental assembly operations and constructed so that it may be used without a permanent foundation.

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

Mobile Home Park - A parcel of land which has been planned and improved for the placement of mobile homes for no transient use, consisting of two (2) or more mobile home lots.

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

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

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

- a. Nonconforming Lot, A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- b. Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance,
- c. Nonconforming Use. A use, whether of land or of a structure, which does not comply with, the applicable provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance.

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

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

Office - (Other than home occupation or profession,)

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

Open Space - Open land or water or a combination thereof, unobstructed from the ground up, arranged and which may be intended for recreation and enjoyment by Borough residents and

which is either publicly owned or privately owned but covenanted to guarantee the perpetual maintenance of such space, may also be used as a buffer area.

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

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

Parking Space/Lot (Public) -

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

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

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

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

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

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

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

Public Sewer - A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Resources.

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

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

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

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

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

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

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

Restaurant -

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

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

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

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

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

Satellite Dish Antenna - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit, one (1) foot or larger.

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

School -

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

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

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

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

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

- a. **Off-Lot Sewage Facility** - Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant.

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

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

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

- a. **Advertising Sign (Billboard)** - A sign which directs attention to a business product, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- b. **Business Identification Sign** - A sign which directs attention to a business, product, service, activity, or entertainment sold or offered upon the premises where such sign is located.
- c. **Incidental Sign** - A real estate, development, institutional, professional, farm produce, name plate or home occupational sign as regulated in Section 301 of this Ordinance.
- d. **Indirectly Illuminated Sign** - An illuminated, no flashing sign whose illumination is derived entirely from an external artificial source into Residential Districts or public streets.

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

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

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

Storage Facility -

- a. **Storage, Heavy** - The enclosed storage of goods, material, equipment and/or large vehicles (including, but not limited to, trucks, excavation equipment and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.
- b. **Storage, Light** - The enclosed storage of goods and materials of a noncombustible nature and do not ordinarily burn rapidly such as products on wooden pallets or in paper cartons (furniture, glass, cement in bags, stoves, food goods, etc.)
- c. **Storage, Mini** - The enclosed storage of household items, recreational equipment and/or automobiles where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility, commonly maintained in clusters of units. Mini-storage units shall not be used as offices or shops and shall not house any items of operations other than dead storage as specified above.

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

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

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

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

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

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

Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

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

Swimming Pool -

- a. **Swimming Pool, Private** - Any pool or open tank which has the primary purpose of swimming as an accessory to residency, containing, or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet Farm ponds, lakes and detention basins are not included, provided that swimming was not the primary purpose for their construction.
- b. **Swimming Pool, Public** - Any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

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

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

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

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

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

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

Utility - Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania, or Fawn Grove Borough.

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

Vehicle Facilities-

- a. **Vehicle Garage, Minor** - An accessory building for the storage of one (1) or more vehicles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one (1) vehicle is leased to a non-occupant of the premises.
- b. **Vehicle Recapping Facility** - A building used to restore a used vehicle tire to usable condition by bonding new rubber onto the worn tread and lateral surface, also known as re-treading.
- c. **Vehicle Repair Facility** - Any area of land including structures thereon that are used for the repair and/or rebuilding of vehicles engines, transmissions, differentials, etc, It does not include facilities used for motor fuel sales, lubricating, washing, painting, or body or fender repair.
- d. **Vehicle Sales Facility** - A building on a lot designed and used primarily for the display or sale of new and used vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use,
- e. **Vehicle Service Station** - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, and which

may or may not include facilities for lubricating, washing and servicing motor vehicles but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic vehicle washes.

- f. **Vehicle Washing Facility** - A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.
- g. **Vehicle Wrecking Facility** - The dismantling or wrecking of used vehicles or travel trailers, the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

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

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

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

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

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

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

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

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

Article II.

ZONE REGULATIONS

s.200 ZONES AND BOUNDARIES

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

R	Residential
RA	Rural Agricultural
Cv	Conservation
CI	Commercial Industrial
VC	Village Center

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

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

s 201

USE REGULATIONS

s.201.1

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

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

s.201.2

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

s.201.3

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

s.201.4

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

s.202

RESIDENTIAL ZONE (R)

s.202.1

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

s.202.2

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

- a. Agricultural activities (see s.603.2) b,
- b. Animal husbandry (see s.603.5)
- c. The following Care Facilities only:
 - (1) Domiciliary Care Home (see s.603.10e)
 - (2) Family Day Care Home (see s.603.10f)
- d. Dairy
- e. The following Dwellings only:
 - (1) Single family detached
 - (2) Multi-family dwelling
 - (3) Conversion Apartment
 - (4) Multi-family Conversion
 - (5) Single Family Attached
- f. House of Worship (see s. 603.29)
- g. Public buildings and/or facilities (see s.603.44)

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

- a. Antique Sales (see s.603.6)
- b. Bed and Breakfast Inn (see s.603.7)
- c. The following Care Facilities only:
 - (1) Adult Day Care (see s.603.10a)
 - (2) Child Day Care Center (see s.603.10b)
 - (3) Community Living Arrangement (see s.603.10c)
 - (4) Convalescent Home (see s.603.10d)
 - (5) Group Dwelling (see s.603.10g)
- d. Community Center (see s.603.13)
- e. Mobile Home Park (see s.603.38)
- f. Public utility building (see s.603.46)
- g. School (see s.603.53)

s.202.4 **Lot Area and Width:** The lot area and lot width of not less than the following dimensions shall be provided in each principal use hereafter established in this zone.

- a. Where both on-lot water supply and on-lot sanitary sewage disposal are provided:
 - (1) Lots for single family detached dwellings shall have a minimum lot area of one (1) acre and a minimum lot width at the building line of two hundred (200) feet.
 - (2) Lots for buildings containing two (2) or more dwelling units and without either off-lot water supply or sanitary sewage facility are not permitted.
- b. Where either an off-lot municipal water supply or sanitary sewage facility is available:

- (1) Lots for single family detached dwellings shall have a minimum lot area of twenty thousand (20,000) square feet and a minimum lot width measured at a building line of one hundred (100) feet.
- (2) Lots for two (2) family dwellings (duplex) shall have a minimum lot area of twenty-four thousand (24,000) square feet and a minimum lot width measured at a building line of one hundred (100) feet.
- (3) Lots for buildings containing more than two (2) dwelling units and without both an off-lot water supply and sanitary sewage facility are not permitted.

c. Where both off-lot water and a sanitary sewer facility are available the following shall apply:

- (1) Lots for single family detached dwellings shall have a minimum lot area of twelve thousand (12,000) square feet and a minimum lot width measured at a building line of eighty (80) feet.
- (2) Lots for two (2) family dwellings (duplex) shall have a minimum lot area of fifteen thousand (15,000) square feet and a minimum lot width measured at a building line of ninety (90) feet.
- (3) Lots for single family attached dwellings shall have a minimum lot area of Eighteen hundred (18,000) square feet and a minimum lot width measured at a building line of eighteen (18) feet.
- (4) Lots for multi-family dwellings shall comply with section 603, 19b.

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

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

s.202.6 **Building Height:** The height limit for a main building shall be two and one-half (2 1/2) stories, but not over thirty-five (35) feet, except that the height limit may be extended to three and one-half (3 1/2) stories but not over forty-five (45) feet if each yard is increased in width one (1) foot for each additional foot of height over thirty-five (35) feet. The height limit for accessory buildings shall be two (2) stories, but not over twenty-five (25) feet. There shall be no height limitation for agricultural buildings.

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

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

s.202.9 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more

than one (1) principal building used for dwelling purposes shall be permitted on any single lot.

s.203 RURAL AGRICULTURAL ZONE (RA)

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

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

- a. Agricultural Activities (see s.603.2)
- b. Animal Husbandry (see s.603.5)
- c. Dairy
- d. Single family dwelling (see s.203.9)
- e. Forest and wildlife preserve (see s.603.24)
- f. Farm market (see s.603.22)

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

- a. Airport/Airstrip (see s.603.3)
- b. Animal hospital (see s.603.4)
- c. Antique sales (see s.603.6)
- d. Bed and Breakfast Inn (see s.603.7)
- e. The following Care Facilities only:
 - (1) Adult Day Care (see s.603.10a)
 - (2) Child Day Care Center (see s.603.10b)
 - (3) Community Living Arrangement (see s.603. IOC)
 - (4) Convalescent Home (see s.603.10d)
 - (5) Domiciliary Care Home (see s.603.10e)
 - (6) Family Day Care Home (see s.603.10t)
 - (7) Group Home (see s.603. log)
- f. Cemetery (see s.603.11)
- g. Club Facilities (see s.603.12)
- h. Communication Transmitting and Receiving Facilities (see s. 603.14)
- i. Community Center (see s.603.13)
- j. The following Dwellings only:
 - (1) Single family attached (see s.603.19d)
- k. Excavation Equipment Business (see s.603,20)
- m. Farm Sited Business (see s.603.23)
- n. House of Worship (see s.603.29)

- o. Kennel (see s.603.33)
- p. Landfill (see s.603.36)
- q. Nursery (see s.603.40)
- r. Public buildings and/or facilities (see s.603.44)
- s. Public utility building (see s.603.46)
- t. Range (see s.603.47)
 - u. Riding Academy/Stable (see s.603.50)
- v. Sawmill Operation (see s.603.52)
- w. School (see s.603.53)
- x. Storage Facility (see s.603.55)

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

- a. Minimum Lot Area — one (1) acre.
- b. Maximum Lot Area — single family dwelling units only: one and one-half (1-1 1/2) acres (unless the physical characteristics of the land itself require a lot size in excess of this limitation in order to properly locate a dwelling, a driveway, a well, and an on-site sewage disposal system (as may be required by the Commonwealth of Pennsylvania, Department of Environmental Protection). Any lot exceeding one and one-half (1 1/2) acres will be assigned a dwelling unit at the rate of one (1) dwelling unit per one and one-half (1 1/2) acres or part thereof; provided, however, that in the event a lot larger than one an one-half (1 1/2) acres is required to meet the then existing requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection, or its successor agency, for the placement thereon of an on-site well and/or sewage disposal system, said lot so created shall be assigned one dwelling unit right as established by section 203.9 hereof. Any lot in excess of one and one-half (1 1/2) acres can not be further subdivided unless additional dwelling unit rights are assigned to it. Any such additional dwelling unit rights assigned shall be subtracted from the total of such rights available to the parcel as defined in 203.9 below
- c. Minimum Lot Width - Two hundred (200) feet.

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

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

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

s.203.7 **Building Coverage:** Not more than 40 percent (40%) of the lot area may be covered by buildings or structures including accessory buildings.

s.203.8 **Green Area:** Not less than sixty percent (60%) of the net lot area shall be devoted to green area as defined in this Ordinance.

s.203.9 **Single family dwelling:**

a. On each parcel of land, the following number of single family dwellings would be permitted, with maximum lot size as provided for by subsection 203.4(b)

<u>Size of Parcel</u>	<u>Number of Dwellings</u>
Less than 3 acres-----	1
3 but less than 6 acres-----	2
6 but less than 14-----	3
14 but less than 30 acres-----	4
30 but less than 62 acres-----	5
62 or more acres-----	6 plus

one (1) additional for each thirty (30) acres over 62 acres

No lot or lots will be allowed unless attached to an adjoining property, having at least (1) one building right.

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

c. Where a subdivision plan is submitted and approved in accordance with section 203.9a, there shall be no further subdivision of said parcel or any lot or lots which are part thereof except as follows. In the event that the developer has not utilized the maximum number of dwellings as set forth in section 203.9a of this Ordinance, it shall be the developer's responsibility to designate on the subdivision plan which additional lots shall be developed to reach the maximum or which lot or lots may be further subdivided in order to reach the maximum, giving due regard to minimum lot sizes as set forth herein. The developers failure to do so shall preclude any further subdivision of said parcel.

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

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

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

- a. 0-25 acres: Not allowed
25-100 acres: One (1) private street
For each additional 75 acres over 100 acres: One (1) additional private street
- b. A private street must otherwise comply with the provisions pertaining to private streets as set forth in the Borough's Subdivision and Land Development Ordinance.

s.203.12 **Transfer of Development Rights:** The right to develop a specific number of acres of land may be transferred from one parcel to another parcel if all of the following conditions are satisfied,

- 1. Both parcels are located in the Agricultural zone
- 2. The parcels are owned by the same land owner(s) at the time of transfer.
- 3. The parcels are contiguous. Land shall be considered contiguous even though separated by public or private roads.
- 4. When transferring development rights, the owner(s) shall make every reasonable effort to transfer only those portions of the total parcel area which offer the least potential for agricultural productivity, but which are also reasonable sites for development.
- 5. The owner(s) must submit a plan showing the exact location of both parcels, as well as all information required by the Borough Subdivision Ordinance. In addition, the specific number of acres of the parcel's development area, and the specific number of the parcel's development lots (development quota), to be transferred must be noted.
- 6. Contemporaneously with the filing of a plan as required in paragraph 5. Above, the owners must submit an Agreement in recordable form, to be approved by the, which Borough allocates and transfers the development area/quota. No such transfer of development area/quota shall be considered effective until the Agreement is recorded in the Office of the Recorder of Deeds of York County, Pennsylvania, which recordation must take place within sixty (60) days of the date of the approval of same Borough.

s.204 CONSERVATION ZONE (Cv)

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

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

- a. Agricultural Activities (see 3.603.2)
- b. Animal husbandry (see s.603.5)
- c. Dairy
- d. Single family dwelling
- e. Forest and wildlife preserve (see s.603.24)

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

- a. Animal hospital (see s.603.4)
- b. Bed and Breakfast Inn (see s.603.7)
- c. Camp or Campground (see s.603.9)
- d. The following Care Facilities only:
 - (1) Adult Day Care Home (see s. 603.10a)
 - (2) Child Day Care Center (see s.603.10b)
 - (3) Community Living Arrangement (see s.603.10c)
 - (4) Convalescent Home (see s.603.10d)
 - (5) Domiciliary Care Home (see s.603.10e)
 - (6) Family Day Care (see s.603.10f)
 - (7) Group Home (see s.603.10g)
- e. Cemetery (see s.603.11)
- f. Club Facilities (see s.603.12)
- g. Community Center (see s.603.13)
- h. Farm Market (see s.603.22)
- i. Farm Sited Business (see s. 603.23)
- j. House of Worship (see s.603.29)
- k. Kennel: Noncommercial only (see s.603.33)
- l. Nursery (see s.603.40)
- m. Public buildings and/or facilities (see s.603.44)
- n. Range (see s.603.47)
- o. Sawmill Operation (see s.603.52)
- p. Structures for human occupancy in Flood-prone Areas (s.502.3b)

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

- a. Minimum Lot Area —one (1) acre.
- b. Maximum Lot Area- single family dwelling units only: one to one and one-half (1-1 1/2) acres (unless the physical characteristics of the land itself require a lot size in excess of this limitation in order to properly locate a dwelling, a driveway, a well, and an on-site sewage disposal system (as may be required by the Commonwealth of Pennsylvania, Department of Environmental Protection). Any lot exceeding one and one-half (1 1/2) acres will be assigned a dwelling unit at the

rate of one (1) dwelling unit per one and one-half (1 1/2) acres or part thereof; provided, however, that in the event a lot larger than one an one-half (1 1/2) acres is required to meet the then existing requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection, or its successor agency, for the placement thereon of an on-site well and/or sewage disposal system, said lot so created shall be assigned one dwelling unit right as established by section 204.9 hereof. Any lot in excess of one and one-half (1 1/2) acres can not be further subdivided unless additional dwelling unit rights are assigned to it. Any such additional dwelling unit rights assigned shall be subtracted from the total of such rights available to the parcel as defined in 204.9 below

c. Minimum Lot Width - Two hundred fifty (250) feet.

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

- a. Front setback - forty (40) feet.
- b. Side setback — forty (40) feet (principal use); ten (10) feet (accessory use)
- c. Rear setback — forty (40) feet (principal use); ten (10) feet (accessory use)

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

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

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

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

On each parcel of land, the following number of single family dwellings would be permitted, with maximum lot size as provided for by subsection 204.4(b)

<u>Size of Parcel</u>	<u>Number of Dwellings</u>
Less than 3 acres- -----	1
3 but less than 6 acres- -----	2
6 but less than 14- -----	3
14 but less than 30 acres- -----	4
30 but less than 62 acres- -----	5
62 or more acres- -----	6 plus
one (1) additional for each thirty (30) acres over 62 acres	

No lot or lots will be allowed unless attached to an adjoining property, having at least (1) one building right.

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

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

- a. 0-25 acres: Not allowed
25-100 acres: One (1) private street

For each additional 75 acres over 100 acres: One (1) additional private street

- b. A private street must otherwise comply with the provisions pertaining to private streets as set forth in the Borough's Subdivision and Land Development Ordinance.

s.204.12 **Transfer of Development Rights:** The right to develop a specific number of acres of land may be transferred from one parcel to another parcel if all of the following conditions are satisfied.

1. Both parcels are located in the Conservation Zone.
2. The parcels are owned by the same land owner(s) at the time of the transfer.
3. The parcels are contiguous. Land shall be considered contiguous even though separated by public or private road.
4. When transferring development rights, the owner(s) shall make every reasonable effort to transfer only those portions of the total parcel area which offer the least potential for agricultural productivity, but which are also reasonable sites for development.
5. The owner(s) must submit a plan showing the exact location of both parcels, as well as all information required by Borough Subdivision Ordinance, In addition, the specific number of acres of the parcel's development area, and the specific number of parcel's development lots (development quota), to be transferred must be noted.
6. Contemporaneously with the filing of a plan as required in paragraph 5. Above, the owners must submit an Agreement in recordable form, to be approved by the Township, which allocates and transfers the development area/quota. No such transfer of development area/quota shall be considered effective until the Agreement is recorded in the Office of the Recorder of Deeds of York County, Pennsylvania which recordation must take place within sixty (60) days of the date approval of same by the Township.

s.205 COMERCIAL INDUSTRIAL ZONE (CI)

s.205.1 **Purpose:** The purpose of this zone is to provide areas for the business enterprises of the Borough, It includes provisions for the development of general commercial uses which serve the day-to-day shopping needs of the residents and which cater primarily

to the motoring public as well as limited industrial uses which are compatible with the general commercial uses and the surrounding residential or rural-agricultural areas.

s.205.2

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

- a. Agricultural Activities (see s.603.2)
- b. Animal hospital (see s.603.4)
- c. Animal husbandry (see s.603.5)
- d. Antique sales (see s.603.6)
- e. The Following Care Facilities
 - (1) Family Day Care (see s.603.10f)
- f. Community Center (see s.603.13)
- g. Craft Shop (see s.603.16)
- h. Cultural Facility
- i. Dairy
- j. Excavation Equipment Business
- k. Farm Market (see 603.22)
- l. Hospital (see s.603.27)
- m. House of Worship (see s.603.29)
- n. Kennel (see s.603.33)
- o. Medical Clinic (see s.603.37)
- p. Nursery (see s.603.40)
- q. Office (see s.603.41)
- r. Personal Services Shop
- s. Public Buildings and/or Facilities (see s.603.44)
- t. Public Parking Space/Lot (see s.603.45)
- u. Recreation and Vacation Lodge (see s.603.48)
- v. Retail stores
- w. Restaurant (see s.603.49)
- x. The following Storage Facilities only:
 - (1) Light (see s.603.55)
 - (2) Mini (see s.603.55)
- y. The Following Vehicle Facilities (see s.603.5B)
 1. Vehicle Garage minor (see s. 603.57a)
 2. Vehicle Recapping Facility (see s. 603.57b)
 3. Vehicle Sales Facility (see s. 603.57c)
 4. Vehicle Service Station (see s. 603.57d)
 5. Vehicle Washing Facility (see s. 603.57e)
 6. Vehicle Wrecking Facility (see s. 603.57f)
- z. Wholesale Establishment

s.205.3

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

- a. Adult-Oriented Establishment (see s.603.1)
- b. Bed and Breakfast Inn (see s. 603.7)
- c. Building material yard/sales (see s.603.8)
- d. The following Care Facilities only:
 - (1) Adult Day Care (see s.603.10a)
 - (2) Child Day Care Center (see s.603.10b)
 - (3) Community Living Arrangement (see s.603. 10c)
 - (4) Convalescent Home (see s.603. 10d)
 - (5) Domiciliary Care Home (see s.603.10e)
 - (6) Group Home (see s.603.10g)
- e. Caretaker or Watchman's Unit
- f. Cemetery (see s.603.11)
- g. Communication Transmitting and Receiving Facility (see s.603. 14)
- h. Convenience Store Dispensing Fuel (see s.603.15)
- i. Dormitory (see s.603.17)
- j. Drive-In Business (see s.603.1b)
- k. The following Dwellings only:
 - (1) Conversion Apartment (see s.603.19a)
 - (2) Multi-Family Dwelling (see s.603.19b)
 - (3) Group Quarters (see s.603.19c)
 - (4) Single Family Attached Dwelling (see s.603.19d)
 - (5) Single Family Detached Dwelling (see s.203.4 through s.203.10)
- l. Extractive Operations/Quarries (see s.603.21)
- m. Half-way House (see s.603.25)
- n. Hotel (see s.603.2B)
- o. Incineration Activities
- p. Industrial Activities (see s.603.30)
- q. Industrial Park (see s.603.31)
- r. Junk Yard (see s.603.32)
- s. Laboratory (see s.603.34)
- t. Lake, Pond, or Swimming Pool for the Public Use (see s.603.35)
- u. Landfill (see s.603.36)
- v. Motel (see s.603.39)
- w. Parking Garage (see s.603.42)
- x. Public Entertainment Facility (see s.603.43)
- y. Public Parking Space/Lot (see s.603.45)
- z. Public utility Building (see s.603.46)
- aa. Range (see s.603.47)
- ab. Sawmill Operation (see s.603.52)
- ac. School (see s.603.53)
- ad. Shopping Center (see s.603.54)
- ae. Storage Facility, Heavy (see s.603.55)
- af. Transportation Terminal (see s.603.56)

- s.205.4 **Lot Area and Width:** The lot area and lot width of not less than the following dimensions shall be provided for each principal use hereafter established in this zone: (See also section s.703.)
- a. Public water and sewer — Minimum lot area is fifteen thousand (15,000) square feet; Minimum lot width is eighty (80) feet.
 - b. Public water or public sewer — Minimum lot area is twenty five thousand (25,000) square feet; Minimum lot width is one hundred twenty five (125) feet.
 - c. No public water or public sewer— Minimum lot area is one (1) acre; Minimum lot width is two hundred (200) feet.
- s.205.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
- a. Front setback - forty (40) feet.
 - b. Each side setback - fifteen (15) feet (principal use); ten (10) feet (accessory use)
 - c. Rear setback - twenty-five (25) feet (principal use); ten (10) feet (accessory use)
- s.205.6 **Building Height:** The building height limit shall be three (3) stories but in no case more than thirty-five (35) feet; however, the maximum height limit may be increased to fifty (50) feet provided that each minimum yard area is increased in size one (1) foot for each additional one (1) foot of building height over thirty-five (35) feet. The height limit for an accessory building shall be two (2) stories but not over twenty-five (25) feet. There shall be no height limitation for agricultural buildings,
- s.205.7 **Building Coverage:** Not more than seventy percent (70%) of the net area of the lot may be devoted to buildings and structures including accessory buildings.
- s.205.8 **Green Area:** Not less than thirty percent (30%) of the net area of the lot shall be devoted to green area as defined in this Ordinance, unless required by other ordinances.
- s.205.9 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one (1) principal building used for dwelling purposes shall be permitted on any single lot.
- s.206 Village Center Zone (VC)**
- s.206.1 **Purpose:** This zone is to provide for the Continued development of the existing commercial, residential, and public uses in the district; to provide for the public health and safety and to exclude any activities not compatible with the existing development.
- s.206.2 **Uses Permitted:** No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- a. Agricultural Activities (see s. 603.2)
- b. Animal husbandry (see s. 603.5)
- c. Antique sales (see s. 603.6)
- d. The following dwellings:
 - 1. Single family detached dwelling
 - 2. Watchman's dwelling
- e. The following Care Facilities.
 - 1. Family Day Care (see s. 603.10e)
- f. Craft Shop (see s. 603.16)
- g. House of Worship (see s. 603.28)
- h. Medical Clinic (see s. 603.36)
- i. Nursery (see s. 603.39)
- j. Office (see s. 603.40)
- k. Personal Service Shop (see s. 603.)
- l. Public Building and or Facilities (see s. 603.43)
- m. Retail Stores
- n. Restaurant (see s.603.48)

s.206.3 **Uses By Special Exception:** The Zoning Hearing Board may authorize the following principal uses as special exceptions in accordance with the provisions of section 804. (See Article VI for additional criteria.)

- a. Bed and Breakfast Inn (see s. 603.7)
- b. Convalescent Home (see s. 603.1 Od)
- c. Convenience Store Dispensing Fuel (see s. 603.15)
- d. The following Vehicle Facilities
 - 1. Vehicle Garage Minor (see s. 603.a)
 - 2. Vehicle Sales Facility (see s. 603.58c)
 - 3. Vehicle Service Station (see s. 603.58d)
- e. Drive in Business (see s. 603.18)
- f. Shopping Center (see s. 603.54)
- g. The following Dwellings only
 - 1. Conversion Apartment (see s. 603.19a)
 - 2. Multi-Family Dwelling
 - 3. Single family attached dwelling
 - 4. Conversion, Multi-family

s.206.4 **Lot area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal uses hereafter established in this zone:

- a. Public water and sewer- Minimum lot area is ten thousand (10,000) square feet; Minimum lot width is eighty (80) feet.
- b. Public water or public sewer- Minimum lot area is twenty five thousand (25,000) square feet; Minimum lot width is one hundred (100) feet.
- c. No public water or public sewer- Minimum lot area is one (1) acre; Minimum lot width is one hundred fifty (150) feet.

- s.206.5 **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
- a. Front setback- Fifteen (15) feet.
 - b. Each side setback- ten (10) feet. (Principal & Accessory uses)
 - c. Rear Setback-twenty (20) feet (Principal Use); ten (10) feet (Accessory Use)
- s.206.6 **Building Height:** The building height limit shall be three stories, but not more than thirty five (35) feet. The height limit for an accessory building shall be two stories, but not over twenty-five (25) feet.
- s.206.7 **Lot Coverage:** Not more than 60 percent of the area shall be devoted to building and structures including accessory building.
- s.206.8 **Green Area:** Not less than 40 percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.206.9 **Separate Lot Requirements:** Except as otherwise permitted by this Ordinance, not more than one(l) principal building used for dwelling purposes shall be permitted on any single lot.

Article III.

GENERAL PROVISIONS

s.300 ACCESSORY USES AND STRUCTURES

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

s.300.2 **Nonattached Structures:** A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear or side yards. For all other requirements, a nonattached structure is considered a part of the principal building.

s.300.3 **Fences and Walls:** No fence or wall (except a retaining wall or a wall of a building permitted under the terms of the Ordinance) shall be erected to a height of more than three (3) feet in a front yard area and more than six (6) feet in any other yard area in a residential zone or upon any lot used for residential purposes in any other zone. For all other uses in all CI zones, no fence may exceed six (6) feet in height in any yard area.

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

s.300.5 **Home Occupation:** See section 603.26.

s.300.6 **Enclosed Storage:**

The following items must be stored in a completely enclosed structure by right in all zones excepting that if in the Commercial Industrial Zone they may be stored in an approved "junkyard".

- 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. Tire stockpiles.

- d. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel, cans or other such materials.
- e. Junk as defined in this Ordinance.

s.300.7

Accessory Buildings:

- a. New Accessory Buildings may be located within the minimum required Front Setback or Front Yard areas only if:
 - (1) There is on the property proposed as the location for the Accessory Building another Building within the required Front Setback area or Front Yard area; and
 - (2) Such Building was existing on September 1, 1984; and
 - (3) The proposed Accessory Building will not project further into the required Front Setback or Front Yard area than the other Building existing on September 1, 1984.
- b. New Accessory Buildings may be located in the existing in the Front Yard area as defined in relation to the principal Building only if:
 - (1) The provisions of subsection (a) above are applicable to permit the Accessory Building to be located within the minimum required Front Setback or Front Yard Area; or
 - (2) The proposed Accessory Building will be located in the Agricultural District; and
 - i. The Accessory Building will be located at least five hundred (500) feet from any Dwelling other than the one owned by the owner of the Accessory Building; or
 - ii. The Accessory Building will be located on a Farm containing at least fifty (50) acres;
 - (3) Accessory Buildings permitted within the existing Front Yard area by reason of the provisions of (2)(i) or (2)(ii) above may not be located in the required Front Setback.
 - (4) New Accessory Buildings may be located in the Front Yard area based on "hardship" if:
 - i. The proposed Accessory Building cannot feasibly be located in the Side or Rear Yard because:
 - (a) There is inadequate space in any Side or Rear Yard to

accommodate the proposed Accessory Building; or

(b) The space available in the Side or Rear Yard cannot feasibly be used as a location for the Accessory Building because:

- i. The topographic features of such space are such that the proposed Accessory Building cannot feasibly be located in that space; or
 - ii. The proposed Accessory Building is a garage and the available space in the Side of Rear yard cannot be by motor vehicles; and
- ii. The proposed Accessory Building will not project further into the Front Yard Area than is reasonably necessary.

s.301 SIGNS

s.301.1 General Regulations Applying to All Signs:

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

located within seventy five (75) feet of a Residential zone.

- (3) No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other borough or state regulations.
- (4) No sign shall project more than thirty five (35) feet above the ground except for an attached sign which may project ten (10) feet above the roof of the building.

d. Illumination of Signs-

- (1) Flashing, rotating, and intermittent lights are not permitted.
- (2) Signs permitted in the Residential zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of 11 pm, and 6am. .
- (3) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet or so it does not obstruct the vision of motorists.
- (4) Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.

e. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

f. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, Such signs shall be permitted in addition to any of the specific sign types designated on Chart A, which

follows this section.

g. Buntings and Pennants: Buntings, pennants, and similar objects are permitted only in the Commercial Industrial zone to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.

h. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

- i. Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed within three (3) months.
- j. Signs not provided for herein shall be permitted only by special exception and shall be in general conformance with the regulations for the zoning district in which a sign is proposed to be located.

s.301.2 **Permitted Permanent Signs:** Only the types of permanent signs listed on Chart A, which follows this section, shall be permitted throughout the borough. Permanent signs must conform to the standards set forth in Chart A, as well as satisfy the general regulations of section 301.1. Use certificates shall be required for all permanent signs. For existing nonconforming uses the sign regulations shall be the same as if the nonconforming use was in a conforming zone. Use certificate shall be required for all temporary signs.

s.301.3 **Permitted Temporary Signs:** Only the types of temporary signs listed on Chart B, which follows this section, are permitted throughout the borough. Temporary signs must conform to the standards set forth in Chart B, as well as satisfy the general regulations of section 301.1.

s.301.4 **Advertising Signs:** Advertising signs are signs whose major purpose is for directing attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards. Advertising signs shall be permitted in the Commercial Industrial zone subject to the provisions of section 301.1 and the following criteria:

- a. Only one (1) advertising sign per lot shall be permitted.
- b. No advertising sign shall exceed an overall size of seventy five (75) square feet for an industrial use or one hundred fifty (150) square feet for a commercial use, nor exceed thirty five (35) feet in height.
- c. No advertising sign shall be located within three hundred (300) feet of another advertising sign.
- d. All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines,
- e. All advertising signs shall be set back a minimum of twenty five (15) feet from any street right-of-way line.
- f. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

s.301.5

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

- a. No flashing lights are permitted.
- b. Only one (1) portable sign shall be permitted per street frontage with a minimum setback from the street right-of-way of ten (10) feet or the building face.
- c. The placement of the sign shall not be located on the lot for more than fifteen (15) consecutive days per event.
- d. The maximum height allowed shall be ten (10) feet and the maximum projection from any building shall be twelve (12) inches, but not beyond the building setback line.
- e. Removal shall occur within two (2) working days after the event.
- f. The maximum size permitted shall be thirty two (32) square feet.
- g. The placement of such sign shall not interfere with traffic or with sight distance at street intersections and accesses to the public right-of-way.

CHART A

PERMITTED PERMANENT SIGNS

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

CHART A

PERMITTED PERMANENT SIGNS

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Bldg. (att. Sign)	Zone Permitted
P-8A: Offsite Directional Sign - Multiple Business	1 per lot	15 sq. ft.; not to exceed 5 businesses per sign; not to exceed 3 sq. ft. per business	10 ft.	N/A	10 ft.	N/A	CI, VC
P-9: Identification signs for residential subdivision or multi-family developments	1 per street entrance (max of 2/dev.)	50 sq. ft.	10 ft.	10 ft. + Height of building	10 ft.	12 in.	Where use if permitted
P-10: Business signs for purpose of identification of a permitted use on the property on which the use exists excludes complexes such as shopping centers, malls, multi-use building and industrial parks.							
P-10A: Freestanding business sign, excludes individual stores or businesses in a complex	1 per street	1 sq. ft. per lineal ft. of lot frontage; not to exceed 60 sq. ft.	15 ft.	NA	25 ft.	NA	Where use is permitted
P-10B: Attached business sign, excludes individual stores or business in a complex	4 per street frontage + 4 on one non-frontage wall when a building has only 1 street frontage	6 percent of the total wall area to which the sign is attached; not to exceed 200 sq. ft. per wall, for all signs	NA	10 ft.+ Height of building	NA	12 in.	Where use is permitted
P-11: Business signs for shopping centers, malls, multi-use buildings and industrial parks(complexes).							

CHART A

PERMITTED PERMANENT SIGNS

SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Bldg. (att. Sign)	Zone Permitted
P-11A: Freestanding business sign for complex	1 per street frontage	1 sq. ft. per lineal ft. of lot frontage; not to exceed 300 sq. ft. per sign	15 ft.	NA	35 ft.	NA	CI, VC
P-11B: Attached business sign for complex	1 per street frontage of attached principal structure	1/2 sq. ft. per lineal ft. of wall onto which sign is to be affixed not to exceed 300 sq. ft.	NA	10 ft. + Height of building	NA	12 in.	CI, VC
P-11C: Attached business sign for individual stores or business within a complex	1 per outside wall	4 sq. ft. per 1 lineal ft. of wall frontage not to exceed 160 sq. ft.	NA	10 ft. + Height of building	NA	12 in.	CI, VC
P-11D: Freestanding business sign for individual businesses within an industrial park or stores within a mall or commercial complex	1 per street frontage	4 sq. ft. per 1 lineal ft. of lot frontage not to exceed 12 sq. ft.	15 ft.	NA	25 ft.	NA	CI, VC
P-12: Advertising sign (Bill Boards) (See s. 301.4 for additional regulations)	1 per lot	672 sq. ft.	25 ft.	10 ft. + Height of building	35 ft.	12 in.	CI, VC

**CHART B
PERMITTED TEMPORARY SIGNS**

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

CHART B PERMITTED TEMPORARY SIGNS							
SIGN TYPE	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Bldg. (att. Sign)	Zone Permitted
T-5: Temporary Directional signs. <u>NOT TO EXCEED ONE WEEK OF PLACEMENT</u>	No limit	2 sq. ft. per sign	3 ft.	10 ft. + Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed on traffic or utility poles.
T-6: Signs announcing grand openings, new ownership, change of use, etc., on site of the permitted use. <u>SIGNS SHALL BE REMOVED AFTER 7 DAYS.</u>	1 per lot (attached or freestanding)	20 sq. ft. per sign	30 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	Where use is permitted.
T-7: Temporary signs announcing a special civic event not normally associated with a location or location's use. (does not include yard/garage sales or special business promotion sales.)							
T-7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 15 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per frontage	20 sq. ft. per sign	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All
T-7B: On location away from the site of the event. <u>NOT TO EXCEED 90 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.</u>	No limit	6 sq. ft. per sign	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All, with the permission of landowner on which sign is placed.
T-8: Signs for a political election. <u>SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 15 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.</u>	No limit	16 sq. ft.	10 ft. or building face	10 ft. + Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. Not on traffic or utility poles.

s.302 OFF-STREET PARKING REQUIREMENTS

s.302.1 **Required Off-Street Parking Spaces:** Any building or other structure erected, altered or used and any lot used or occupied for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, or in Article VI, together with adequate access ways, driveways or other means of circulation and access to and from a public street.

s.302.2 **Agriculture Parking Spaces:** None required unless associated with a commercial or industrial facility in which case spaces shall be provided as required by appropriate sections of this Article.

s.302.3 **Residential Parking Spaces:** For the purpose of this Ordinance, in residential zones when one (1) or (2) parking spaces are required for dwellings, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as parking space.

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

s.302.4 **Institutional Parking Spaces:**

- b. Convalescent homes, hospitals or other similar uses, at least one (1) parking space for every three (3) beds plus one (1) space for every full-time employee on the largest shift plus one (1) space for each staff doctor.
- c. Places of assembly - for Houses of Worship, theaters, mortuaries, cultural facilities, community centers, assembly or meeting rooms or other similar places of public or private assembly, at least one (1) parking space for every four (4) seats provided for public assembly or one (1) space per seven hundred fifty (750) square feet of gross floor area when no seats are provided plus one (1) space for each full-time non-resident employee.
- d. Private club or lodge, golf course, public or private recreational facility, campground - one (1) parking space for each five (5) persons of total capacity; for recreational vehicle parks, one (1) space for each recreational vehicle stand.
- e. Schools kindergarten, day nursery, elementary school and junior high school, one (1) parking space per two (2) classrooms and offices. For senior high school,

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

s.302.5

Commercial Parking Spaces:

- a. Vehicle facilities - one (1) parking space for each three hundred (300) square feet of gross floor area devoted to service facilities or two (2) spaces for each service bay, whichever is larger, plus one (1) space for each one hundred (100) square feet of gross floor area devoted to sales facilities or usage plus one (1) space for each full-time employee.
- b. Home occupation or profession - one (1) parking space in addition to the requirement for the dwelling unit plus one (1) additional space for every full-time employee. In those instances where a physician's office is located in the home, three (3) spaces in addition to the requirement for the dwelling unit plus one (1) space for every full-time employee shall be required.
- c. Offices - one (1) parking space for every two hundred (200) square feet of ground

floor area plus one (1) space for every four hundred (400) square feet of floor area above the ground floor.
- d. Open areas used for commercial purposes - at least one (1) parking space for each one thousand five hundred (1,500) square feet of gross area or portion thereof.
- e. Public entertainment facilities - one (1) parking space for each fifty (50) square feet of floor area for public use or one (1) space for every four (4) seats, whichever is greater, plus one (1) space for every employee on the largest shift.
- f. Restaurants
 - (1) Quick-service restaurant - one (1) parking space for each fifty (50) square feet of floor area for public use or one (1) space for every four (4) seats, whichever is greater, plus one (1) space for every employee on the largest shift.
 - (2) Sit-down restaurant - one (1) parking space for every four (4) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever is greater, plus one (1) additional space for every employee.
- g. Retail or personal service store or shop - one (1) parking space for every two hundred (200) square feet of retail floor space plus one (1) additional space for each full-time employee.

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

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

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

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

s.302.8 **Parking Spaces not Specified:** When the parking requirements are not specified herein for a use for which an application for a permit has been filed, the Council shall require as part of their Land Development Plan that adequate off-street parking spaces be provided to serve the needs of the use proposed.

s.303 OFF-STREET PARKING MANAGEMENT REQUIREMENTS

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

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

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

s.303.4 **Continuing Obligation:**

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

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

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

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

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

s.303.7 **Location of Spaces:**

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

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

- a. The land development plan shows all required spaces, including required buffer strips and access ways.
- b. The land development plan shows specifically which spaces are to be waived.
- c. Satisfactory documentation is submitted attesting to the reduced need for off-street parking.

- d. The developer enters into an agreement and executes a performance bond to construct the waived spaces if, in the opinion of the Council, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.

s.303.9

Lighting:

- a. All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.
- b. Loading areas shall be provided with adequate lighting if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.
- c. All lighting shall meet the requirement of section 310 of this ordinance.

s.303.10

Handicap Parking: Per Federal and State requirements.

s.304

OFF-STREET PARKING DESIGN STANDARDS

s.304.1

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

- a. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking lot.
- b. Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, and without backing onto any public street.

s.304.2

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

s.304.3

Dimensions of Stalls and Aisles: Parking lot dimensions shall be no less than those listed in the following table.

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

s.304.4 **Screening:** Parking lots for six (6) or more vehicles, accessory to any institutional, commercial, industrial or utility/transportation use and located in or immediately adjacent to a Residential Zone or residential use shall be screened in accordance with Article 703 on each side which faces a residential use or zone.

s.304.5 **Drainage, Surfacing, and Maintenance:**

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

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

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

s.304.6 **Curb Radius:** No less than five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

s.305 OFF-STREET LOADING REQUIREMENTS

s.305.1 **Spaces Required:** Any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. Such areas shall be provided in addition to, and independent of, any parking area requirements.

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

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

s.305.2 **Size:** The following table lists required minimum loading space sizes:

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

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

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

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

s.305.6 **Lighting:** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as to meet the requirements of section 310 of this ordinance.

s.306 ACCESS TO LOTS (DRIVEWAY)

s.306.1 **Requirements:** No building shall hereafter be erected or altered unless there is direct access to the main building or structure through an open space on the same lot. Such open space shall be at least ten (10) feet in width and shall extend from the main building or structure to a public right-of-way or private street when approved by a subdivision plan signed by the Council.

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

- a. Except in the case of single and two-family dwellings fronting on local streets, the general layout shall be such that there will be no need for motorists to back onto public rights-of-way.
- b. Width of Access - The maximum width of driveways and sidewalks openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet for two-way use and ten (10) feet for one-way use.
- c. Number of Access Points - The number of driveways shall not exceed two (2) per lot on any one street frontage. The Council, as part of a Land Development review, may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- d. Location - Driveways shall not cross the street right- of-way line:
 - (1) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve: not withstanding the above and when deemed reasonably necessary for safety by the Zoning Hearing Board this dimension shall be increased for driveways to shopping centers, other commercial, industrial, public or institutional uses. Such driveways shall be located on major streets where practical in a manner to permit safe ingress and egress.
 - (2) Within five (5) feet of a fire hydrant, catch basin, or drain inlet.
 - (3) Within forty (40) feet of a driveway on the same lot, excepting in the case of where dual driveways are deemed necessary to permit safe ingress and egress, this dimension may be reduced to not less than six (6) feet between two (2) driveways.

- e. Safety - Access to other public highway or street shall be controlled in the interest of public safety. The off-street parking, loading, and service areas on all properties used for any purpose other than single-family residences required by this Article shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip.
- f. Site Distance - Driveways shall be located in safe relationship to site distance and barriers to vision and shall not exceed a slope of five percent (5%) within twenty-five (25) feet of the street right-of-way line unless specifically approved by the Borough Engineer after a site review at the cost of the property owner in which case increased slopes not exceeding ten percent (10%) may be permitted.
- g. Submission of Plans - A scaled drawing of proposed off-street parking and loading areas, driveways, and walks, shall be submitted as part of any required Land Development Plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation in addition to Borough approval.
- h. Piping - Where needed, pipes must be sized to handle the flow of water. The minimum pipe size shall be twelve (12) inches. Pipe end sections will be required on both ends of the pipe to control erosion. In some cases, approval may be required from the Borough Engineer, if deemed necessary by the Zoning Officer.

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

s.307.1 **Location:** The pool may not be located closer than twenty (20) feet to any property line of the parcel upon which it is located; however, the required fence enclosure may be located in one of the required side or rear yards, or setbacks.

s.307.2 **Accessory structures:** Private swimming pools are to be considered accessory structures, permitted in side and rear yards only.

s.308 HARDSHIP PERMIT

The Zoning Officer may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would not otherwise be permitted by the terms of this Ordinance to house a member of the family of the owner of the tract on which the mobile home or other residential unit is to be placed. Family to include only ancestors and direct descendants of the owner and provided further, that on the tract of land where the mobile home or other residential unit is proposed to be located, all residential units are occupied by either the property owner or a member of his family and provided further, that no rent or consideration is received for the use of the mobile home or other residential unit, or the space which the same occupies; such hardship permit to be issued for such periods of time as the Council deem appropriate and as the conditions warranting the permit continue. Such permit shall be issued only upon the finding that there is a genuine physical or medical hardship involved to either occupant of the mobile home or other residential unit for which the permit is issued,

must live in close proximity with the owner of the parcel of land on which the mobile home or other residential unit is to be placed and that there is no reasonable way in which the requirements of the ordinance can be satisfied. No additional electric service may be used. The unit must be removed ninety (90) days after the hardship ceases to exist.

s.309 DRAINAGE

s.309.1 **Lot Drainage:** Lots shall be laid out and graded to provide positive drainage away from proposed and existing buildings and on-site sewage disposal facilities and to prevent the collection of storm water in pools. Top soil shall be preserved and redistributed as cover and shall be suitable planted with perennial grasses or ground cover.

s.309.2 **Nearby Existing Facilities:** Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.

s.309.3 **Open Drainage Ways:** When open drainage ways are used for the disposal of storm water, the Borough Engineer shall review the design of such open drainage ways in relation to the following:

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

s.309.4 **Drainage Upon Adjacent Properties:** In the design of storm drainage facilities, consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would result in:

- a. Increasing any portion of the slope steeper than one (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills, or one (1) foot vertical measurement for four (4) feet of horizontal measurement for cuts, within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided, or
- b. A slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

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

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

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

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

- a. Seepage pits must provide a volume of one (1) cubic foot for every two (2) square feet of roof surface.
- b. AASHTO #1 (Penn DOT #4) stone must be used in the seepage pit,
- c. A filter cloth liner must be used on the sides, top and bottom of the seepage pit.
- d. Seepage pits must be located a minimum of ten (10) feet from the wall of a dwelling.
- e. The inlet pipe for the seepage pit must be no less than four (4) inches in diameter and shall have an above- ground overflow tee with a cap and weep hole.
- f. A seepage pit shall have a capped, perforated clean-out pipe a minimum size of twelve (12) inches for access to the pit.

- g. Prior to installation of a seepage pit, a soil percolation test by the Zoning Officer may be required.

s.310

LIGHTING - All lighting fixtures shall be arranged to prevent objectionable glare on adjoining properties and roadways and shall comply with the following:

- a. In all zones, the maximum illumination off-site shall be one (1) foot candle at grade level except at driveways or access drives connecting to a street where the illumination shall not exceed five (5) foot candles.
- b. Prior to approval of all Commercial and Industrial uses the applicant must submit an accurate and fully legible photometric plan drawn to scale by a professional engineer or otherwise experienced and qualified lighting professional as part of the subdivision/land development plan for that use. The photometric plan shall show on-site illumination levels along with off-site illumination within fifty (50) feet of the property lines.
- c. Uses within the Commercial and Industrial Districts and for Commercial and Industrial uses where ever located with the exception of uses that include dispensing of vehicle fuel, the intensity of illumination is limited to five (5) foot candles at all areas of the site. For uses that include the dispensing of vehicle fuel, the intensity of illumination for all areas of the site is limited to eight (8) foot candles at all areas of the site. Under-canopy lighting, for such applications as a gas/service station, hotel/theater marquee, fast food/bank/drug store drive through, shall be accomplished using flat-lens full cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source. The average illumination intensity in the areas directly below the canopy shall not exceed sixty (60) foot candles.
- d. Parking facility, vehicular, and pedestrian way lighting (except for safety and Security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after hours illumination, it shall not be in excess of twenty-five (25) percent of the number of fixtures or illumination level required or permitted for illumination during regular business hours.
- e. An applicant for a change of a Commercial or Industrial use which involves a change of previously approved lighting must submit a photometric plan or a modification to an existing photometric plan. The photometric plan shall show onsite illumination levels along with off-site illumination within fifty (50) feet of the property lines.
- f. All lighting facilities (including street lights owned by private entities) shall be Maintained in good working order in a manner consistent with the originally approved lighting plan.

- g. If the approved lighting is found through field measurements by the Borough to be failing to perform in accordance with the levels of illumination predicted within the photometric plan, or, if there is no plan, not performing in accordance with the requirements of this section (s. 310) of the ordinance, then the lighting shall be field adjusted to be brought into compliance. All field adjustments of lighting shall be reviewed and approved by the Borough.

Article IV.

SETBACK MODIFICATIONS AND NONCONFORMITIES

s.400 SETBACK MODIFICATIONS

s.400.1 **Sight Distance:** Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

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

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

- a. No walk, fence, sign, or other structure shall be erected, altered and no hedge, trees, shrubs, or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
- b. At all intersections of streets, private roads and/or access drives a clear sight triangle shall be maintained within which there shall be no visual obstructions other than public utility poles and trees not more than one (1) foot in diameter, such as a wall fence, sign, or other structure, and hedge, shrub, or other growth of more than three (3) feet above the grade of the street and/or access drive or private road as the case may be.

s.400.2 **Accessory or Appurtenant Structures:**

The setback regulations do not apply to:

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

s.401 **HEIGHT MODIFICATIONS:**

The height regulations do not apply to:

- a. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- b. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25%) percent of the roof on which they are located.

- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

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

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

s. 404 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN:

From the time an application for approval of a subdivision or land development plan whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the zoning ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the zoning ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

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

s. 406 NONCONFORMITIES

s. 406.1 **Nonconforming Structures:**

- a. Continuation: Any nonconforming structure may remain although such structure does not conform to the dimensional requirements of this Ordinance.
- b. Restoration: A nonconforming structure which has been damaged or destroyed by fire or other causes or a nonconforming structure which has been legally condemned may be reconstructed, provided that:
 - (1) Reconstructed structure shall not exceed height, area and volume of the structure destroyed or condemned; and

(2) Structure reconstruction shall be commenced within one (1) year from date the structure was destroyed or condemned and shall be carried on without interruption; else the nonconforming structure status shall be void.

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

s.406.2

Nonconforming Lots:

a. **Continuation:** Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the zone in which it is located.

b. **Construction:** The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, and the use is one permitted in the zone by this Ordinance.

s.406.3

Nonconforming Uses:

a. **Continuation:** Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Ordinance. Unless specifically provided by the Zoning Hearing Board for a particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.

b. **Extension:** A nonconforming use may be extended, provided:

(1) Any extension shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming.

(2) No nonconforming use shall be extended to displace a conforming use.

(3) Any extension shall conform with the area, building, height, parking sign and other requirements of the zone in which said extension is located.

(4) Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than fifty percent (50%) of such volume or area during the life of the nonconformity which begins as of July 14, 1975. For nonconforming uses whose normal operations involve natural expansion (quarries, landfills, cemeteries, etc.), expansion shall be permitted by right up to fifty percent (50%) of the volume or area of the nonconformity; for expansion beyond fifty percent (50%), a special exception shall be required.

c. **Change of Use:** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

- (1) Such change shall be permitted only as a special exception under the provisions of Section 804.
- (2) The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.
- (3) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - (a) Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - (b) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 - (c) Storage and waste disposal;
 - (d) Appearance.
- (4) The proposed use is a permitted use in one or more of the zones of this Zoning Ordinance.

d. **Abandonment:** If a nonconforming use of a building or land ceases and is abandoned for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance. For the purposes of this Ordinance abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, sale, etc.) a nonconforming use have ceased. If nonconforming use of land ceased for any length of time for any reason, subsequent use of such land shall be in conformity with the provisions of this Ordinance.

e. **List of Nonconforming Uses:** Immediately after passage of this Ordinance or any amendment thereto, the Zoning Officer shall prepare a complete list of all nonconforming uses existing at the time of the adoption of the Ordinance or its amendment. Such list shall contain the legal description or the County Assessor's tax map number and the nature and extent of the nonconforming use.

Article V.

ENVIRONMENTAL REGULATIONS

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

s.501.1 **Noise:** The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with the most current accepted method of measurement of sound.

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

Center Frequency (Cycles per second)	Maximum Sound-Pressure Level (Decibels)	
31.5	65	
63	67	
125	66	
250	59	(Sound pressure level
500	52	in decibels equals
1,000	46	0.0002 dynes/cm ²)
2,000	37	
4,000	26	
8,000	17	

- b. Waivers: The following sources of noise are exempt.
- (1) Transportation vehicles not under the control of an onsite use.
 - (2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - (3) Temporary construction activity between 7:00 a.m. and 7 p.m.
 - (4) Agricultural activities

s.501.2 **Vibration:** No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used.

$$PV = 6.28 F \times D \text{ where}$$

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second.

D = Single amplitude displacement of the vibration inches.

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

Maximum Ground Transmitted Vibration

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

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

s.501.3 **Heat:** No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one (1) degree Fahrenheit.

s.501.4 **Glare:** In the Commercial Industrial Zone, any operation or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 1 (one) foot candle when measured in any zone other than a Commercial Industrial.

s.501.5 **Air Pollution:** Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Borough adopts these Standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided.

- a. Odor: odor threshold is defined as the lowest Concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57 standard Method for Measurement of odor in atmosphere (Dilution Method) or its equivalent.
 - (1) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - (2) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- b. **Smoke:** For the purpose of grading the density or equivalent opacity of smoke, the Ringlemann Chart published by the U.S. Bureau of Mines shall be used.

s.501.6

Application of Performance Standards:

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

- d. If the Zoning Officer finds that after making determinations in the manner set forth in this Ordinance, that there is a violation of the performance standards set forth herein, he/she shall take or cause to be taken lawful action (within the guidelines set by section 616.1 of the Pennsylvania Municipalities Planning Code) to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of s. 103.

- e. If, in the considered judgment of the Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed.
 - (1) The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes an admission of violation of the terms of this Ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Borough.
 - (2) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning officer, he/she shall note "Violation Corrected" on his/her copy of the notice and it shall be retained among his/her official records, taking such other action as may be warranted.
 - (3) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he/she shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease is given.
 - (4) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if deemed warranted in the circumstances of the case and if the extension will not, in his/her opinion cause

imminent peril to life, health or property.

- (5) If the alleged violator feels that the determination of the Zoning Officer is in error the person may appeal the decision to the Zoning Hearing Board.
- (6) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 103.
- (7) If no violation is found, the costs of the determinations shall be paid by the Borough without assessment against the person or persons involved.

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

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

s.502 **FLOODPLAIN REGULATIONS:** All references to the floodplain regulation in this ordinance shall be referring to the Fawn Grove Borough Floodplain Management Ordinance effective September 25, 2009 and any amendments thereto.

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 pads 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 that zone except as herein modified and provided•

- a. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least thirty (30) feet wide where access to storage units is on both sides of the aisle.
- b. If a business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
- c. The servicing or repair of stored equipment shall not be conducted on the premises. No business activities, other than rental of storage units, shall be conducted on the premises.
- d. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- e. If a parking area is to be provided for the outdoor storage of recreational 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.

Article VII.

SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

s.701 YARD REGULATIONS:

s.701.1 **Minimum Front Yard Setbacks:** Where the street or private road right-of-way upon which the lot abuts is less than fifty (50) feet in width, the front yard depth and the width of the side yard abutting the street or private road shall be measured from a line parallel to and not less than sixteen and one-half (16 h) feet from the centerline of the street or private road.

s.701.2 **Adjustments to Front Yard Setbacks:**

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

s.701.3 **Accessory Building Location:**

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

s.701.4 **Expansion of Buildings:** Expansion of buildings existing as of July 14, 1975, shall be permitted without regard to the yard requirements set forth in this Ordinance provided such Expansion does not project further into the required yard area than does the building before expansion.

s.702 BUFFER YARDS, AND SCREEN PLANTING

s.702.1 **Screens:** Where an industrial or commercial use in any zone abuts a residential use, except for street frontage, a solid fence, a minimum of six (6) feet in height, or vegetative screen a minimum of six (6) feet in height acceptable to the Borough shall be erected to screen from view (of the residential use) the industrial or commercial use. Where a vegetative screen is used, it shall consist of evergreen plantings of a minimum height of four (4) feet when planted. Such plants shall achieve a minimum mature height of six (6) feet. Vegetative screens shall receive continuing maintenance, which shall include the replacement of any dead or diseased plantings.

s.702.2 **Buffer yards:** shall be provided in accordance with the following standards:

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

s.703 FENCES AND WALLS

Fences and walls (including retaining walls) may be erected, altered, and/or maintained within the yards and open spaces. A fence may be installed on top of a retaining wall. Maximum height of a fence for commercial or industrial use shall be eight (8) feet. All other uses shall have a maximum height of six (6) feet.

s. 704

HABITABLE FLOOR AREA

The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes, shall be five hundred (500) square feet. In case of multi-family dwellings and conversion apartments, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one (1) person, which apartment shall each contain not less than two hundred fifty (250) square feet of habitable floor area. Habitable floor area shall include the aggregate of the horizontal areas of rooms used for habitation, such as living room, dining room, kitchen, bed rooms, and bathrooms, but not including hallways, stairways, cellars, basements, attics, service rooms, utility rooms, or closets. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. There shall be at least one window per room.

Article VIII.

ZONING HEARING BOARD

s. 800 GENERAL PROVISIONS

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

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

- a. The Fawn Grove Borough ZHB shall consist of three (3) members, appointed by the Council in accordance with section 900,1 of this Ordinance or as allowed under Article IX of the Pennsylvania Municipalities Planning Code.
- b. Alternate members may be approved in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

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

- a. The ZHB shall elect a chairman, vice-chairman and secretary from its membership who shall serve three year terms and shall be so fixed that the term of office of one member shall expire each year. Members may succeed themselves. The ZHB shall promptly notify the Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.
- b. The Council may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of section 906, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law.
- c. The ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in section 802.4. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth.

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

s. 801 POWERS AND DUTIES

The powers and duties of the ZHB are governed by Article IX of the Pennsylvania Municipalities

Planning Code. The provisions of Section 801.1 through 804.3 below shall serve as a supplement thereto. In cases of any conflict, the provisions of the Pennsylvania Municipalities Planning Code shall prevail.

s.801. 1 **Interpretation Appeals:** Any person aggrieved by a decision of the Zoning Officer shall have the right to appeal to the ZHB within thirty (30) days of such decision by applying to the Zoning Officer Proper forms to file an appeal specify the grounds thereof and including the following:

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

s.802 RULES AND PROCEDURES

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

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

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

- a. The ZHB shall conduct hearings on any interpretation, variance, special exception, an appeal from an enforcement notice, challenge or other matter requiring the ZHB's decision or other official action.
- b. Upon the filing with the Borough of an appeal or application, the Borough shall within sixty (60) days give notice as follows:
 - (1) Publish public notice. Such notice shall state the time and place of the hearing as well as the particular nature of the matter to be considered at the hearing.
 - (2) Post, in a conspicuous place on the property involved, a notice of pending action; such posting is to take place at least seven (1) days prior to the public hearing.
 - (3) Give written notice to parties in interest who shall be at least those persons whose Properties adjoin or are across public streets from the property in question.

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

s.802.5

Records and Decisions:

- a. The ZHB shall keep a record of the proceedings. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at a shared cost, as directed by the Pennsylvania Municipalities Planning Code.
- b. The ZHB shall keep full public records of its business which records shall be the property of the Borough and shall submit a report of its activities to the Council in January of each year, covering the previous year's activities.
- c. The ZHB shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. A copy of the decision will also be provided to the Council, Planning Commission, and Zoning Officer.

s.802.6

Appeal to Court: Any person aggrieved by any decision of the ZHB may, within thirty (30) days after such written decision of the ZHB, appeal to the Court of Common Pleas of York County, Pennsylvania. Such appeals shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code (Act 247)

s.803

VARIANCES

s.803.1

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

- a. Upon appeal from a decision by the Zoning Officer, the ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The ZHB shall prescribe the form of application and require preliminary application to the Zoning Officer.
- b. No application for a permit shall be granted by the ZHB for any variance until said ZHB has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern regarding the adequacy of the site area, the arrangement of buildings, driveways, parking area, off-street truck loading spaces and other pertinent features of the site plan.
- c. The Council may have representation at the public hearing held by the ZHB on such application.
- d. The ZHB's decision to grant a permit for a variance shall be made only after public

notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the ZHB.

e. The ZHB may thereafter grant a variance authorizing the Zoning Officer to issue a zoning permit, provided all of the following findings are made in a given case. That:

- (1) There are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) Such unnecessary hardship had not been created by the appellant.
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- (5) The variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue.

f. In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

s.804 SPECIAL EXCEPTION APPLICATIONS

s.804.1 **General Provisions:** In this Ordinance, special exceptions may be granted or denied by the ZHB pursuant to specific standards and criteria contained elsewhere in this Ordinance and general provisions contained in this section. The ZHB shall pursue the following procedure.

a. The ZHB's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the

application and subsequent amendments or additions shall be subject to review and public hearing by the ZHB as a special exception use.

- b. No application for a permit shall be granted by the ZHB for any special exception use until said ZHB has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of adequacy of the site area and arrangement of buildings, driveways, parking area, off-street truck loading spaces and other pertinent features of the site plan.
- c. The Planning Commission may have representation at the public hearing held by the ZHB on such application. After receipt of the report, the ZHB shall hear the application in the same manner and under the same procedure as it is empowered by law and this Ordinance.
- d. In granting a special exception, the ZHB may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development will secure substantially the purposes of this Ordinance.
- e. The ZHB may thereafter authorize the Zoning Officer to issue a zoning permit if, in its judgment, the use meets all specific standards and criteria contained in this Ordinance and the following general provisions.
 - (1) Purpose: The intended purpose of the proposed use must be consistent with the Borough's development objectives established in the Comprehensive Plan.
 - (2) Compatibility: The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use will be reviewed as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
 - (3) Suitability: The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
 - (4) Serviceability: Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash, and garbage collection and disposal and the ability of the Borough to supply such services.
 - (5) Accessibility: The proposed use shall provide adequate ingress and

gress, interior circulation of both pedestrian and vehicles, off-street parking and accessibility to the existing or proposed Borough street system.

- (6) **Conformity:** The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Subdivision and Land Development Ordinance.
- (7) **Water Supply:** The applicant must establish that there is an adequate water supply for the proposed use without adversely affecting water supplies utilized by neighboring properties. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such periods of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply is obtained from the parcel proposed for the location of the special exception use or is obtained from a nearby parcel, the applicant must establish that the groundwater recharge on the tract where the water supply system is located, will, after development, and during drought conditions (periods when precipitation is forty (40) percent below normal) exceed projected water usage. The ZHB may require as a condition of approval that the applicant execute an agreement with the Borough committing the proposed special exception use not to utilize more water on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified.
- (8) **Drainage:** The applicant must establish that the drainage requirements of section 309 of this Ordinance will be complied with.
- (9) **Sewage:** The applicant must establish that adequate provisions will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.

f. Unless otherwise specified or extended by the ZHB, a special exception authorized by the ZHB expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year next following the issuance of a building permit; excepting that in cases where the grant of a building permit or use certificate must be preceded by Borough approval of a subdivision or land development plan, the special exception granted by the ZHB expires if:

- (1) The applicant fails to file with the Borough a preliminary subdivision or land development plan meeting applicable subdivision and zoning

requirements within six (6) months next following the date of the grant of the special exception; or

- (2) The applicant fails to file with the Borough a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the approval by the Borough of the preliminary plan, unless the time is extended by the ZHB; or
- (3) The applicant fails to obtain a building permit or use certificate within six (6) months next following the date of the approval by the Borough of the final plan;

or

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

s. 804.2

Temporary Special Exceptions:

- a. A temporary special exception must be obtained from the ZHB for any nonconformity which is or will be seasonal or is or will be in the public interest. The ZHB may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
 - (1) Is beneficial to the public health or general welfare, or
 - (2) Is necessary to promote the proper development of the community, or
 - (3) Is seasonal in nature.
- b. The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Borough.

s. 805

CHALLENGE TO VALIDITY OF ORDINANCE

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

s.806

FEES

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

Article IX.

ADMINISTRATION

s.900 **BOROUGH COUNCIL: Powers and Duties**

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

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

s.900.2 **Amendments:**

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

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

s.901.1 **Zoning Hearing Board Cases:** When the Planning Commission is presented an application for a special exception or variance to the Zoning Hearing Board, the Planning

Commission must review and give a written recommendation on it to the Zoning Hearing Board on or before the scheduled hearing date for the application.

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

s.902 BOROUGH ENGINEER: Powers and Duties

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

s.902.2 **Building Adjacent to Drainage Channels and Watercourses:**

The Borough Engineer shall, upon request by the Borough, review plans for buildings adjacent to drainage channels or watercourses to ascertain that the buildings will be an adequate distance from the high water line.

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

s.903 ZONING OFFICER

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

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

- a. Receive all applications for building permits; issue permits when there is compliance with the provisions of this Ordinance, other Borough ordinances and laws of the Commonwealth of Pennsylvania.
- b. Inspect the lands and buildings built or altered under this Ordinance to insure that they comply with the provisions of this Ordinance; and upon satisfactory completion of said inspection, issue Certification of Use and Occupancy.
- c. Following refusal of a building permit, or refusal of a certificate of use and occupancy, receive any appeals from alleged error of the Zoning Officer and any appeals for variances from the terms of this Ordinance and forward these to the Zoning Hearing Board for action thereon.

- d. Order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders can be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.
- e. Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to all conditions attached thereto.
- f. Maintain a map or maps showing the current zoning classification of all land in the Borough.
- g. See Section 614 of the Pennsylvania Municipalities Planning Code for further duties and requirements.

s.903.3 **Additional Duties Upon Request:** When directed by either the Council, the Planning Commission or the Zoning Hearing Board as specified below the Zoning Officer shall:

- a. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. Such investigations may be directed toward a problem located upon a specific site or they may be area wide investigations to determine general compliance with the terms of this Ordinance.
- b. Institute, with the approval of the Council, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance and issue enforcement notice pursuant to the appropriate section of this ordinance and the Pennsylvania Municipalities Planning Code.
- c. Upon the request of the Council, Planning Commission, or Zoning Hearing Board, present to such bodies, facts, records or any similar information to assist such individuals or bodies in reaching a decision upon a specific application, plan or appeal.
- d. Prepare and maintain the list of nonconforming uses as prescribed by Section 406 when requested and as directed by the Planning Commission or Council.

s.903.4 **Limits of Authority:**

- a. The Zoning Officer shall have the authority to issue permits only for construction and uses which are in accordance with the requirements of this Ordinance. Construction and uses which require special exception or variance shall be issued zoning permits after approval of such application by the Zoning Hearing Board. Construction and uses which require Planning Commission and Supervisor review as Land Development under the Subdivision and Land Development Ordinance shall be issued only following final approval by the Council.

- b. The Zoning Officer shall issue no permits for the construction or use of any land and buildings unless it conforms to all Borough ordinances and the laws of the Commonwealth of Pennsylvania and/or special exceptions or variances and conditions thereto granted by the Zoning Hearing Board
- c. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. Moreover, any permit issued in error may be revoked immediately and shall in no case be construed as waiving any provision of the Ordinance.

s.903.5 **Accountability:** For purpose of accountability, the Zoning Officer shall maintain, upon forms provided by the Council, a record of all applications and inspections. Among other items such record shall contain the date, time, building permit number, and signature of the applicant or his authorized representative. Upon request by the Council, the record shall be submitted to the Council for their review.

s.904 BUILDING PERMITS

- a. Hereafter, no building or structure shall be erected, moved, placed, constructed, improved, altered, repaired, or enlarged within the limits of Fawn Grove Borough unless a permit to do so shall first be secured in accordance with the provisions of the Building Permit Ordinance of Fawn Grove Borough and/or the Uniform Construction Code, and

unless such erection, movement, placement, construction, improvements, alteration, repair, or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance of Fawn Grove Borough and with the permit issued pursuant thereto, and in accordance with the procedures set forth in such ordinance.
- b. All of the provisions of the Building Permit, Uniform Construction Code, and any other ordinances of Fawn Grove Borough are incorporated herein by reference and any violation of that ordinance shall constitute a violation of this ordinance.
- c. Action of Building Permits: Within thirty (30) business days, except for holidays, after receipt of a complete application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, the Zoning officer must state in writing the grounds of the refusal.

s.905 CERTIFICATE OF USE AND OCCUPANCY

s. 905.1 **Permit Required:** No land or buildings shall be occupied by a principal use or changed from one principal use to another and no building hereafter erected, constructed, altered, improved, repaired, or extended shall be occupied until a certificate of use and occupancy shall have been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance, the provisions of the Building Permit Ordinance of Fawn Grove Borough, the provision of the Building Code of Fawn Grove Borough and the provision of all other relevant ordinances.

s.905.2 **Application Requirement:** All applications for certificates of use and occupancy shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer, setting forth information listed, and other data the Zoning Officer may require. Setting forth such information and data as the Zoning Officer may require and shall be accompanied by a filing fee as set by the Council.

s.905.3 **Permit Procedures:**

- a. Construction: In cases where a building permit is required, all certificates of use and occupancy shall be applied for coincident with the application for the building permit. The certificate shall be retained by the Zoning Officer until such time as he is notified that construction has been completed. Upon notification, the Zoning Officer shall make a final inspection to determine compliance with the provisions of this Ordinance, the provisions of the Building Permit Ordinance of Fawn Grove Borough, the provision of the Pennsylvania Uniform Construction Code and the provision of all other relevant ordinances.
- b. Change of Use: In cases involving establishment of a use on land or a change of use on land or within a structure, application for a certificate of use and occupancy alone shall Suffice. The Zoning Officer shall by Letter grant or deny such use within fifteen (15) days following a complete application, except in cases of special exception where further proceedings are necessary.
 - (1) Such letter shall be sufficient authorization to occupy the premises. If denied, the Zoning Officer shall state in writing the cause for such denial.
 - (2) Before occupancy, the applicant shall notify the Zoning Officer, upon a form provided by the Zoning Officer at time of application. The Zoning Officer shall subsequently make an on-site inspection, before actual occupancy, to determine compliance with the terms of all applicable Borough Ordinances and with statements and plans submitted by the applicant.

s.905.4 **Permit Approval:** If the Zoning Officer finds during an inspection that all work is in conformity, a certificate of use and occupancy shall be granted within fifteen (15) days following such inspection. If any part of the construction is found in violation of any Borough ordinance then the applicant shall be notified in writing within fifteen (15) days following the inspection as to the specific points of violation.

s.905.5 **Life of a Certificate:** A certificate of use and occupancy shall become void after ninety (90) days from the date of issuance if the applicant has not occupied or activated the use as approved.

s.905.6 **Land Development Review:** Uses requiring review and approval as Land Development under the Borough Subdivision and Land Development Ordinance shall not be acted upon by the Zoning Officer until approval of any such land development by the Council. For purposes of this Ordinance the following principal uses shall be considered land developments:

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

s.906 **FEES:** Each applicant shall at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of the Council. No application, certificate, permit or appeal shall be processed or approved without payment of the appropriate fee.

s.907 **ENFORCEMENT**

s.907.1 **Remedies:** In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Council or with the approval of the Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that the property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Council. No such action shall be maintained until such notice has been given. Also follow the procedures as set forth in Article 6 of the Pennsylvania Municipalities Planning Code.

s.907.2

Penalties: Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor submits a timely appeal of the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation. In the aforementioned event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice. Thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough. Also follow the procedures as set forth in Article 6 of the Pennsylvania Municipalities Planning Code.

Article X.

AMENDMENTS

s.1000 AMENDMENT PROCEDURES

s.1001.1 **Power of Amendment:** The Council may, from time to time, amend, supplement change, modify or repeal this Ordinance including the Zoning Map. When doing so, the Council shall proceed in the manner prescribed in this Article.

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

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

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

d. **Proposals by Curative Amendments:** A Landowner who desires to challenge the validity of this Ordinance which prohibits or restricts the Use or Development of land in which he/she has an interest may submit a curative amendment to the Council with a written request that the challenge and proposed Amendment be heard and decided as provided in section 609.1 of the Pennsylvania Municipalities Planning Code (Act 247) as amended.

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

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

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

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

s.1000.5 **Action Upon Amendment:** Enactment of any proposed Amendment shall be by the majority vote of the Council. Any enacted Amendment shall be specifically found to be in accordance with the spirit and intent of the Fawn Borough Comprehensive Plan.

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

Article XI.

INTERPRETATIONS

s.1100.1 **CONFLICT WITH OTHER LAWS**

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

s.1101.1 **VALIDITY**

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

s.1102.1 **REPEALER**

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