

2006

**FAIRVIEW TOWNSHIP
ZONING ORDINANCE**

TOWNSHIP OF FAIRVIEW

ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2005- 1

AN ORDINANCE TO AMEND AND RESTATE FAIRVIEW TOWNSHIP'S 1998 ZONING ORDINANCE TO: (1) FURTHER INCORPORATE CHANGES RESULTING FROM THE ENACTMENT OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999; (2) CHANGE CERTAIN DEFINITIONS; (3) IMPOSE CERTAIN SETBACKS FOR ACCESSORY BUILDINGS; (4) ACCESSORY USES; (5) PROVIDE FOR NO-IMPACT HOME-BASED BUSINESSES; (6) PROVIDE FOR INFORMATIONAL SIGNS; (7) CHANGE THE SIZE OF PARKING SPACES IN CERTAIN CIRCUMSTANCES; (8) IMPOSE SETBACKS FOR PLACEMENT OF HORSE WASTES; (9) REGULATE THE SIZE OF DWELLINGS ON SMALL LOTS; (10) AMEND THE ADMINISTRATION PROVISIONS OF THE ORDINANCE; AND (11) PROVIDE FOR ZONING PERMITS AND ZONING OCCUPANCY PERMITS.

TOWNSHIP OF FAIRVIEW

ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-3

**AN ORDINANCE AMENDING THE FAIRVIEW TOWNSHIP ZONING
ORDINANCE, ORDINANCE NO. 98-32, REGULATING AUTO REPAIR
GARAGES.**

2006 FAIRVIEW TOWNSHIP ZONING ORDINANCE

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2006 FAIRVIEW TOWNSHIP ZONING ORDINANCE

ARTICLE I

AUTHORITY AND GENERAL PROCEDURE

Section 100 GRANT OF POWER

Pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, and for the purpose of promoting health, safety, morals or the general welfare, the Board of Supervisors of Fairview Township are hereby empowered to regulate and restrict height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures and percentage of lot that may occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and may also establish and maintain building lines and set back building lines upon any or all roads or highways.

Section 101 PROCEDURE FOR ESTABLISHING DISTRICTS

For any or all said purposes, the Board of Supervisors may divide the Township into Districts, of such number, shape and area as may be deemed best suited to carry out the purpose of this Article. Within such Districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structure or land. All such regulations shall be uniform for each class or kind of building throughout each District, but the regulations in one District may differ from those in another District.

Section 102 EFFECTIVE DATE

The amendments to this Ordinance shall be effective on February 7, 2005, and shall remain in effect until modified or rescinded by the Fairview Township Board of Supervisors. The Board of Supervisors otherwise restate the existing Zoning Ordinance.

Section 103 SHORT TITLE

This Ordinance shall be known and may be cited as "The Fairview Township Zoning Ordinance."

ARTICLE II

PURPOSE OF VIEW

Section 200 PURPOSE OF THESE ZONING STANDARDS

The Fairview Township Community Development Objectives have been designed to: promote, protect and facilitate the public health, safety, morals, and the general welfare; coordinate practical community development and density of population, community facilities and services, utility services, agricultural, industrial and commercial uses; as well as, preserve the natural, scenic and historic value in the environment; and conserve forest areas, wetlands, floodplains, and coastal and bluff recession hazard areas; through the implementation of the Fairview Area Comprehensive Plan.

To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic and other dangers.

To preserve prime agricultural and farmland with consideration to topography, soils type and classification and existing use.

To provide for the use of land within Fairview Township for residential housing of fair and affordable types, including single-family and multi-family dwellings of all types.

To accommodate reasonable overall community growth, including population and employment growth, and opportunities in the development of a variety of residential and non-residential uses.

A. Land Use

1. General Goal

To provide and perpetuate a land use pattern which includes a wide variety of interrelated land uses in proper proportion, which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.

a. Specific Objectives:

(1) Prevent undesirable land use relationships by avoiding the mixing of incompatible uses; yet still maintain neighborhood conveniences.

(2) Encourage the concentration of compatible land use in discernible clusters and limit both "strip" development and irregularly dispersed development patterns.

(3) Discourage the indiscriminate spread of commercial and industrial uses, particularly the encroachment of these uses upon existing or future residential areas.

(4) Discourage the adverse scattering of high-density residential development and encourage such development in areas with infrastructure support.

(5) Employ appropriate land use controls to guide future uses and densities of development in accordance with Township's land use plans.

(6) Allow for a mix of dwelling types, densities single and multi-family mixes and appropriate supporting facilities and uses such as recreation, open space, roads, parking areas, utilities, and safety and ascetic measures.

(7) To provide for industrial development activities to include both traditional industrial development and industrial park development.

(8) Prohibit the use of temporary structures for permanent use activities.

B. Environmental

1. General Goal

To preserve and enhance the area's natural and cultural environments.

a. Specific Objectives:

(1) Protect unique geologic, vegetative and other ecological areas to ensure variety in the environment, to serve as outdoor education resources, to guard against damage to life and property, and to preserve the natural amenities upon which the existence of man ultimately depends.

(2) Protect the groundwater resources in those areas that are dependent upon on-lot wells for potable water by such methods as restricting the type and density of development in recharge areas.

(3) Discourage encroachment upon streams and their flood plains, ponds, and high water table areas that threatens to degrade the natural condition of their waters and/or banks.

(4) Eliminate or carefully control all causes of water pollution including but not limited to sedimentation, thermal interference, septic tank outfall, chemicals and hard metals, soil erosion and siltation, and dumping.

(5) Provide for the protection of the coastal zone area in an effort to protect the bluffs and adjacent areas from further degradation and minimize development encroachment which might have an adverse effect.

(6) Protect significant wetland areas from the encroachment of development.

C. Aesthetic

1. General Goal

To enrich the lives of all residents by seeking to improve the esthetic quality and visual impact of the man-made environment and by preserving and enhancing the natural environment.

a. Specific Objectives:

(1) Prevent the desecration of the area's scenic elements such as dense woodlands, water bodies, steep slopes and hilltops by relating all development to natural features.

(2) Encourage the elimination, isolation, or screening of all visual distractions created by man.

(3) Encourage the use of landscaping and conservation practices to enhance the visual quality of the man-made environment.

(4) Encourage placing utilities underground when practical and encourage attractive design or blending with the nature environment when underground placement is not practical.

(5) Encourage the protection of attractive views in the countryside and their creation in neighborhoods.

(6) Control the use of signs in terms of number, type, size and location; and encourage esthetics and attractiveness in their design. Prohibit the use of inappropriate sign designs and configurations.

(7) Promote innovative development concepts such as planned residential developments which encourage variety in neighborhood and appropriate architectural design.

(8) Protect and plan for the protection of air and solar access to all forms of development particularly fauna and flora occupied.

D. Transportation, Traffic and Circulation

1. General Goal

To provide the safe and convenient circulation and movement of goods and people within the community.

a. Specific Objectives:

(1) Provide for the separation of through and local traffic in order to facilitate movement both within the Fairview area and between neighboring municipalities and regions.

(2) Coordinate and integrate the transportation systems of Fairview Township with that of the County, State and nation.

(3) Provide for pedestrian separated walkways wherever warranted by vehicular traffic and other activities.

(4) Provide for adequate off-street parking in all future developments.

(5) Support public mass transit services for those without cars and as a viable option to the private automobile.

(6) Provide adequate and safe streets and street systems in all future residential, commercial, and industrial subdivisions, while guarding against over-design.

E. Economy

1. General Goal

To establish a diversified and enduring economic structure which provides residents with a variety of employment opportunities while at the same time preserving a healthful, secure, and pleasant residential environment.

a. Specific Objectives:

(1) Provide for future commercial and industrial development by reserving adequate land areas through various methods such as zoning, land-banking, industrial park development, etc.

(2) Provide for the concentration of commercial and industrial developments within selected areas by designating these areas in the land use plan and supported by land use regulations.

(3) Provide the necessary infrastructure that encourages business and industrial development, e.g., utilities, streets, police and fire protection, etc.

(4) Provide for the economic development potential of the PA 98/I-90 interchange area by encouraging the use of this area for businesses and industries and allowing for industrial park development.

(5) Discourage the intrusion of residential uses into existing and proposed commercial and industrial areas.

(6) Establish and perpetuate a local government and business community relationship conducive to economic development.

F. Housing

1. General Goal

Provide adequate housing for the present and future residents of the Fairview Township area.

a. Specific Objectives:

(1) Increase the supply of decent, safe and sanitary housing in price ranges affordable to the residents of the area.

(2) Provide for diversity in housing types and residential areas so that every family has a fair choice with respect to residential environment and life-style.

(3) Preserve the existing housing stock through public and private actions and incentives that encourage housing upkeep.

(4) Eliminate all substandard housing units by removing those units beyond salvage and by rehabilitating those units that can be feasibly salvaged.

(5) Preserve the residential character and quality of viable residential areas.

(6) Allow for planned residential development in areas compatible with the surrounding land use which will provide for planned residential developments which will be compatible with the adjacent land uses while allowing for a mix of dwelling types, densities single and multi-family mixes and appropriate supporting facilities and uses such as recreation, open space, roads, parking areas, utilities, and safety and esthetic measures.

G. Community Facilities and Services

1. General Goals

Provide for facilities, services, and utilities of the quantity and quality necessary to meet the physical, social, cultural, recreational, and esthetic needs of the community and to do so in a timely and fiscal responsible manner.

a. Specific Objectives:

(1) Provide adequate police, fire and safety protection throughout the community.

(2) Provide adequate water, sewerage, and solid waste management services in all areas of the community where existing or planned development or population densities warrant such services, either through public facilities or properly installed and maintained private facilities.

(3) Promote adequate public school facilities, including buildings and grounds that can serve as multi-use facilities.

(4) Promote a community recreation program and facilities based on the needs and desires of the local residents, within available resources.

(5) Provide community facilities in an orderly and timely manner by annually updating the Capital Improvements Program and Capital Budget to reflect the public facility needs of the community.

H. Energy Conservation

1. General Goal

To promote energy conservation as a matter of serious public concern.

a. Specific Objectives:

(1) Exercise public responsibility in providing direction to energy conservation efforts in the community.

(2) Promulgate efficient land use patterns that lead to efficient energy utilization.

(3) Adopt land use and development controls, building codes and similar regulations that promote energy efficiencies and revise or eliminate those that cause or encourage wasteful energy consumption.

(4) Utilize alternate energy sources in all new governmental buildings when feasible.

(5) Encourage the use of alternate energy sources in all other public, residential, commercial, and industrial structures in the community.

(6) Encourage all residents to adopt an energy conservation attitude.

(7) Protect solar access to existing future developments.

I. Citizen Participation

1. General Goal

Encourage continuous discussion among residents concerning the development of the Fairview Township and encourage their participation in public affairs.

a. Specific Objectives:

(1) Have all business meetings of the Planning Commission, the Board of Supervisors, and other public bodies in the Township open to the public.

(2) Stimulate the interest of the Township residents in local public affairs and encourage their attendance at meetings of the local public bodies.

(3) Encourage increased participation by residents at public meetings.

Section 201 ZONING STANDARDS

Except as otherwise provided for no-impact home based businesses, this Ordinance is inclusive zoning in that no use may be operated in a District unless it is specifically included as a use by the right for that district and each parcel shall be limited to one principal use per lot.

Section 202 TITLE

This Ordinance shall be known and may be cited as the "Fairview Township Zoning Ordinance." The map herein referred to, which is identified as the "Fairview Township Zoning Map" and all the explanatory matter thereon are hereby adopted and made part of this Ordinance.

ARTICLE III

PLANNING COMMISSION

Section 300 PLANNING COMMISSION

In order to avail themselves of the powers conferred by the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall, by ordinance, create a Planning Commission in accordance with the provisions of the aforesaid Planning Code.

ARTICLE IV

DEFINITIONS

Section 400 GENERAL INTERPRETATION

A. For the purpose of this Ordinance, those words not specifically defined shall have a common meaning as expressed in Webster's New World Dictionary on file in the office of the Zoning Officer, certain terms and words used herein shall be interpreted or defined as follows:

1. Words used in the present tense shall include the future.
2. Words use in the singular include the plural.
3. The word "person" includes an individual, partnership, public or private association or corporation, firm, trust estate, municipality, governmental unit, public utility or other legal entity which is recognized by law as the subject of rights and duties.
4. The word "lot" includes the words "plot" or "parcel."
5. The term "shall" is always mandatory.
6. The term "may" is always permissive.
7. The words "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."
8. The word "building" includes the word "structure."
9. The words "he" or "his" include the words "she" or "her."
10. Unless otherwise specified, all distances shall be measured horizontally.

Section 401

MEANING OF WORDS

A. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. See also definitions in the Fairview Township Subdivision and Land Development Ordinance.

1. **ACCESSORY BUILDING:** A building subordinate to the main building and used for purposes customarily incidental to those of the main building.
2. **AIRPORT:** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, various accommodations for commercial passengers.
3. **AIRSTRIP, PRIVATE:** An airfield consisting of one or more run-ways for private personal use of individuals living on the premises.
4. **ALLEY:** A vehicular easement providing secondary vehicular access to the side or rear of two or more properties.
5. **ALTERATION:** As applied to a building or structure, means a change or rearrangement in the structural part or in the exit facilities, or in the enlargement, whether by extending, as a side, or by increasing in height, or the moving from one location to another.
6. **ANIMAL HOSPITAL OR CLINIC:** Animal Hospital or Clinic shall mean a facility for the medical or similar examination and treatment and boarding of animals as inpatients or outpatients. These facilities include all facilities operated by a doctor of veterinary medicine for medical treatment of animals and private individuals who own or operate a boarding kennel.
7. **AREA, GROSS-NET FLOOR:** The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.
8. **ARTERIAL:** Arterials bring traffic to and from the expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service. The average length of trip normally exceeds three miles.

9. **ASSISTED LIVING RESIDENCE:** A multiple-family dwelling providing residence and specialized services. This category of living includes many seniors who through some indication of failing health prefer to live in an environment where service and choice are the key components. The person wishes to eliminate the worrisome issues of home maintenance, lawn care, meal service, housekeeping, laundry, periodic wellness checks and reminders to take prescribed medications. This category is tailored to the specific needs of each resident as determined by their frailty and health assessment.

10. **BILLBOARD:** Advertising structure not directly relating to a use conducted on the premises. See "Sign, Billboard or Pennant."

11. **BLUFF:** The edge or crest of the elevated segment of the shoreline above the beach or beach terrace, subject to erosion.

a. **Bluff Recession:** The loss of material along the bluff caused by the direct or indirect action by one or a combination of groundwater seepage, wind and/or water currents or high water levels.

12. **BLUFF RECESSION HAZARD AREA:** An area or zone where the rate of progressive bluff recession creates a substantial threat to the safety or stability of nearby existing or future structures or utility facilities. Measured horizontally from the edge or crest of the bluff equal to (approximate structure life span in years) 67 times the annual rate of erosion, but in no case less than 100 feet.

13. **BUILDING LINE:** An imaginary line located a fixed distance from any lot line and interpreted as being the nearest point that a building may be constructed to the lot line. The building line shall limit the location of structures such as decks, porches, patios and all similar construction, steps excepted, to the face of this line.

14. **BUILDING OR STRUCTURE:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

a. **Residential:** A place providing habitation for an individual or group of individuals and any accessory structures associated with the residential structure. b. **Commercial:** A place where commodities are exchanged bought or sold on a retail basis and any accessory structures associated with the commercial structure. c. **Industrial:** A place where materials are refined, produced, or fabricated and stored prior to shipment to commercial establishments on a wholesale basis and any accessory structures associated with the industrial structure.

15. **CARTWAY (ROADWAY):** That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

16. **COLLECTOR:** This class of road serves the internal traffic movement within the Township and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The principal difference between collector and arterial roads is the length of trip accommodated. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.

17. **COMMERCIAL:** Engaging in a business, enterprise, activity or other undertaking ordinarily or actually for profit.

18. **COMMISSION, PLANNING:** The legally appointed Planning Commission of the Township of Fairview.

19. **COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

20. **COMPREHENSIVE PLAN:** The comprehensive, long-range plan document for the desirable use of land in Fairview Township; the purpose of such Plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings, and is known as the "1997 Fairview Area Comprehensive Plan."

21. **CONDITIONAL USE:** A land use which is not specifically permitted in a particular zoning district by a zoning ordinance but which may be permitted upon application to the governing body pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

22. **CONSTRUCTION OR ERECTED:** Includes built, constructed, reconstructed, renovated, repaired, extension, expansion, alteration, or relocation of a building or structure including the placement of a mobile home. Excavation, fill and the like shall be considered part of the erection.

23. **CONSTRUCTION PERMIT:** A permit issued by the Building Code official under the Uniform Construction Code Ordinance (UCC Ordinance) indicating

that proposed construction, alteration or reconstruction of a structure or other work regulated by the Uniform Construction Code is in accordance with the UCC as adopted by the Township and authorizing the applicant to proceed with such work or activity. This term shall be deemed to include "Building Permit" or "UCC Permit." Construction Permit is distinct from "Zoning Permit" and is not issued, administered or reviewed under this Ordinance.

24. CONVENTIONAL SUBDIVISION: The dividing of a parcel of land into smaller parcels for the purpose of sale or building development in the traditional curvilinear or rectilinear pattern.

25. CUL-DE-SAC: A minor street with one end open to traffic and pedestrian access and permanently terminated by a vehicular turnaround.

26. DENTAL OR MEDICAL CLINIC: A facility for the medical or similar examination and treatment of persons as outpatients by physicians or licensed medical specialists practicing medicine as a group during normal office hours. Clinics providing 24 hour emergency service within the clinic shall be considered a hospital.

27. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to building or structures, the placement of streets and other paving, utilities, mining, dredging, filling, grading, clearing, logging, excavation, or drilling operations and the subdivision of land.

28. DWELLING: A house, apartment building or other structure used primarily for human habitation. The word "dwelling" shall not include hotels, motels or other structures used for transient residence nor shall it include house trailers unless they are specifically included.

29. DWELLING, MULTIPLE-FAMILY: A dwelling designed for or occupied exclusively as a residence for two families or more with separate housekeeping and cooking facilities for each family.

30. DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively as a residence for only one family. Two portable units designed and built to be towed on their own separate chassis and permanently combined on site with a foundation to form a single immobile dwelling unit shall be regarded as a single-family detached dwelling.

31. EFFECTIVE DATE: The date on which this Ordinance is duly adopted by the Township or as specified in the Ordinance adopting same.

32. **ESSENTIAL SERVICE:** The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions of facilities, including buildings necessary for the furnishing of adequate services for the public health, safety or general welfare.

33. **ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

34. **EXCEPTION, SPECIAL:** The permission or approval granted by the Zoning Hearing Board in situations where the provisions therefore are by the terms of this Ordinance.

35. **EXPRESSWAY (PRINCIPAL ARTERIAL):** This class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function. It is generally characterized by some degree of access control. Normally, this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.

36. **EXTENSION:** An increase in the area of use of a building, other structure and/or land.

37. **FAMILY:** Any number of individuals living together, related by blood, marriage or adoption, and cooking together as a single housekeeping unit, as distinguished from a group occupying a boarding house. Also considered are not more than four unrelated individuals of the same sex.

38. **FARM:** A lot or plot of more than 10 acres devoted to or available for the cultivation of land.

39. **FLEA MARKET:** A market area primarily for second-hand articles for display, sale, exchange, located in the Commercial Zoning District.

40. **FLOODWAY (FW):** The areas identified as "Floodway" in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the FIS prepared by the FEMA.

41. **FLOOD-FRINGE AREA (FF):** Delineation is based upon those areas identified in the Flood Insurance Study. Those land areas adjacent to the floodway required to carry the discharge of a flood of the 100 year magnitude, and requiring any

new construction to be 1 1/2 feet above the elevation under specific protective construction provisions.

42. **FLOODPROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

43. **FLOOR AREA, MINIMUM:** The sum of the gross horizontal areas of the several floors of a building, excluding cellar and basement floor areas not devoted to residential use, porches, patios, breezeways, carports, sun porches or other similar structural additions.

44. **GARAGE, PRIVATE:** A structure or any portion thereof accessory to a dwelling used for the housing of not more than four private passenger motor vehicles, trucks or boats. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing vehicles for profit.

45. **GARAGE, PUBLIC:** A garage other than a private garage where motor vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale.

46. **GENERAL (APPROXIMATE) FLOOD PLAIN AREA (FA):** That flood plain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study (FIS) prepared by Federal Emergency Management Agency (FEMA). For these areas, elevation and floodway information from federal, State or other acceptable sources shall be used when available. When such other acceptable information is not available, the applicant for the proposed use, development or activity shall determine the 100 year elevation in accordance with hydrologic and hydraulic engineering techniques.

47. **GROUP HOME:** A single-family detached dwelling providing residence and specialized services for not more than eight developmentally disabled, mentally retarded, physically handicapped and dependent children referred by the appropriate Erie County or State Agency responsible for placement and qualified staff who provide professional care, supervision and service for such residents and not more than two shall be residents of the dwelling.

48. **HELIPORT:** An area used by helicopters for passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.

49. **HELISTOP:** An area on the ground used by helicopters for the purpose of picking up or discharging passengers, refueling, storage space and hangars, but not including maintenance or overhaul.

50. **HOME OCCUPATION:** Any uses customarily conducted entirely within a dwelling and carried on by the occupants thereof, which uses are clearly incidental and subordinate to the use of the dwelling purposes and which do not change the residential character thereof including personal services, barber shops, beauty shops, professional offices, etc.

51. **HORTICULTURE:** Any form of growing, cultivation of or raising any fruits, vegetables, flowers and ornamental plants including nurseries, hay and grain crops.

52. **HOSPITAL:** A private or public institution, licensed by the State of Pennsylvania, used primarily for inpatient medical, surgical and psychiatric treatment of the ill and disabled.

53. **HOUSEHOLD PET:** A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine or equidae family of quadrupeds, elephants, rhinoceros, hippopotamus, moose, deer, or reptiles having a venomous or constrictor nature and other animals considered dangerous such as lions, tigers, bears, etc., and/or any animal requiring a permit from the Pennsylvania Game Commission or Fish Commission, does not constitute a household pet under any provision of this Ordinance.

54. **INDEPENDENT LIVING RESIDENCE:** A multiple-family dwelling providing residence and specialized services. Typically people of all ages including those from high school graduation through the time when ones health begins to fail will fall into this category. This style of living lasts the majority of ones life and can be extended through the introduction of home health care administered by an independent agency in the residence. For the most part these persons are able to come and go at will without restrictions caused by physical or mental impairment. A "Group Care Home" is a single-family detached dwelling independent living residence.

55. **INFORMATIONAL SIGNS:** A sign adjacent to or within an industrial park that identifies the industrial parks occupant and/or location only.

56. **INTEGRATED CENTER:** A combination of commercial uses designed, structured and located so as to result in a shopping plaza, mall or other acceptable

configuration in one continuous building or architectural modification thereof, under one roof including associated common walls.

57. JUNK: Any worn, castoff, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, not in need of inspection and/or licensing, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

58. JUNKYARD: The use of more than 200 square feet of the area of any lot, but not more than one unlicensed or unregistered vehicle, for the storage, keeping or abandonment of junk, including scrap material for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

59. KENNEL: Any establishment wherein dogs are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show or any other similar purpose and is so constructed that dogs cannot stray therefrom.

60. LANDFILL: Facility for the collection and transportation and processing of, and/or the disposal of municipal, residential and/or hazardous waste.

61. LEGISLATIVE BODY: The governing body of Fairview Township.

62. LOADING UNIT: The area required to accommodate one truck in a space 12 feet wide, 15 feet high and 45 feet long, exclusive of access and turning area.

63. 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.

64. LOT AREA: The area contained within the property lines of the individual parcels of land shown on a subdivision plan.

65. LOT, CORNER: A lot abutting two or more streets at their intersection and on which the building line for both streets must be observed.

66. LOT DEPTH: The horizontal distance between the front and rear lot lines.

67. LOT OF RECORD: A piece of ground that existed as an independent lot on the records of the County prior to its inclusion by Fairview Township Ordinances.

68. **LOT, RESIDENTIAL:** A lot that is two acres or less.
69. **LOT WIDTH:** The horizontal distance measured along the street right-of-way, or between the two intersections of the street right-of-way of the cul-de-sac and the property line.
70. **MANUFACTURED HOME:** A structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.
71. **MANUFACTURED HOME PARK:** A parcel or contiguous parcels of land that has been planned and improved for placement of two or more manufactured homes.
72. **MARGINAL ACCESS:** A street parallel and adjacent to an arterial or expressway providing access to abutting properties and control of intersections with the arterial or expressway.
73. **MINOR (LOCAL ROAD):** The minor street's sole function is to provide access to immediately adjacent land. They normally represent a fairly large percentage of the total street mileage, but carry a small portion of the vehicle miles traveled daily.
74. **MOBILE HOME:** A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations and construction so that it may be used without a permanent foundation. However, these characteristics shall not categorize it as a sectional or modular home or recreational vehicle or travel trailer.
75. **MOBILE HOME LOT:** A parcel of land in a mobile home park improved with all utility connections and other necessary appurtenances for the erection thereon of a single mobile home.
76. **MOBILE HOME PARK:** A parcel or contiguous parcels of land which have been so designated and improved so that it contains two or more mobile home lots for the placement thereon of mobile homes.

77. **MOTEL:** A building made of two or more living or sleeping quarters used independently of each other and used principally and commercially for overnight accommodations, which includes all transient lodging establishments.

78. **NO-IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements: 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses. 2. The business shall employ no employees other than family members residing in the dwelling. 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights. 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood. 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood. 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area. 8. The business may not involve any illegal activity.

79. **NURSING HOME:** Nursing Home shall mean a long-term care facility for the elderly, infirm and those who are no longer able to care for themselves. A Nursing Home shall be licensed as required by the Pennsylvania Department of Health and/or the Erie County Health Department. A Nursing Home shall at all times meet or exceed the requirements of the Pennsylvania Department of Health and/or the Erie County Health Department for the day to day operations of such a facility.

80. **OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, planting, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or designated flood plain district, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

81. **ONE HUNDRED (100) YEAR FLOOD:** A flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year).

82. **PARKING SPACE:** The area required for parking one automobile, 9 feet by 18 feet, excluding access or turning area.

83. **PERMANENT FOUNDATION:** A full perimeter masonry or poured concrete foundation wall resting upon a continuous concrete footing or footer, a concrete pedestal resting upon an independent concrete spread footing, or an equivalent structural system, each capable of supporting its intended load and transferring that load to the soil below the frost line, (minimum depth of 42 inches is required and 48 inches is recommended below finish grade.)

84. **PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, an assignee or similar representative of any of the above.

85. **PRIVATE COUNTRY CLUB:** An organization catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted for gain, providing that any vending stands or commercial activities are conducted only as required generally for the membership of such club.

86. **PROFESSIONAL OFFICE:** Any office or business conducted by an individual or association who or that must be licensed under the laws of the Commonwealth of Pennsylvania.

87. **PUBLIC:** Public includes any government owned and/or operated use, and/or public utility commission licensed use.

88. **PUBLIC NOTICE:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven from the date of the hearing.

89. **REGULATORY FLOOD ELEVATION:** The 100 year flood elevation plus a freeboard safety factor of 1 1/2 feet.

90. **RIGHT-OF-WAY, STREET:** Any public highway, street or road accepted by different levels of government for public use, usually the Board of Supervisors; all must be recorded in the Recorder of Deeds Office, Erie County, Erie, Pennsylvania.

91. **ROADSIDE STAND:** A permanent or temporary structure used for the display, support and protection of products such as vegetables, fruits, poultry and dairy products, etc.

92. **RUMMAGE SALE:** A temporary sale conducted by a non-profit organization such as a church or club where the members of the group bring articles or items to a central structure to be sold to raise money for use by the organization.

93. **SANITARIUM:** Sanitarium shall mean a facility for the medical or similar examination and treatment of patients as outpatients or residential patients by physicians or licensed psychiatric specialists for mental illness.

94. **SECURITY FENCING:** Any electric fencing, spike-topped, barbed-wire topped, etc. that is potentially dangerous with the exception of agriculture/livestock fencing. It shall be located within the yard requirements for the district in which it is located and properly signed as set forth in Section 811 of this Ordinance.

95. **SERVICE STATIONS:** An area of land, including structures, used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sale of motor vehicle accessories which may include associated facilities for automobile servicing excluding painting.

96. **SIGN, BILLBOARD OR PENNANT:** Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part or is attached to, painted on, or in any other manner represented on a building or other structure. An illuminated sign located in a window is a sign. The area of the sign shall include the support material from the bottom of the sign to and beyond the top of the sign. High rise signs shall be considered any sign within 1,000 feet of the intersection of Interstate 90 and Route 98 in a B, I-1, and I-3 zoning district.

97. **SKILLED NURSING CARE FACILITY:** This category of supervised living is nursing intensive. The residents are under the supervision and care of a qualified nursing staff 24 hours per day. This category of living is effective when persons suffer a major deterioration of their health or the ability to care for themselves. This category of living is generally prescribed by a physician. A "Resident Hospital" is a skilled nursing care facility with one or more physicians on duty at anytime.

98. **STREET LINE:** The line defining the edge of the legal width of a dedicated or established street right-of-way.

99. TRAILER: Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

100. TRAILER, CAMPING AND RECREATIONAL EQUIPMENT: Shall include travel trailers, pickup coaches, motorized homes and recreational equipment as follows:

A. Travel trailer is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, permanently identified as a travel trailer by the manufacturer of the trailer.

B. Pickup coach is a structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation purposes.

C. Motorized home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. Boat is a vessel designed to travel on water.

E. Boat trailer is a trailer designed to haul a boat as defined above.

101. USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

102. USE CERTIFICATE: A permit issued upon a change in use of a structure or a parcel of land, or upon request therefore, which certifies that the premises complies with the provisions of this Ordinance and which may be used for the purposes set forth in such permit.

103. USE, NON-CONFORMING: A use, whether of land or of structure that does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

104. USE, PRINCIPAL: The major or dominant use of the lot on which it is located.

105. UTILITY: Within the framework of this Ordinance, utilities shall include public water or public sanitary sewer facilities only.

106. VARIANCE: Relief from the regulations of the Ordinance granted by the Zoning Hearing Board for the use of land or building when a literal enforcement of such regulations results in an unnecessary hardship. A "variance" applies only to the modification of land development standards and not to the modification of permitted uses within the zone.

107. VILLAGE AREA: For purposes of lot and yard requirements in the B-1 and B-2 Business Districts, the Village Area comprises those lots bounded by Chestnut Street and Pfeffer Avenue (and extensions thereof) between Trout Run and Muddy Run.

108. WATER SURVEY: An inventory of the source, quantity, yield and use of groundwater and surface water resources within Fairview Township.

109. YARD: A required open space unoccupied and unobstructed by any structure or building or portion of a structure or building above the general ground level of the graded lot upward, provided, however, that fences and walls may be permitted in any yard, subject to the limitations as indicated herein.

110. YARD, FRONT: The minimum open space extending across the entire width of the lot between the front building line and the street right-of-way line. For lots one acre or larger in area, other detached structures may be permitted behind the front yard space subject to limitations as indicated herein.

111. YARD, REAR: The open space (required and/or additional) extending across the entire width of the lot between the back line of the principal building and the rear lot line (not necessarily a street line), but not less than the required space throughout the entire width of the building or structure for irregular lots.

112. YARD, SIDE: The open space (required and/or additional) extending from the side of the principal building along the side lot line (not necessarily a street line) throughout the entire width of the principal building.

113. YARD SALE: A temporary sale including garage sales, driveway sale, home sale and the like. It is an accessory use to the residential dwelling, but is limited to a maximum of four days per sale conducted between sunrise to sunset, and not more than three sales per calendar year.

114. ZONING: The legal and administrative process of dividing the community into Zoning Districts and regulating within such Districts the use and area requirements of land and the use, height, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that part of the Comprehensive Plan which is concerned with the private uses of and the private development on privately owned land, and with that part which is concerned with public uses and facilities.

115. ZONING HEARING BOARD: That Board assigned the duties of judging various appeals of persons aggrieved by the interpretation of the terms of this Ordinance.

116. ZONING OFFICER: That individual authorized by the Board of Supervisors to be the administrator of the day-to-day application of the provisions contained in this Ordinance.

117. ZONING PERMIT: A permit issued that indicates that a proposed use, building, structure or activity is in accordance with the provisions of this Ordinance and other applicable ordinances and regulations of the Township and which authorizes the applicant to proceed with such use, construction or other activity. The Zoning Permit shall be the means by which the Township regulates user activities other than construction and other actions expressly regulated by the Pennsylvania Construction Code, also known as the Uniform Construction Code, but which otherwise govern such activities. Action on a Zoning Permit that relates to regulation of this Ordinance shall be subject to appeal under this Ordinance. Action on a Zoning Permit that relates to regulations of other laws or ordinances shall be subject to review as specified in such laws and other ordinances.

ARTICLE V

ZONING DISTRICTS

Section 500 ESTABLISHMENT OF DISTRICTS

For the purpose of applying the regulations, restrictions, provisions of this Ordinance and provide for diversified residential development separated from commercial, industrial and agricultural uses, and identify hazard areas. The Township of Fairview is hereby divided into the following Zoning Districts:

- R-1 Village District
- R-2 Suburban Single District
- R-3 Suburban Multi District
- B-1 Neighborhood Business District
- B-2 Highway Commercial District
- I-1 Light Industrial District
- I-2 Industrial Park District
- I-3 Heavy Industrial District
- A-1 Rural District
- A-2 Agrarian District
- A-3 Conservation District

Section 501 ZONING DISTRICTS MAP

The boundaries of these Districts are hereby established as shown on the map entitled, "Fairview Township Zoning Map" on file in the office of the Zoning Officer. This map with all explanatory matter thereon shall be deemed to accompany, be and is hereby made a part of this Ordinance.

Section 502 BOUNDARIES

Where uncertainty exists as to the boundaries of Districts 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.

C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C of Section 502 shall be so construed. Distances not specifically indicated or on the Zoning Map shall be determined by the scale of the Map.

E. Boundaries delineated as Flood Plain within the Conservation District inundated by the 100 year flood shall be based upon the Flood Insurance Study prepared for Fairview Township by the Federal Insurance Administration dated September 28, 1978, and as amended. Any revision to these boundaries shall be reviewed and approved by the Flood Insurance Administration.

F. Boundaries indicated as approximately delineated for Coastal and Bluff Recession Hazard Areas within the A-3 Conservation District shall be used upon the Great Lakes Research Institute Study of Lake Erie prepared for the Pennsylvania Department of Environmental Protection, dated 1975.

G. Airport Height Limitations boundaries indicated are based upon delineations as established under Act 107 of 1945 and as amended by Act 161 of 1980, 2 P.S. 1553.

ARTICLE VI

APPLICATION OF REGULATIONS

Section 600 USE OF PROPERTY

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the requirements herein specified for the District in which it is located.

Section 601 RESTRICTIONS

A. No building shall hereafter be erected or altered:

1. To exceed the height.
2. To accommodate a greater number of families.
3. To occupy a greater percentage of lot area.
4. To have narrower or smaller rear yards, front yards or side yards than are specified herein for the District in which such building is located.

B. No part of a yard or other open space required for any building, the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

C. Lots containing a slope of three feet horizontal to one foot vertical (3-to-1) or greater for a distance of 50 percent of its total depth shall have a minimum of 25 percent total increase in lot depth than is required by this Ordinance before a zoning permit is granted.

D. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management; further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Erie County Conservation District, and a set of plans and permit filed with the Planning Commission of Fairview Township.

E. Prior to any earth moving activities, developer shall prepare an Erosion and Sedimentation Control Plan which shall meet the standards of Chapter 102 (Erosion Control) of Title 25 Rules and Regulations of the Pennsylvania Department of Environmental Protection and shall be reviewed and found adequate by the Erie County Conservation District.

F. All development requiring sanitary sewer facilities must comply with the Township of Fairview Sewer Authority regulations on mandatory connection. All other development not regulated by the Township of Fairview Sewer Authority will comply with the requirements for sewage facilities, construction and service as regulated by the Pennsylvania Department of Environmental Protection and the Erie County Department of Health.

G. All water supplies will be provided in compliance with the requirements for drinking water by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency and the Erie County Department of Health.

ARTICLE VII

PERMISSIVE USES

Section 700 R-1 VILLAGE DISTRICT

A. Principal Uses

1. Single-family detached dwellings.
2. Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated recreational uses.
3. Educational, religious and philanthropic uses may be permitted as a special exception by the Zoning Hearing Board.

B. Accessory Uses

1. Private garages or parking areas.
2. Household pets.
3. Home gardening without the sale of products (non-commercial).
4. Signs. See Supplementary Regulations, Section 827.
5. Home occupations. See Supplementary Regulations, Section 828.
6. No-impact Home-Based Business.
7. Other accessory uses customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area.
 - a. Single-family detached dwellings - 10,000 square feet.
 - b. Other principal permitted uses - 20,000 square feet free of wetlands, floodplains or steep slopes.

2. Minimum lot width.
 - a. Single-family detached dwellings - 80 feet.
 - b. Other principal permitted uses - 100 feet.
 3. Minimum front yard - 25 feet.
 4. Minimum side yard.
 - a. Principal use - 16 feet total, six feet minimum one side.
 - b. Accessory use - five feet.
 - c. Street side on corner lot - 20 percent of lot width or 25 feet, whichever is less.
 5. Minimum rear yard.
 - a. Principal use - 35 feet.
 - b. Accessory use - five feet.
 6. Maximum building height - three stories or 40 feet.
 7. Maximum building lot coverage.
 - a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.
 8. Minimum lot depth - 125 feet.
 9. Maximum lot depth to width ratio - two to one.
- D. Off-Street Parking Requirements
1. A minimum of two off-street parking spaces per family dwelling unit.
 2. Section 700 A.2. uses: one space per 2,000 square feet of gross lot area.

3. Section 700 A.3. uses: one space for each three seats of assembly use and one space for each employee on maximum work shift.

Section 701 R-2 SUBURBAN SINGLE DISTRICT

A. Principal Uses

1. Single-family detached dwellings.
2. Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated recreational uses.
3. Educational, religious and philanthropic uses may be permitted as a special exception by the Zoning Hearing Board.
4. Municipal or civic buildings, public libraries and museums, and fire and police stations.

B. Accessory Uses

1. Private garages or parking areas.
2. Household pets.
3. Home gardening without the sale of products (non-commercial).
4. No-impact Home-Based Business.
5. Signs. See Supplementary Regulations, Section 827.
6. Other accessory uses customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area.
 - a. Single-family detached dwellings - 20,000 square feet.
 - b. Other permitted principal uses - one acre free of wetlands, floodplains or steep slopes.

2. Minimum lot width.
 - a. Single-family detached dwellings - 100 feet.
 - b. Other permitted principal uses - 135 feet.
3. Minimum front yard - 35 feet.
4. Minimum side yard.
 - a. Principal use - 24 feet total, 10 feet minimum one side.
 - b. Accessory use - five feet.

Street side on corner lot - 20 percent of lot width or 35 feet, whichever is less.

5. Minimum rear yard.
 - a. Principal use - 40 feet.
 - b. Accessory use - five feet.
6. Maximum building height - three stories or 40 feet.
7. Maximum building lot coverage.
 - a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.
8. Minimum lot depth - 175 feet.
9. Maximum lot depth to width ratio - two and one half to one.

D. Off-Street Parking Requirements

1. A minimum of two off-street parking spaces per family dwelling unit.
2. Section 701 A.2. uses: one space per 2,000 square feet of gross lot area.
3. Section 701 A.3. and 4. uses: one space for each three seats of assembly use and one space for each employee on maximum work shift.

Section 702

R-3 SUBURBAN MULTI DISTRICT

A. Principal Uses

1. Single-family detached dwellings.
2. Multiple-family dwellings.
3. Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated recreational uses.
4. Educational, religious and philanthropic uses may be permitted as a special exception by the Zoning Hearing Board.
5. Municipal or civic buildings, public libraries and museums, and fire and police stations.
6. Group homes, independent and assisted living residences, skilled nursing care homes, and resident hospitals may be permitted as a special exception by the Zoning Hearing Board provided:
 - a. Appropriate registrations and certifications from the approval agency or agencies shall be submitted with the application for permit, and any change in such information shall be forwarded to the Zoning Officer within 30 days.
 - b. All residents of the home or facility shall be residents of Fairview Township.
 - c. The illumination of parking areas and buildings and the display of signs are placed in a manner minimizing the disturbance to the adjacent lots and street right-of-ways.
 - d. Persons receiving treatment under Article III (Involuntary Examination & Treatment) and/or Article IV (Determinations affecting those charged with a crime, or under sentence) of the Mental Health Procedures Act shall not be eligible for residing in the facility.
 - e. Mentally retarded individuals shall be certified by Erie County mental retardation authorities as capable of residing in the facility.

B. Accessory Uses

1. Private garages or parking areas.
2. Household pets.
3. No-impact Home-Based Business.
4. Home gardening without the sale of products (non-commercial).
5. Signs. See Supplementary Regulations, Section 827.
6. Other accessory uses customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area.
 - a. Single-family detached dwellings - 15,000 square feet.
 - b. Multiple-family dwellings.
 - (1) 10,000 square feet plus 4,500 square feet for each unit more than one. A maximum of eight units per acre and eight units on each lot of record.
 - c. Other permitted principal uses.
 - (1) One acre free of wetlands, floodplains or steep slopes. A maximum of 16 units per acre.
2. Minimum lot width.
 - a. Single-family detached dwellings - 90 feet.
 - b. Multiple-family dwellings - 135 feet.
 - c. Other permitted principal uses - 135 feet.
3. Minimum front yard - 35 feet.

4. Minimum side yard.
 - a. Principal use.
 - (1) Single-family - 24 feet total, 10 feet minimum one side.
 - (2) Multiple-family - 50 feet total, 20 feet minimum one side.
 - (3) Other - 50 feet total, 20 feet minimum one side.
 - b. Accessory use - five feet.
 - c. Street side on corner lot - 20 percent of lot width or 35 feet, whichever is less.
 5. Minimum rear yard.
 - a. Principal use - 40 feet.
 - b. Accessory use - five feet.
 6. Maximum building height - three stories or 40 feet.
 7. Maximum building lot coverage.
 - a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.
 8. Minimum lot depth - 150 feet.
 9. Maximum lot depth to width ratio - two and one half to one.
- D. Off-Street Parking Requirements
1. A minimum of two off-street parking spaces per family dwelling unit.
 2. Section 702 A.2. uses: one additional parking space for every two dwelling units.
 3. Section 702 A.3. uses: one space per 2,000 square feet of gross lot area.

4. Section 702 A.4. and 5 uses: one space for each three seats of assembly use and one space for each employee on maximum work shift.

5. Section 702 A.6. uses: one space for every two beds and one space for each employee on maximum work shift.

Section 703 B-1 NEIGHBORHOOD BUSINESS DISTRICT

A. Principal Uses

1. Local retail businesses, branch banks/ ATMs, and local offices, conducted entirely within buildings.

2. Corner restaurants, bed and breakfast homes, coffee houses, arcades and other similar places of business and public amusement, conducted entirely within buildings.

3. Personal service businesses including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, hand laundries, shoe repair, dry cleaning, pressing or tailoring shops in which only non-explosive and non-inflammable solvents and materials are used, where no work is done on the premises for business outlets elsewhere.

4. Bakery, candy, pastry, confectionery or ice cream retail sales with minor manufacturing permitted for sales on the premises only, providing that not more than four persons are employed during any one shift in such business.

5. Drive-in uses for the above Section 703 A.1. through 4. uses, excluding theaters and automobile fuel/ vehicle service stations provided:

a. No street entrance or exit for vehicles shall be located:

(1) Within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children.

(2) Within 75 feet of a lot in a Residential District.

b. No equipment above surface of ground shall be parked or stored closer than 25 feet to any property line.

c. The width of any entrance driveway leading from the public street to such drive-in use shall not exceed 30 feet at its intersection with the curb line or edge of pavement.

d. No two driveways leading from a public street to such drive-in use shall be within 25 feet of each other at their intersection with the curb or street line.

e. Parking and vehicle access shall be so arranged that there will be no need for motorists to back over sidewalks or into streets.

6. Outdoor recreation and commercial uses, excluding theaters, automobile fuel/vehicle service stations, boats, motor vehicle and equipment sales, or mobile and modular home sales, are permitted as a special exception by the Zoning Hearing Board provided:

a. Such uses will not create hazardous conditions.

b. Such uses shall be designed minimizing the noise and lighting disturbances to the adjacent lots and street right-of-ways.

7. Converted houses retaining the residential character of the neighborhood for the above Section 703 A.1. through 6. uses, including owner occupied home businesses in the Village Area.

B. Accessory Uses

1. Signs. See Supplementary Regulations, Section 827.

2. Other accessory uses, on the same lot with and, customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area - 20,000 square feet.

a. Village Area - 10,000 square feet.

2. Minimum lot width - 100 feet.

a. Village Area - 80 feet.

3. Minimum front yard - 50 feet.
 - a. Village Area - 25 feet.
4. Minimum side yard.
 - a. Adjoining Residential Districts - 20 feet.
 - b. Adjoining all other Zoning Districts - 10 feet.
 - c. Accessory buildings - 10 feet.
5. Minimum rear yards.
 - a. Adjoining Residential Districts - 40 feet.
 - b. Adjoining all other Zoning Districts - 20 feet.
 - c. Accessory buildings - 10 feet.
6. Maximum building height - three stories or 40 feet.
7. Maximum building lot coverage - 50 percent.
8. Minimum lot depth - 175 feet.
 - a. Village Area - 125 feet.
9. Maximum lot depth to width ratio - two and one half to one.
 - a. Village Area - two to one.

D. Off-Street Parking and Loading Requirements

1. Parking requirements:
 - a. One space for each 100 square feet of sales or service floor area and one space for each employee on maximum work shift.
 - b. Restaurants or other places serving beverages, rations or refreshments: one space for each three seats and one space for each employee on maximum work shift.

- c. Small appliance and other repair shops: one space for each 500 square feet of floor space.
 - d. Drive-in uses: 10 spaces.
 - e. Recreational uses: one space for each 300 square feet of gross lot area.
 - f. Arcades: one space per five machines.
 - g. Bed and breakfast home: one space per guest sleeping unit and two spaces for the family dwelling unit.
2. Loading requirements: one loading unit for each 3,000 square feet of sales floor area.

Section 704 B-2 HIGHWAY COMMERCIAL DISTRICT

A. Principal Uses

- 1. Regional retail or professional service businesses, banks, and offices.
- 2. Chain restaurants, hotels/motels, taverns, bowling alleys and other similar places of business and public amusement.
- 3. Personal service businesses including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, hand laundries, shoe repair, dry cleaning, pressing or tailoring shops in which only non-explosive and non-inflammable solvents and materials are used.
- 4. Bakery, candy, pastry, confectionery or ice cream retail sales with minor manufacturing permitted for sales on the premises only, providing that not more than 10 persons are employed during any one shift in such business.
- 5. Drive-in uses for the above Section 704 A.1. through 4. uses, including theaters and automobile fuel/vehicle service stations.
- 6. Outdoor recreation and commercial uses.
- 7. Automobile sales, service and/or rental.

8. Automobile repair garages when conducted entirely within a building and when not less than 100 feet from a Residential District. Vehicles located on the lot for service shall have current registration plate affixed and be serviced within a 30 day period.

a. Accident vehicles requiring more than 72 hours for service shall be stored in a screened area or an area least visible from any property boundary.

(1) Screen shall be of masonry wall, solid wooden fence, chain link fence with filler strips or compact evergreen hedge to be kept in repair at all times.

(2) Height shall be equal to or greater than vehicles parked but not less than six feet.

b. Automobile parts may be stored in an area of not more than 200 square feet in an area screened and/or least visible from any property boundary.

c. All storage areas must be 50 feet from any rear yard and 15 feet from any side yard.

9. Automobile fuel stations and other drive-in uses are permitted provided:

a. No street entrance or exit for vehicles shall be located:

(1) Within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children.

(2) Within 75 feet of a lot in a Residential District.

b. No equipment above surface of ground shall be parked or stored closer than 25 feet to any property line.

c. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curb line or edge of pavement.

d. No two driveways leading from a public street to such service station or other drive-in use shall be within 25 feet of each other at their intersection with the curb or street line.

e. Parking and vehicle access shall be so arranged that there will be no need for motorists to back over sidewalks or into streets.

10. Shopping areas composed of integrated center retail sales and services and amusement centers including plazas, malls and office parks.

B. Accessory Uses

1. Signs. See Supplementary Regulations, Section 827.

2. Other accessory uses, on the same lot with and, customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area - 20,000 square feet.

a. Village Area - 10,000 square feet.

b. Integrated center - one acre. Lot and area and construction requirements must be determined on the basis of the entire regional or integrated shopping area. These determinations shall include the following construction and design requirements.

(1) Access (ingress and egress) shall be provided in accordance with the Pennsylvania Department of Transportation requirements and permit flow and turning movements with a minimum of traffic interruption.

(2) Parking design including spacing, driving aisles and turning areas shall be well defined and permit maximum use of movement.

(3) Lane separations, traffic directions and pedestrian access shall be well defined.

(4) Building identification signs (marquees and canopies, etc.)

(5) Plans for integrated centers, showing the location and design of all facilities, shall be submitted to the Planning Commission and Board of Supervisors for review and approval prior to the issuance of a zoning permit.

2. Minimum lot width - 100 feet.

- a. Village Area - 80 feet.
 3. Minimum front yard - 50 feet.
 - a. Village Area - 25 feet.
 4. Minimum side yard.
 - a. Adjoining Residential Districts - 20 feet.
 - b. Adjoining all other Zoning Districts - 10 feet.
 - c. Accessory use - 10 feet
 5. Minimum rear yards.
 - a. Adjoining Residential Districts - 40 feet.
 - b. Adjoining all other Zoning Districts - 20 feet.
 - c. Accessory use - 10 feet.
 6. Maximum building height - three stories or 40 feet.
 7. Maximum building lot coverage - 50 percent.
 8. Minimum lot depth - 175 feet.
 - a. Village Area - 125 feet.
 9. Maximum lot depth to width ratio -two and one half to one.
 - a. Village Area - two to one.
- D. Off-Street Parking and Loading Requirements
1. Parking requirements:
 - a. One space for each 100 square feet of sales or service floor area and one space for each employee on maximum work shift.

- b. Restaurants or other places serving beverages, rations or refreshments: one space for each three seats and one space for each employee on maximum work shift.
 - c. Motor vehicle sales rooms, garages, repair shops: one space for each 500 square feet of floor space.
 - d. Drive-in uses: ten spaces.
 - e. Recreational uses: one space for each 300 square feet of gross lot area.
 - f. Bowling alleys and pool halls: five spaces per alley or table.
 - g. Hotels and motels: one space per guest sleeping unit and one space for each employee on maximum work shift.
2. Loading requirements: one loading unit for each 3,000 square feet of sales floor area.

Section 705 I-1 LIGHT INDUSTRIAL DISTRICT

A. Principal Uses

Only those industrial, manufacturing, compounding, processing, packaging or treatment uses and processes from the following listing are permitted when they comply with all federal, State, County, local environmental and other statutes and regulations.

- 1. Wholesale, warehousing and storage.
- 2. Highway freight, transportation and warehousing.
- 3. Transportation terminals.
- 4. Distributing plants, beverages, bottling and/or distribution.
- 5. The manufacturing, compounding, processing/packaging, treatment and distribution of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, food and kindred products.
- 6. Laboratories devoted to research, design, experimentation, processing and fabrication incidental therefor.

7. Utility, communication, electric and gas company operations.
8. Radio and television facilities and operations, telephone exchange and transformer stations.
9. Carpenter, electrical, plumbing, welding, heating, or sheet metal shop, furniture upholstery shop, laundry and clothes cleaning establishments, printing shop or publishing plant.
10. Building material supplies, but not including stone crushing or concrete/asphalt mixing and/or manufacturing.
11. Assembly, manufacturing, compounding, processing, packaging or treatment.
12. Office buildings and buildings used for research and development (R&D facilities).
13. Automobile repair garages shall be permitted as a special exception when conducted entirely in a building and when not less than 100' from a residential district. Vehicles located on the lot for service shall have current registration plate affixed and be serviced within a 30 day period.
 - a. Accident vehicles requiring more than 72 hours for service shall be stored in a screened area or an area least visible from any property boundary.
 - (1) Screen shall be of masonry wall, solid wooden fence, chain link fence with filler strips or compact evergreen hedge to be kept in repair at all times.
 - (2) Height shall be equal to or greater than vehicles parked but not less than six feet.
 - b. Automobile parts may be stored in an area of not more than 200 square feet in an area screened and/or least visible from any property boundary.
 - c. All storage areas must be 50 feet from any rear yard and 15 feet from any side yard.

B. Accessory Uses

The following accessory uses shall be permitted in the Light Industrial District providing the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted under this ordinance.

1. On site cafeterias or restaurants specifically designed and only for use by those employees and management of permitted uses in the Light Industrial District.
2. On site recreational health facility, auditoriums, meeting rooms or other buildings only for the mutual use of the permitted uses located within the District, for meetings, programs, displays recreation and other such uses as the users of the District may deem necessary. These facilities shall be prohibited for use by organizations, clubs and fraternities not specifically associated with businesses in the District.
3. Signs. See Supplementary Regulations, Section 827.
4. Other accessory uses customarily incidental to a permitted principal use.

C. Special Exception Accessory Uses

The following accessory uses shall be permitted in the Light Industrial District providing the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted.

1. Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the District. These facilities and associated uses shall comply with all requirements of this Section in respect to front yard, side yard and rear yard clearances. These facilities, if lighted, must be shielded away from any thoroughfares and Residential Districts.
2. All heliports shall be licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and shall meet minimum requirements specified by the Federal Aviation Administration or other governing agency.

D. Lot and Area Requirements

1. Minimum lot area - one acre.
2. Minimum lot width - 135 feet.
3. Minimum front yard.

- a. 50 feet along Township streets.
 - b. 75 feet along State roads.
4. Minimum side yard.
 - a. 25 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use setback is the height of the structure but no less than 25 feet.
5. Minimum rear yard.
 - a. 50 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use setback is the height of the structure but no less than 25 feet.
6. Maximum building height - 50 feet with the following exceptions:

Chimneys, water tanks, communication towers and antennae, ventilators and other similar structures, whether or not accessory to building or appurtenant thereto may be erected to a height exceeding 50 feet provided they are in compliance with the applicable federal regulations relative to objects affecting navigable air space.
7. Maximum building lot coverage - 50 percent.
8. No street entrance or exit for vehicles and no portion of equipment shall be located:
 - a. Within 200 feet of a street entrance or exit of any school, park or playground conducted and/or attended by children.
 - b. Within 75 feet of an adjacent lot in a Residential District.
9. No equipment above surface of ground shall be parked or stored closer than 25 feet to any property line.

10. The width of any entrance driveway leading from the public street to such use shall not exceed 130 feet at its intersection with the curb line or edge of pavement, and grade level shall be maintained for a distance of 100 feet into the lot.

11. No two driveways leading from a public street to such use shall be within 50 feet of each other at their intersection with the curb or street line.

12. Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over a sidewalk or into a street.

E. Off-Street Parking

Space for off-street parking of employees, customers and visitors shall be required in the following manner and in accordance with other sections of this Zoning Ordinance governing off-street parking.

1. Off-street parking space herein may be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearance and shall provide one parking space for every 800 square feet of floor area.

2. All parking spaces provided in the District shall be located on the same property with the permitted use it is intended to serve.

3. Sufficient parking spaces for employees, customers and visitors shall be provided. Visitor-only parking shall be permitted to the front of the building but in all cases there shall be at least 50 feet from the front lines of parking lots to the street right-of-way. Parking to the front of the building shall not exceed 10 percent of the required spaces except for lots along "main thoroughfares" where this restriction shall not apply. All parking shall conform to Section 705 D.4., 5. and 6., Lot and Area Requirements, of this Ordinance.

4. Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities prescribed in the Ordinance are insufficient to handle all such trucks waiting to use said facilities.

F. Off-Street Loading/Unloading and Storage

Space for off-street loading/unloading and storage shall be required in the following manner and in accordance with other sections of the Ordinance governing loading requirements.

1. Off-street loading/unloading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to front, side and rear yard clearances as specified in this Zoning Ordinance.

2. All loading/unloading and storage space shall be located on the same property with the permitted use it is intended to serve.

3. All open areas used for storage of any type shall be enclosed by a solid wall or fence. All such solid walls or fences shall be a minimum of seven and a maximum of 15 feet in height and in no case shall storage of materials be permitted to exceed the height of the fence. Storage shall be limited to materials in accordance with the standards of the Pennsylvania Department of Environmental Protection, the U.S. Environmental Protection Agency and State Fire Marshall regulations.

4. In no case shall storage spaces or loading/unloading facilities be permitted in the front of any main building.

5. All loading/unloading facilities shall be located a minimum of 300 feet from any Residential District boundary if operated between the hours of 6:00 p.m. and 7:00 a.m.

6. Sufficient area shall be provided for loading/unloading and storage of motor vehicles used in the conduct of the business or industrial activity.

G. Landscaping Standards

The following landscaping standards shall be adhered to:

1. All earthen areas may be at the owner's option and shall be protected from erosion.

2. Landscaped yard areas may include the use of flagpoles, screens, terraces, fountains, pools and other water arrangements, and various types of trees and shrubs. All trees, plants and shrubs shall be varieties that are adaptable to the local soil and climate condition and which blend with existing natural growth.

a. The use of shrubs, additional trees, (evergreen, deciduous and small flowering) annuals, perennials, spring flowering bulbs, and ground covers may be at the owner's option.

b. The owner is encouraged to keep as many of the existing trees on the site as possible.

c. The owner may elect to treat portions of the site as natural landscaping; by encouraging the growth of native plants. Plants which can become a nuisance (Japanese Honeysuckle, Multiflora Rose, Autumn Olive, etc.) shall not be planted or maintained on the site unless as part of designated wetlands.

3. All landscaped areas shall be perpetually maintained and in good condition at all times.

4. Landscaping devices shall not obscure the site distances in a manner that may create a traffic hazard. No trees shall be placed within 10 feet of any street right-of-way.

I. Utility Standards

1. Electrical and telephone service may be brought into the site where overhead service may be permitted.

2. Any Light Industrial District site shall be provided with an adequate water supply for both industrial and fire protection use. Water permit, or water survey if not public, required.

3. Any Light Industrial District site shall be provided with adequate sanitary sewage collection and treatment facilities in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Erie County Department of Health. Sewer permit, or septic permit if not public, required.

J. Fire Protection Standards

1. Direct and unobstructed access to the perimeter of all buildings shall be provided for emergency vehicles as follows: for buildings under 50,000 square feet - 50% of the perimeter; buildings over 50,000 square feet but less than 100,000 square feet - 75%; and buildings larger than 100,000 square feet - 100%.

2. Any street or driveway shall be considered an access point if located not more than 50 feet from the building served.

3. All means of access must be designated to sustain the weight of emergency vehicles and shall not be less than 18 feet in width.

4. A fire hydrant shall be constructed on any Industrial District site and connect such fire hydrant with such public water system where a public water main is available at a lot boundary or within 1,000 feet of the lot boundary.

A. Principal Uses

Only those industrial, manufacturing, compounding, processing, packaging or treatment uses and processes from the following listing are permitted when they comply with all federal, State, County, local environmental and other statutes and regulations.

1. Wholesale, warehousing and storage.
2. Highway freight, transportation and warehousing.
3. Transportation terminals.
4. Distributing plants, beverages, bottling and/or distribution.
5. The manufacturing, compounding, processing/packaging, treatment and distribution of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, food and kindred products.
6. Laboratories devoted to research, design, experimentation, processing and fabrication incidental therefor.
7. Utility, communication, electric and gas company operations.
8. Radio and television facilities and operations, telephone exchange and transformer stations.
9. Carpenter, electrical, plumbing, welding, heating, or sheet metal shop, furniture upholstery shop, laundry and clothes cleaning establishments, printing shop or publishing plant.
10. Building material supplies, but not including stone crushing or concrete/asphalt mixing and/or manufacturing.

11. Assembly, manufacturing, compounding, processing, packaging or treatment.

12. Office buildings and buildings used for research and development (R&D) facilities.

B. Accessory Uses

The following accessory uses shall be permitted in the Industrial Park District providing the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted.

1. On site cafeterias or restaurants specifically designed and only for use by those employees and management of permitted uses in the Industrial Park District.

2. On site recreational health facility, auditoriums, meeting rooms or other buildings only for the mutual use of the permitted uses located within the District, for meetings, programs, displays recreation and other such uses as the users of the District may deem necessary. These facilities shall be prohibited for use by organizations, clubs and fraternities not specifically associated with businesses in the District.

C. Special Exception Accessory Uses

The following accessory uses shall be permitted in an Industrial Park District providing the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted.

1. Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the District. These facilities and associated uses shall comply with all requirements of this Section in respect to front yard, side yard and rear yard clearances. These facilities, if lighted, must be shielded away from any thoroughfares and Residential Districts.

2. All heliports shall be licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and shall meet minimum requirements specified by the Federal Aviation Administration or other governing agency.

D. Lot and Area Requirements

1. An Industrial Park District shall be required to contain a minimum of 50 acres of land area unless it is contiguous to an existing Industrial District.

2. Minimum lot area - one acre.
3. Minimum lot width - 135 feet.
4. Minimum front yard.
 - a. 50 feet along Township streets.
 - b. 100 feet along State roads.
5. Minimum side yard.
 - a. 25 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use setback is the height of the structure but no less than 25 feet.
6. Minimum rear yard.
 - a. 50 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use setback is the height of the structure but no less than 25 feet.
7. Maximum building height - 50 feet with the following exceptions:

Chimneys, water tanks, communication towers and antennae, ventilators and other similar structures, whether or not accessory to building or appurtenant thereto may be erected to a height exceeding 50 feet provided they are in compliance with the applicable federal regulations relative to objects affecting navigable air space.
8. Maximum building lot coverage - 50 percent.

E. Off-Street Parking

Space for off-street parking of employees, customers and visitors shall be required in the following manner and in accordance with other sections of this Zoning Ordinance governing off-street parking. There shall be no on street parking permitted in an Industrial Park District under this zoning classification.

1. Off-street parking space herein may be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearance and shall provide one parking space for every 800 square feet of floor area.

2. All parking spaces provided in the District shall be located on the same property with the permitted use it is intended to serve and conform to the landscaping requirements described in Section 706 H.

3. Sufficient parking spaces for employees, customers and visitors shall be provided. Visitor-only parking shall be permitted in the front of the building but in all cases there shall be at least 50 feet from the front lines of parking lots to the street right-of-way. Parking in the front of the building shall not exceed 10 percent of the required spaces except for lots along arterials and collectors where this restriction shall not apply. All parking shall conform to Section 706 D.4., 5. and 6., Lot and Area Requirements, of this Ordinance.

4. Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities prescribed in the Ordinance are insufficient to handle all such trucks waiting to use said facilities.

F. Off Street Loading/Unloading and Storage

Space for off-street loading/unloading and storage shall be required in the following manner and in accordance with other sections of the Ordinance governing loading requirements.

1. Off-street loading/unloading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to front, side and rear yard clearances as specified in this Zoning Ordinance.

2. All loading/unloading and storage space shall be located on the same property with the permitted use it is intended to serve.

3. All open areas used for storage of any type shall be enclosed by a solid wall or fence. All such solid walls or fences shall be a minimum of seven and a maximum of 15 feet in height and in no case shall storage of materials be permitted to exceed the height of the fence. Storage shall be limited to materials in accordance with the standards of the Pennsylvania Department of Environmental Protection, the U.S. Environmental Protection Agency and State Fire Marshall regulations.

4. In no case shall storage spaces or loading/unloading facilities be permitted in the front of any main building.

5. All loading/unloading facilities, if operated between the hours of 6:00 p.m. and 7:00 a.m., shall be located a minimum of 300 feet from any Residential District boundary.

6. Sufficient area shall be provided for loading/unloading and storage of motor vehicles used in the conduct of the business or industrial activity.

G. Signs and Lighting Requirements

1. Signs:

a. Only identification signs identifying the name and business of the persons or firms occupying the premises shall be permitted. Advertising signs, billboards, or other signs, except those specifically permitted, are prohibited. No free standing sign shall be larger than 40 square feet. No wall mounted sign shall be larger than 100 square feet. These restrictions shall not apply to informational signs at the entrance to the Industrial Park.

b. Identification signs shall generally be placed upon the outside walls of the buildings, but shall not extend above the line of the roof meeting the wall. However, identification signs may be placed within the front yard set-back area when they are constructed and designed to be a part of the landscaping element and provided that they are not placed within any applicable clear site distance. All other signs within the front yard set-back area, signs painted on exterior faces of buildings or on roofs or fences, flashing or moving signs are prohibited. Signs shall not be placed or externally illuminated in a manner which casts glare or is otherwise detrimental to neighboring occupancies or to the safe movement of traffic.

c. No sign shall be located within 100 feet of any intersection unless affixed to a building and not extending more than three feet beyond the same. This shall not apply to information signs within the Industrial Park so long as it is not violative of subsection d of this section and any clear site triangle setback requirement.

d. No sign shall be erected or maintained in any yard which will in any way obstruct a view of any street intersection or otherwise create a traffic hazard.

e. Building and zoning permits shall be required for any exterior signs.

H. Landscaping Standards

The following landscaping standards shall be adhered to:

1. The landscaping requirements shall apply to all yards as described in Section 706 D. of this Ordinance.

2. All areas not paved shall be screened by landscaping from public view with shrubs or trees and be properly sodded and seeded. All earthen areas shall be protected from erosion.

3. Landscaped yard areas may include the use of flagpoles, screens, terraces, fountains, pools and other water arrangements, and various types of trees and shrubs. All trees, plants and shrubs shall be native varieties that are adaptable to the local soil and climate condition and which blend with existing natural growth and shall be compatible with adjacent landscaped areas, in the option of a qualified landscape architect or horticulturist.

a. One tree (Maple, Oak, Honeylocust, etc.) shall be placed or planted for each 50 feet of property abutting a public right-of-way. Trees shall be in place or planted adjacent to the right-of-way (depending on the location of utility easements).

b. One small flowering tree (Dogwood, Crabapple, Hawthorn, etc.) or tall deciduous tree (Maple, Oak, Honeylocust, etc.) shall be in place or planted for each 100 feet of building perimeter. These trees shall be located in the landscaped areas of the site.

c. One small flowering or tall deciduous tree shall be in place or planted for each 12 parking spaces. These trees shall be planted adjacent to the parking areas.

d. The use of shrubs, additional trees, (evergreen, deciduous and small flowering) annuals, perennials, spring flowering bulbs, and ground covers shall be at the owner's option.

e. Minimum size plants which shall be counted in meeting the requirements of a., b. and c. are as follows:

(1) Street or tall deciduous tree: 1 1/2 inch trunk diameter, one foot above ground line.

(2) Small flowering tree: four-five foot plant.

f. The owner is encouraged to keep as many of the existing trees on the site as possible.

g. The owner may elect to treat portions of the site as natural landscaping; by encouraging the preservation or growth of native plants. Plants which can become a nuisance (Japanese Honeysuckle, Multiflora Rose, Autumn Olive, etc.) shall not be planted or maintained on the site unless as part of designated wetlands.

4. All landscaped areas shall be perpetually maintained and in good condition at all times.

5. Landscaping devices shall not obscure the site distances in a manner that may create a traffic hazard. No trees shall be placed within 10 feet of any street right-of-way.

I. Utility Standards

1. Electrical and telephone service may be brought into the Park overhead but shall be brought underground into the individual sites and to the buildings from the nearest available source with the exception of rail-served buildings where overhead service may be permitted. The purchaser or lessee will be responsible for the cost of such underground service. Padmounted electrical transformers and line splitters shall be located and screened so as to prevent viewing from any public street or adjacent property.

2. Any Industrial Park District shall be provided with an adequate water supply for both industrial and fire protection use by service from the Fairview Township Water Authority. The water supply and system shall be constructed in conformance with the specifications and requirements of the supplier.

3. Any Industrial Park District shall be provided with adequate sanitary sewage collection and treatment facilities in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Erie County Department of Health. All sanitary sewer connections shall meet the requirements of the Fairview Township Sewer Authority.

J. Fire Protection Standards

1. Direct and unobstructed access to the perimeter of all buildings shall be provided for emergency vehicles as follows: for buildings under 50,000 square feet -- 50% of the perimeter; buildings over 50,000 square feet but less than 100,000

square feet -- 75% of the perimeter; and buildings larger than 100,000 square feet -- 100% of the perimeter.

2. Any street or driveway shall be considered an access point if located not more than 50 feet from the building served.

3. All means of access must be designated to sustain the weight of emergency vehicles and shall not be less than 18 feet in width.

4. A fire hydrant shall be constructed on any Industrial District site and connect such fire hydrant with such public water system where a public water main is available at a lot boundary or within 1,000 feet of the lot boundary.

K. Visual Buffers

1. Where Industrial Park zoned properties abut Residential Districts along publicly dedicated roads, an earthen visual buffer shall be constructed. The visual buffer shall be no less than 8 feet in height and shall have no greater than a two-to-one (2-to-1) slope on its sides and ends and be no less than six feet wide at its top. It shall be suitably landscaped using crownvetch or other ground cover approved by the Erie County Conservation District to prevent erosion on the slopes.

2. A 25 foot buffer strip shall be established where the Industrial Park District abuts Residential Districts. The visual buffer shall be planted with a mixture of Hemlock and Red Maple trees one inch in diameter interspersed with Red Osier Dogwood shrubs. All tree plantings shall be no closer than 12 feet. Hardwoods and softwoods shall be mixed to provide a pleasing appearance. Developer shall maintain buffer strip for two full growing seasons to allow the buffer plantings to develop their growth potential.

3. Visual buffers shall be maintained and kept in good repair at all times.

Section 707 I-3 HEAVY INDUSTRIAL DISTRICT

A. Principal Uses

1. Wholesale, warehousing and storage.
2. Building materials supply.
3. Distributing plant, beverage, bottling or distribution.

4. Laboratories devoted to research design, experimentation processing and fabrication incidental thereto.

5. Printing, publishing and allied processes.

6. Utility, communication, electric and gas company operations.

7. Highway freight, transportation and warehousing.

8. Food and kindred products, package, storage and distribution.

9. Cleaning and dyeing works.

10. All assembly, manufacturing, compounding, processing, packaging or treatment facilities within all federal, State and County requirements.

a. All storage associated with principal uses 1. through 10. shall comply with storage provisions, as specified under the use provisions 11. through 13., when applicable.

11. Storage of material may be permitted provided:

a. The storage is limited to 50 feet from front property lines and 15 feet from side and rear yard property lines.

b. The storage area is completely enclosed by sight-obscuring screen being a masonry wall, wooden fence, chain-link fence with filler strips or compact evergreen hedge or vines, at least eight feet in height and kept in repair at all times.

c. The height of the material stores shall not be greater than the height of the screen.

12. Junkyards are permitted provided:

a. Site is completely enclosed by a sight-obscuring screen being a masonry wall, wooden fence, chain-link fence with filler strips or compact evergreen hedge or vines at least eight feet in height and kept in repair at all times.

b. The site contains one entrance and one exit less than 30 feet in width.

- c. Storage is limited to non-organic material.
- d. The site is located in a minimum of 200 feet from any adjoining District.
- e. The site is located a minimum of 100 feet from any street line.
- f. Off-street parking is provided within the site enclosure.
- g. On-site burning or incineration of vehicles is prohibited unless said burning is carried out in a completely enclosed incinerator as approved by the Township Fire Department and/or Department of Environmental Protection.
- h. The height of the material stored shall not be greater than the height of the screen.

13. Landfill/transfer station and concrete/asphalt processing facilities and mineral extraction including coal, limestone, sand, gravel, salt and other open-pit subsurface activities are permitted and shall meet the following requirements:

- a. These uses shall be limited to land parcels greater than five acres in size.
- b. There shall be a minimum 50 foot front, side and rear lot line setback for open-pit mineral extraction up to 20 feet deep. The setback requirement shall be increased two feet for each additional foot of depth in excess of 20 feet.
- c. The excavation area shall be back filled and re-vegetated in such a manner as to permit future reuse of the land.
- d. The mineral extraction process including cuts, slopes and embankments shall be in accordance with appropriate State open-pit mineral extraction safety requirements of the Pennsylvania Department of Environmental Protection.
- e. The certification by the processing and/or extracting industry that operations will be conducted in conformance with appropriate State requirements.
- f. Landfill, transfer station and recycling separation requirements are also as follows:
 - (1) A buffer zone of 200 feet from all public rights-of-way and Residential Districts.

(2) A sight-obscuring screen being a masonry wall, wooden fence, chain-link fence with filler strips or compact evergreen hedge or vines at least eight feet in height and kept in repair at all times shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.

(3) The access shall consist of no more than two access routes, unless the landfill property borders three or more street rights-of-way.

(4) A Bond shall be filed with the Fairview Township Board of Supervisors (amount to be determined by Fairview Township Engineer) to provide for final covering and reclamation as specified under the provisions set in accordance with the approval of the Pennsylvania Department of Environmental Protection permit for landfill, transfer station or recycling separation.

(5) Copy of approval and permit by the Pennsylvania Department of Protection, Bureau of Land Recycling and Waste Management and in conformance with the Pennsylvania Solid Waste Management Act shall be filed with the Fairview Township Board of Supervisors before a zoning permit may be issued.

14. Outdoor Billboard Advertising:

- a. Minimum of 750 feet between structures.
- b. Minimum building line of 50 feet.
- c. Maximum area of 300 square feet (12 feet x 25 feet) per advertisement facing.
- d. Maximum of two advertisement facings per location.
- e. Minimum of one off-street parking space.
- f. Maximum height of 22 feet above the road grade.

(1) Road Grade - elevation at billboard location on center line of road.

(2) Facings shall not be stacked.

g. The use of billboards with moving devices, intermittent lighting or billboards similar to traffic control devices are prohibited.

h. All billboards must be constructed of durable materials, kept in repair and not allowed to become dilapidated. Each billboard shall be removed when the circumstances leading to its erection no longer apply.

B. Accessory Uses

1. Signs. See Supplementary Regulations, Section 827.
2. Other accessory uses customarily incidental to a permitted principal use.

C. Lot and Area Requirements

1. Minimum lot area - one acre.
2. Minimum lot width - 135 feet.
3. Minimum front yard.
 - a. 50 feet along Township streets.
 - b. 100 feet along State roads.
4. Minimum side yard.
 - a. 25 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use - the height of the structure but no less than 25 feet.
5. Minimum rear yard.
 - a. 50 feet.
 - b. 100 feet adjoining a Residential District.
 - c. Accessory use - the height of the structure but no less than 25 feet.
6. Maximum building height - 50 feet with the following exceptions:

Chimneys, water tanks, communication towers and antennae, ventilators and other similar structures, whether of not accessory to building or appurtenant thereto may be erected to a height exceeding 50 feet provided they are in compliance with the applicable federal regulations relative to objects affecting navigable air space.

7. Maximum building lot coverage - 50 percent.
8. No street entrance or exit for vehicles and no portion of equipment shall be located:
 - a. Within 200 feet of a street entrance or exit of any school, park or playground conducted and/or attended by children.
 - b. Within 75 feet of an adjacent lot in a Residential District.
9. No equipment above surface of ground shall be parked or stored closer than 25 feet to any property line.
10. The width of any entrance driveway leading from the public street to such use shall not exceed 130 feet at its intersection with the curb line or edge of pavement, and grade level shall be maintained for a distance of 100 feet into the lot.
11. No two driveways leading from a public street to such use shall be within 50 feet of each other at their intersection with the curb or street line.
12. Parking and vehicle access shall be so arranged such that there will be no need for the motorist to back over a sidewalk or into a street.

D. Off-Street Parking and Loading Requirements

1. Parking requirements: one space for every 800 square feet of floor area and one space for each employee on maximum work shift.
2. Loading requirements: one unit for each 3,000 square feet of floor area.

Section 708 A-1 RURAL DISTRICT

A. Principal Uses

1. Single-family detached dwellings.

2. Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated, recreational uses.

3. Educational, religious and philanthropic uses may be permitted as a special exception by the Zoning Hearing Board.

4. Municipal or civic buildings, public libraries and museums, and fire and police stations.

5. Cemeteries and mausoleums.

6. Horticulture with the sale of products. Only one roadside stand selling products produced on the premises is permitted provided:

a. The structure is temporary with dimensions limited to four feet in height, eight feet in width and 16 feet in length.

b. There shall be a minimum of four off-street parking spaces paralleling the right-of-way.

c. The structure shall not be erected prior to May 1 nor in use later than November 1 of any year.

B. Accessory Uses

1. Private garages or parking areas.

2. Household pets.

3. No-impact Home-Based Business.

4. Home gardening without the sale of products (non-commercial), and with the sale of products (roadside stand).

5. Signs. See Supplementary Regulations, Section 827.

6. Home occupations. See Supplementary Regulations, Section 828.

7. Horses and/or ponies are permitted provided:

a. The minimum lot area is three acres free of wetlands, floodplains or steep slopes.

- b. One horse or one pony per acre of lot area.
 - c. The lot area used by such animals is completely enclosed by a fence or other method of enclosure located a minimum of 50 feet from any lot line.
 - d. The animals are housed only for the recreation use of the individuals living on the premises.
 - e. Animal excretions are stored or stockpiled for no longer than a one-month period of time.
 - f. Accessory buildings housing the animals are located a minimum of 100 feet from any lot line.
8. Other accessory uses customarily incidental to a permitted principal use.

C. Lot and Area Requirements

- 1. Minimum lot area.
 - a. Single-family detached dwellings - one acre.
 - b. Other permitted principal uses - two acres free of wetlands, floodplains or steep slopes.
- 2. Minimum lot width.
 - a. Single-family detached dwellings - 135 feet.
 - b. Other permitted principal uses - 170 feet.
- 3. Minimum front yard - 35 feet.
- 4. Minimum side yard.
 - a. Principal use - 24 feet total, 10 feet minimum one side.
 - b. Accessory use - 10 feet.
 - c. Street side on corner lot - 20 percent of lot width or 35 feet whichever is less.

5. Minimum rear yard.
 - a. Principal use - 40 feet.
 - b. Accessory use - 10 feet.
6. Maximum building height - three stories or 40 feet.
7. Maximum building lot coverage.
 - a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.
8. Minimum lot depth - 200 feet.
9. Maximum lot depth to width ratio - three to one.

D. Off-Street Parking Requirements

1. A minimum of two off-street parking spaces per family dwelling unit.
2. Section 708 A.2. and 5. uses: one space per 2,000 square feet of gross lot area.
3. Section 708 A.3. and 4. uses: one space for each three seats of assembly use and one space for each employee on maximum work shift.

Section 709 A-2 AGRARIAN DISTRICT

A. Principal Uses

1. Single-family detached dwellings.
2. Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated, recreational uses.
3. Educational, religious and philanthropic uses.
4. Municipal or civic buildings, public libraries and museums, and fire and police stations.

5. Cemeteries and mausoleums.

6. All agricultural and related activities including dairy farming, farming, pasturage, horticulture, floriculture, animal and poultry husbandry, and commercial uses, such as riding academies, stables, kennels and zoos, within federal, State and County requirements.

7. Private clubs, lodges and recreational buildings and/or facilities.

8. Private airstrips and airports.

9. Mobile home parks. See Supplementary Regulations, Section 829.

10. Mobile homes are permitted outside a mobile home park, provided:

a. The mobile home shall be placed on a lot in compliance with all requirements of a single-family detached dwelling in the A-2 Agrarian District.

b. The entire mobile home shall be anchored for safety reasons to a permanent foundation, as defined in this Ordinance.

c. The entire mobile home shall be skirted for safety reasons by fire resistant skirting, as delineated in the Pennsylvania Construction Code Act and regulations promulgated thereunder.

11. Travel trailer parks. See Supplementary Regulations, Section 830.

B. Accessory Uses

1. Private garages or parking areas.

2. Household pets.

3. The growing and selling (either at retail or wholesale) of products raised on the premises including the use of roadside stands.

4. Signs. See Supplementary Regulations, Section 827.

5. No-Impact Home-Based Businesses.

6. Home occupations. See Supplementary Regulations, Section 828.

7. Agricultural related structures such as greenhouses, chicken coops, cow barns, silos, corncrubs, smokehouses, temporary sawmills, and temporary housing for agricultural workers.

8. Other accessory uses customarily incidental to a permitted principal use.

9. Horses and/or ponies are permitted provided:

a. The minimum lot area is three acres free of wetlands, flood plains or steep slopes.

b. One horse or one pony per acre of lot area.

c. The lot area used by such animals is completely enclosed by a fence or other method or enclosure located a minimum of 50 feet from any lot line.

d. The animals are housed only for the recreational use of the individuals living on the premises.

e. Animal excretions are stored or stockpiled for no longer than a one-month period of time and placement shall follow the accessory use setbacks of subsection c of this section.

f. Accessory buildings housing the animals are located a minimum of 100 feet from any lot line.

C. Lot and Area Requirements

1. Minimum lot area.

a. Agricultural and related activities - 10 acres.

b. Single-family detached dwellings - two acres.

c. Other principal permitted uses - three acres free of wetlands, floodplains or steep slopes.

2. Minimum lot width.

a. Agricultural and related activities - 400 feet.

- b. Single-family detached dwellings - 170 feet.
 - c. Other principal permitted uses - 200 feet.
3. Minimum front yard - 40 feet.
4. Minimum side yard.
- a. Principal use - 50 feet total, 20 feet minimum one side.
 - b. Accessory use - 10 feet.
 - c. Street side on corner lot - 20 percent of lot width or 35 feet, whichever is less.
5. Minimum rear yard.
- a. Principal use - 80 feet.
 - b. Accessory use - 10 feet.
6. Maximum building height - three stories or 40 feet or as specified elsewhere in this Ordinance.
7. Maximum building lot coverage.
- a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.
8. Minimum lot depth - 250 feet.
9. Maximum lot depth to width ratio - three to one.

D. Off-Street Parking Requirements

- 1. A minimum of two off-street parking spaces per family dwelling unit.
- 2. Section 709 A.2. and 5. uses: one space per 2,000 square feet of gross lot area.
- 3. Section 709 A.3., 4. and 7.: one space for each three seats of assembly use and one space for each employee on maximum work shift, and 12 spaces per hole for a golf course.
- 4. Section 709 A.6. and 8. uses: one space for each employee on maximum work shift, and four spaces for a roadside stand.

A. Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public and private funds for flood and coastal erosion protection and relief, the impairment of the tax base and provide for the reservation and preservation of recreation lands by:

1. regulating uses, activities, and development which, acting along or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies, and coastal erosion problems.
2. prohibiting any use, activity and/or development that adversely affects the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
3. requiring that all those uses, activities, and developments that do occur in flood-prone and erosion-prone areas to be protected and/or flood-proofed against flooding and erosion damages.
4. protecting individuals from buying lands and structures which are unsuited for their intended purposes because of flood and erosion hazards and/or reserved for recreation purposes.

B. Warning & Disclaimer of Liability

The degree of protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study and delineation. Larger floods or greater amounts of erosion may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain and coastal hazard areas, or that land uses permitted within such districts will be free from flooding or erosion damages.

This Ordinance shall not create liability on the part of Fairview Township or any officer or employee thereof for any flood or erosion damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

C. District Provisions

1. Floodway Area (FW):

a. In the Floodway Area, structures shall not be permitted.

b. In the Floodway Area, the following uses and activities may be permitted provided they are not prohibited by any other ordinance; they do not require structures, fill, or storage of materials and equipment; they comply with the adjacent zoning district and they comply with the Pennsylvania Flood Plain Management Act, as amended:

(1) Parks, playgrounds and other publicly owned and/or operated, and subdivision owned and/or operated, recreational uses.

(2) Educational, religious and philanthropic uses.

(3) Private clubs, lodges and recreational uses.

(4) Agricultural and related activities.

(5) Accessory uses in all zoning districts.

c. No development of land will be permitted if a rise in the 100 year flood level may occur, and construction less than 50 feet from the top of the stream bank may require a PADEP permit from the Bureau of Dams and Waterway Management.

2. Flood-Fringe Area (FF) and Approximate Flood Plain Area (AFA):

a. In the Flood-Fringe and Approximate Flood Plain Areas, structures may be permitted. The setback requirements for any structures shall be those of the nearest adjacent zoning district to the structure.

b. In the Flood-Fringe and Approximate Flood Plain Areas, the following uses and activities may be permitted provided: they are not prohibited by any other ordinance; they comply with the flood proofing and related provisions contained in this Ordinance; they comply with the adjacent zoning district; and they comply with the Pennsylvania Floodplain Management Act, as amended.

(1) Principal uses in all zoning districts.

(2) Accessory uses in all zoning districts.

c. Design and construction of any structures shall meet the requirements of the Pennsylvania Construction Code Act and the rules and regulations

promulgated thereunder. In the event the proposed structure is exempt from the requirement of said Construction Code Act, then the following provisions shall apply:

(1) The following provisions of this section shall apply to all construction or development occurring within any flood area.

(2) Residential structures: Within any Flood-Fringe or Approximate Flood Plain Area, the basement or lowest floor of any improved residential structure shall be at least 1 1/2 feet above the 100 year flood elevation. Construction less than 50 feet from the top of the stream bank may require a PADEP permit from the Bureau of Dams and Waterway Management.

(a) Within any Approximate Flood Plain Area, manufactured homes shall be prohibited within the area measured 50 feet land-ward from the top-of-bank of any watercourse.

(b) Where permitted within any Approximate Flood Plain Area, all manufactured homes and any additions thereto, shall be:

(i) Placed on a permanent foundation.

(ii) Elevated so that the basement or lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of to resist flotation, collapse or lateral movement.

(c) Enclosed areas, including basements, are prohibited below the lowest permitted floor.

(3) Non-residential structures: Within any Flood-Fringe Area or Approximate Flood Plain Area, the basement or lowest floor of any new or improved non-residential structure shall be at least 1 1/2 feet above the 100 year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction during any flood up to that height. Construction less than 50 feet from the top of the stream bank may require a PADEP permit from the Bureau of Dams and Waterways Management.

(a) Fill:

If fill is used, it shall:

(i) Extend out from the exterior of the building or structure for a distance of at least 15 feet.

(ii) Consist of soil or small rock minerals only. Sanitary landfills shall not be permitted.

(iii) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

(iv) Be no steeper than one vertical or two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer, with review of the Township Engineer.

(b) Placement of buildings and structures:

(i) All buildings and structures shall be constructed and placed so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters, but not less than 50 feet from the top of the stream bank without a PADEP permit from the Bureau of Dams and Waterway Management.

(ii) All buildings and structures shall also be constructed and placed so as to avoid or minimize erosion problems and damages. In so doing consideration shall be given to the effect any proposed development may have upon any existing or potential erosion-prone areas or conditions, but not less than 50 feet from the top of the stream bank without a PADEP permit from the Bureau of Dams and Waterway Management.

(c) Anchoring:

(i) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or other movement.

(ii) All air ducts, large pipes and storage tanks located at or below the Regulatory Flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

(d) Floors, walls & ceilings:

Where located below the Regulatory Flood Elevation:

(i) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(ii) Plywood shall be of any "exterior" or "marine" grade and of a water-resistant or waterproof variety.

(iii) Walls and ceilings in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.

(iv) Window frames, door frames, door jams and other components shall be made of metal or other water-resistant material.

(e) Electrical systems:

(i) All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the Regulatory Flood Elevation.

(ii) No electrical distribution panels shall be allowed at an elevation less than three feet above the level of the 100 year flood elevation.

(iii) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(f) Plumbing:

(i) Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the Regulatory Flood Elevation.

(ii) No part of any on-site sewage system shall be constructed within any designated flood plain districts.

(iii) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the systems into flood waters.

(iv) All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into systems and discharges from

the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(g) Paints & adhesives:

Where located below the Regulatory Flood Elevation:

(i) Adhesives shall have a bonding strength that is unaffected by inundation (i.e. "marine" or water-resistant quality).

(ii) All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.

(iii) Paints or other finishes shall be capable of surviving inundation (i.e. "marine" or water-resistant quality).

(h) Storage:

(i) No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be stored below the Regulatory Flood Elevation or in any Coastal and Bluff Recession Hazard Area (CA).

(i) Drainage facilities:

Storm drainage systems and facilities shall:

(i) Be designed to convey the flow of surface waters without damage to persons or property.

(ii) Ensure drainage at all points along streets.

(iii) Provide for positive drainage away from buildings.

(iv) Be designed to prevent the discharge of excess runoff onto adjacent properties.

(v) Not cause any increase in the erosion of any property, or increase in sedimentation of any waterbody or watercourse.

(j) Sanitary sewer facilities:

(i) All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems), shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood and erosion damage and impairment.

(k) Water facilities:

(i) All new or replacement water facilities, and private package water treatment plants (including all wells and distribution systems), shall be designed to minimize or eliminate infiltration of flood waters into the system. In addition, they should be located and constructed to minimize or eliminate flood and erosion damage and impairment.

(l) Utilities:

(i) All utilities, such as gas lines, electrical, cable and telephone systems, being placed in the A-3 Conservation District should be located, elevated (where possible), and constructed to minimize or eliminate flood and erosion damage and impairment.

3. Coastal and Bluff Recession Hazard Area (CA):

a. In the Coastal and Bluff Recession Hazard Area, the following uses and activities may be permitted provided: they are not prohibited by any other ordinance; they do not require structures, fill, or storage of materials and equipment (except stream or lake bank stabilization devices); they comply with the adjacent zoning district and they comply with the Pennsylvania Coastal Zone Management Act, as amended.

(1) Parks, playgrounds and other publicly owned and/or operated, and subdivision association owned and/or operated, recreational uses.

(2) Educational, religious, and philanthropic uses.

(3) Private clubs, lodges and recreational uses.

(4) Agricultural and related activities.

(5) Accessory uses in all zoning districts.

(6) Installation of stream or lake bank stabilization devices upon approval by the Township Engineer.

b. The following uses and activities may be permitted as a Special Exception by the Zoning Hearing Board provided that they are not prohibited by any other ordinance and they comply with the adjacent zoning district:

(1) Water-related uses and activities such as marinas, docks, wharves, piers, etc., in the Coastal Area, but not in Bluff Recession Hazard Area.

(2) Structures or utility facilities are permitted only for: bluff recession control devices designed to reduce bluff recession, water withdrawals or discharge lines, power cables, natural gas or oil pipelines, communication cables or other public service lines which require access through the Coastal and Bluff Recession Hazard Areas to Lake Erie.

(3) To achieve adequate protection of the bluff, any construction activities shall occur in a manner that minimizes potential short and long-term disruption of the bluff recession hazard area. The activity shall be in conformity with the Erosion and Sedimentation Control Provisions of the Erie County Conservation District, PADEP Rules and Regulations, 25 Pa. Code, Chapter 102, and shall comply with the requirements contained in the Fairview Township Stormwater Management Ordinance.

(4) To help ensure that all construction activities do not cause increased sediment and turbidity levels on Lake Erie and its tributaries, all activities shall comply with the Erosion and Sedimentation Control Provisions of the Erie County Conservation District, and PADEP Rules and Regulations, 25 Pa. Code, Chapter 102.

(5) The area of the construction site shall be reestablished to ensure that subsequent erosion will not damage the structure or harm the environment or adjacent properties.

c. A special exception may be granted for a substantial improvement of a structure on a parcel (for purposes of this section 710.C.3., these terms being defined at 32 P.S. 5203) so long as the structure was established prior to September 27, 1980, and where the parcel does not have adequate depth considering the minimum bluff setback requirements to provide for any reasonable use of the land. The variance shall be authorized when the following standards and criteria are met:

(1) The structure and all associated structures and utility facilities shall be located on the property as far landward of the bluff line as allowed by other municipal ordinances.

(2) The improvement must be attached to the existing structure in a manner so that it is as far landward of the bluff setback line as possible.

(3) The improvement must be a structure designed and constructed to be movable. Second floor additions are considered as an exception to requirements for movable construction.

d. Alteration or addition to existing structures in this area may also be permitted provided:

(1) The value of the improvement to a structure shall not exceed 50% of the market value of the structure prior to the improvement.

(a) Value shall be established by filing an appraisal performed by a licensed real estate appraiser familiar with Erie County and Fairview Township values at the time of application. Said appraisal shall limit future improvements to the structure for a five year period at such time a new appraisal and application may be filed.

e. Improvements to a structure to comply with existing minimum State or local health, sanitary, or safety specifications which are solely necessary to assure safe living conditions shall be exempt from the 50% improvement maximum established above.

4. The minimum width of the A-3 Conservation District is as provided:

a. Flood Area from the center of the stream (or the 100 year floodplain, which is wider):

(1) Walnut Creek - 150 feet.

(2) Elk Creek - 150 feet.

(3) Trout Run - 50 feet.

(4) Bear Run - 50 feet.

(5) Brandy Run - 50 feet.

- b. Coastal Area from the edge of the Lake Erie bluff: 100 feet.
- c. Recreational Area: as designated on the Fairview Township Zoning Map.

ARTICLE VIII

SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

Section 800 ESSENTIAL SERVICES

Essential services as defined in this Ordinance shall be permitted in all Districts, subject to the restrictions recommended by the Planning Commission with respect to use, design, yard area, setback and height.

Section 801 BUILDING SETBACKS

Where one or more preexisting buildings are located on both lots adjacent to the lot upon which the proposed building is to be constructed and within one hundred fifty (150) feet of the common property boundary with the lot upon which the proposed building is to be constructed, the setback of the proposed building shall conform with the average setbacks of the preexisting principal structures.

Section 802 LOT AREA MEASUREMENT

For the purpose of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six times the average width of the lot may be utilized in calculations.

Section 803 REDUCTION IN LOT AREA

No lot area though it may consist of one or more adjacent lots of record shall be reduced in area so that the yard lot area per family, lot width, building area or other requirements of this Ordinance are not maintained, public utilities excepted.

Section 804 YARD REQUIREMENTS

The following may project into the required yard as established herein:

- A. Steps or stoops not exceeding 24 square feet in area.
- B. Eaves, chimneys, cornices and belt courses not exceeding two feet.
- C. Open fire escapes not exceeding 54 inches.

Section 805 HEIGHT MEASUREMENT

Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:

- A. In the case of flat roof structures: highest point of coping.
- B. In the case of mansard roof structures: deck line of roof.
- C. In the case of gable or hipped roof: average height of room. A habitable attic shall be counted as a story.

Section 806 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes or similar projections not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, public utility facilities, bulk heads, silos, antenna and other necessary mechanical and operational apparatus usually carried above the roof level, except: where such structures would encroach into the Airport Approach Height Limitation Zones.

Section 807 CELLAR DWELLINGS

No living quarters shall be placed in a basement structure or in any other room or space having less than 3 1/2 feet of ceiling clearance above the average ground level, except earthen design homes as a special exception by the Zoning Hearing Board, with a certified architectural site plan and drainage plan in addition to the required forms.

Section 808 DWELLING ON SMALL LOTS

Subject to the limitations imposed by the other provisions of this Ordinance, the Zoning Hearing Board may permit the erection of a dwelling on any existing lot in a Residential or Agricultural District where permitted by this Ordinance with a lot area or lot width smaller than that required for a single-family dwelling.

It is the expressed intention of Fairview Township that, due to the limitations presented by small lots, that the granting of variances, in particular related to setbacks, open space and height restrictions, should not be granted. It shall be the responsibility of the Zoning Hearing Board to review all proposed permits under this Section with the Planning Commission within one month before the issuance of said permit and obtain approval of the Planning Commission.

**Section 809 MOBILE HOME AND CAMPING AND RECREATIONAL
EQUIPMENT STORAGE**

Trailers as defined within the terms of this Ordinance and including mobile homes, travel trailers, pick-up coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:

- A. Mobile homes may be parked and occupied in the A-2 Agrarian District when in compliance with Section 709 and Section 816.
- B. Mobile homes may be parked or stored only in B-2 Highway Commercial District sales lots or in any Industrial District.
- C. At no time shall parked or stored camping and recreational equipment be occupied or used for living or housekeeping purposes.
- D. Camping and recreational equipment may be parked on a residential property in Residential or Agricultural Districts provided a temporary trailer parking permit is obtained. Temporary trailer parking permits shall be limited to a maximum of one consecutive two-week period in any one calendar year.
- E. The storing of camping and recreational equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion of the lot behind or to the side of the principal building, but not extending beyond the front of the principal building.

Section 810 MINERAL EXTRACTION

The commercial drilling of oil or gas wells is permitted in all Zoning Districts, except the R-1 Village and the A-3 Conservation Districts, as a special exception by the Zoning Hearing Board subject to the following provisions:

- A. All such drilling operations shall be subject to the rules and regulations of the Pennsylvania Oil and Gas Act 223 of 1984, as may be amended from time to time.

- B. Any permits required pursuant to the aforementioned Act must also be submitted to the Fairview Township Zoning Officer.
- C. Exploration sites shall be a minimum of 660 feet from all leased property lines.
- D. A Road Bond may be required for equipment transporting over municipal roads to an amount specified by the Township Engineer.
- E. Well site and pit area shall be completely fenced with an 8' chain link fence upon removal of the drilling rig from the site.
- F. Pit areas are to be plastic lined to prevent wastewaters from affecting the ground or surface water.

The extraction of minerals such as granite, limestone, coal, sand or gravel is permitted in all Industrial and the A-2 Districts as a special exception by the Zoning Hearing Board.

Section 811 FENCES OR HEDGES

Fences, hedges or other plantings, temporarily parked or stored recreational vehicles, structure or walls shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three feet, measured from the center of road elevation within the clear sight triangle. The clear sight triangle is a triangular area of unobstructed vision on corner lots formed by a 120-foot sight line along the center of the arterial or collector street, by a 100-foot sight line along the center of the right-of-way for a minor street, except 70 foot line along minor streets in residential subdivision, and by a line joining these two sight lines at the greatest distance from their intersection.

Residential: Front yard fencing shall not be greater than four feet in height. Side and rear yard fencing shall not be greater than eight feet in height, except for tennis courts.

Commercial: Front, side and rear yard fencing shall not be greater than 12 feet in height with a 10 foot setback from the right-of-way.

Industrial: Front, side and rear yard fencing shall not be greater than 12 feet in height with a 10 foot setback from the right-of-way.

Section 812 STORAGE

No lot or premises shall be used as a garbage dump or a dead animal rendering plant except in the I-3 Heavy Industrial District. No manure, rubbish or miscellaneous refuse may be stored in the open within any District where the same may be construed as a menace to public health or safety. No exceptions shall be made unless by amendment of the Zoning Ordinance. The location of collection facilities shall be constructed to shield the view from the general public by being incorporated into the principal structure or a portion of an accessory structure on the lot.

Section 813 TEMPORARY STORAGE FACILITY

Temporary storage facilities (including but not limited to, tractor trailer box units and covered and completely enclosed other trailer units), may receive a temporary zoning permit for up to 30 days. When such a permit is issued a time schedule for removal and the reason for the temporary use must be provided. No permanent permit will be issued for such purpose. All such units must be kept in good repair located to the rear yard of the property.

All such units must also comply with all yard requirements of the district in which they are located. All such units may be temporarily permitted per calendar year in districts as follows:

	Residential "R"	Business "B"	Industrial "I"	Agricultural "A"
Permit Period (Days)	30	60	60	60
Allowable Renewal	1	1	1	1

Section 814 SWIMMING POOLS

Private swimming pools are permitted only when located in the rear yard and shall comply with the requirements of the Pennsylvania Construction Code. Amended 9/21/06 by Ord. No. 2006-1.

Section 815 COMMERCIAL EQUIPMENT STORAGE

Commercial equipment with or without signs including business vehicles, trucks or vans of over one-ton capacity, tandems, tractor-trailers, semi-tractors or other commercial or construction or cargo-moving vehicles except farm equipment shall not under any conditions be stored or parked in any Residential District. Business vehicles with or without signs, limited to one, of one-ton or less capacity may be permitted for each residential dwelling.

Section 816 MINIMUM FLOOR AREA PER DWELLING UNIT

Any permanently located dwelling unit (to be used by the same family for over 60 days) shall have a minimum gross floor area of 1,000 square feet: for one-story dwelling units, 1,000 square feet on the first floor; and for two-story dwelling units or split level dwelling units, a minimum of 500 square feet on the first floor; within the original structural design exclusive of porches, patios, decks, breezeways, garages, carports, sun porches or other similar structural additions.

Section 817 HELIPORTS AND HELISTOPS

- A. Heliports are permitted in any Industrial District.
- B. Helistops are permitted in all Zoning Districts, except the R-1 Village and A-3 Conservation Districts.
- C. Heliports and/or helistops shall comply with the rules and regulations, inspection and licensing procedures of the Bureau of Aviation of the Pennsylvania Department of Transportation (PennDOT) and any approvals and clearances that may be required by the Federal Aviation Administration (FAA).
- D. Minimum Landing Area Guidelines
 - 1. The minimum tract size for heliports and/or helistops shall be of sufficient size to meet the requirements of items 2. and 3. below.
 - 2. Minimum size of the landing area should be approximately 200 feet square or a circle with a diameter of 200 feet.
 - 3. The land pad should be a minimum size of 60 feet square and have a hard surface area two times the rotor diameter.

4. The site should be approachable from at least two sides, and provide sufficient clearance as to allow take-offs and landings from the outer limits of the touch down pad of an eight-to-one ratio. The approach lanes for these landing facilities shall be considered or defined as an eight-to-one incline plane in the direction of the designated approach and departure flight paths which shall be 200 feet in width and shall extend outward 500 feet from the outer edge of the landing pad.

5. A site located adjacent to water shall have a boat, such as a rowboat tied at the landing area to aid possible rescue operations.

6. A wind direction indicator shall be provided. In the case of night operation, the navigation facility shall be lighted.

E. Permits

1. A Zoning Permit for a heliport or helistop shall be issued by the Zoning Officer when the following conditions are met:

a. Proof that the site has been inspected by the Bureau of Aviation of the Pennsylvania Department of Transportation and complies with the appropriate regulations, and proof of any clearances or approvals that may be required from the Federal Aviation Administration (FAA).

2. A Zoning Permit shall be deemed revoked when one or more of the following conditions occur:

a. PennDOT Bureau of Aviation revokes the license or refuses to re-license the facility after one of its periodic inspections;

b. the FAA withdraws or revokes its approval or clearance, if initially required, and/or

c. thirty days after the Zoning Officer notifies the permit holder at his last known address in writing that the facility no longer complies with the requirements of the Township for initial acquisition of the permit, provided the cited defect has not been rectified within such thirty days.

3. A Zoning Permit shall not be required to take off or land a helicopter in conjunction with a special event such as an athletic contest, holiday celebration, parade or similar activity after reasonable advance notice has been given to the Township of the intention to do so or when necessary for law enforcement purposes and for emergencies.

Section 818 EASEMENTS

No structure, planting or obstruction of any kind shall be placed or allowed to be placed in or on any underground public easement or access easement or interfere in any way with any public easement.

Section 819 LIABILITY

The provisions of this Ordinance are designed to fulfill the objectives cited in Section 200. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and landowners in Fairview Township is considered reasonable for regulatory purposes in the various zoning districts. This Ordinance does not imply that compliance with the minimum requirements or that land uses permitted within such districts will be free from inconvenience, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of individual members of the Board of Supervisors or any officer, appointee or employee of Fairview Township for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 820 CORPORATE HEADQUARTERS

A. Corporate Headquarters Buildings for use of the corporate entity owning said building and real estate for financial, managerial, research, and planning, (non-hazardous proto-type development without manufacturing or warehousing) are permitted in the B-2 Commercial District and in any Industrial District, subject to the following provisions:

1. The corporate entity shall be a duly authorized Pennsylvania Corporation or a Foreign Corporation duly authorized to do business in Pennsylvania.
2. Only the corporate entity owning its real estate and buildings shall occupy same.
3. Corporate entity shall not lease any portion of the premises.
4. No portion of the property shall be used for residential purposes.

Section 821 WATER DISCHARGE

The discharge of sumps, footer drains and water softeners, roof drains and other sources of surface water resulting from the development of lots or parcels onto any roadways or cartways shall not be permitted.

Section 822 CHURCHES

A. Churches are permitted in all Zoning Districts, except the Industrial Districts, provided:

1. Accessory Uses
 - a. Accessory uses customarily incidental to the church are permitted, except dwellings shall not be permitted in the B-2 District and games of chance activities are only permitted in the B-2 District.
 - b. One annual festival or bazaar is permitted where all fundraising activities may occur which are customarily associated with such activity.

2. Off-Street Parking Requirements

- a. No parking or maneuvering within any street right-of-way or on any sidewalk shall be counted as meeting the off-street parking requirements.
- b. Parking requirements: one space for each three seats of assembly use and one space for each employee on maximum work shift.

3. Plan for churches, showing the location and design of all facilities, shall be submitted to the Planning Commission and Board of Supervisors for review and approval prior to the issuance of a zoning permit.

Section 823 USE OF RIGHT-OF-WAYS

Fences, ornamental or decorative, hedges or other plantings, structures or walls excepting mail boxes and paper tubes, placed at the risk of the resident, mounted on anything larger than a four inch by four inch wood post, 1 1/2 inch steel pipe or 1 1/2 inch T-iron shall not be located in the street right-of-way. Driveway pipes may be permitted, when location and size are approved by the Board of Supervisors.

Section 824 RESIDENTIAL STORAGE

Residential lots, 20,000 square feet or less shall have not more than 800 square feet of storage area, including garages and detached storage buildings. Residential lots over 20,000 square feet and less than one acre shall have not more than 1,000 square feet of

storage area, including garages and detached storage buildings. Residential lots one acre or more and less than two acres shall not have more than 1,200 square feet of storage area, including garages and detached storage buildings. Any residential lot exceeding the provisions of this Section may be permitted as a special exception by the Zoning Hearing Board. Conditions to be considered in determining approval shall be: type of use, density of surrounding area, type of construction, size of structure including height, exterior lighting, setback requirements and open space, land use of surrounding area, and access of topography of a lot.

Section 825 AIRPORT HEIGHT LIMITATION

Structures and trees shall be limited in height in accordance with provisions as established in the Fairview Township Airport Height Limitation Ordinance in addition to the provisions of this Ordinance. Lighting and electrical communications shall be prohibited from interfering with aircraft intending to use the airport.

Section 826 PERFORMANCE STANDARDS

All permitted uses must comply with the performance standards of the Township of Fairview as contained in the Fairview Township Performance Standards Ordinance.

Section 827 SIGNS

A. Signs are permitted in the R and A Districts provided:

1. Temporary signs such as signs advertising the sale, rental or development of property, temporary signs indicating the location and direction of premises and not exceeding four square feet in area temporary signs erected by churches, schools, civic organizations or other similar institutions provided the area of the sign does not exceed 12 square feet are permitted. No temporary signs shall be erected or displayed for more than six months in any one calendar year.
2. Permanent signs erected by agricultural uses and by churches, schools, civic organizations or other similar institutions shall not exceed 12 square feet in area.
3. Permanent signs designating recreational facilities shall not exceed 32 square feet in area.

4. All signs shall be located a minimum distance of 10 feet from the street right-of-way. Signs may have a reflective surface, or may be illuminated from the front or rear.

5. The bottom-most part of the sign shall not exceed two feet above ground grade if not attached to a structure. No sign, permanent or temporary, shall be installed in the clear sight triangle if it is in conflict with sight line and clear sight triangle requirements of the Fairview Township Subdivision Ordinance.

6. Stationary signs and billboards shall be regarded as structures within the meaning of this Ordinance. Advertising display, on an agricultural barn or other building or surface, shall be included as stationary signs.

7. No more than three signs per land parcel and not exceeding 25 square feet in cumulative area for the three signs and shall be related to the sale of farm products produced thereon.

8. In addition to the other requirements of this section, every sign referred to herein must be constructed of durable materials, kept in repair and not allowed to become dilapidated. Each sign shall be removed when the circumstances leading to its erection no longer apply.

9. The use of signs and moving devices, intermittent lighting or signs similar to traffic control devices are prohibited.

10. Permanent announcement signs designating home occupations, no-impact home-based businesses, and professional offices such as those of a physician, attorney, engineer or architect, provided such signs do not exceed two square feet in area.

B. Signs are permitted in the B, I-1 and I-3 Districts provided:

1. Three signs per lot including freestanding, projecting or attached having a cumulative total area of 200 square feet for B Districts and 300 square feet for I Districts (either back to back or independently) and used for the following purposes:

- a. Signs advertising the sale, rental or development of property.
- b. Signs indicating the location of premises.
- c. Signs advertising business of services, material use or equipment for rent or sale on the premises.

2. No sign shall exceed the height of 30 feet when attached to a building or 18 feet when freestanding.

3. Except as provided herein, no sign shall extend within 48 inches of a public right-of-way.

4. The use of signs with moving devices, intermittent lighting or signs similar to traffic control devices are prohibited.

5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter are permitted.

6. In addition to the other requirements of this section, every sign referred to herein must be constructed of durable materials, kept in repair and not allowed to become dilapidated. Each sign shall be removed when the circumstances leading to its erection no longer apply.

7. In addition to the other requirements of this section, any B, I-1, and I-3 properties located within 1,000 feet of the intersection of Interstate 90 and Route 98, may have an additional high rise sign not to exceed 100 feet in height and a cumulative total square footage of 1,200 square feet.

C. Signs for non-conforming uses shall comply with all requirements of other districts in which they are normally permitted.

Section 828 HOME OCCUPATIONS & NO-IMPACT HOME-BASED BUSINESSES

A. Home occupations are permitted in the R-1 and A Districts. No-Impact Home-Based Businesses are permitted in all R and A Districts.

1. Official residence shall be maintained by the occupant who may be an owner, a renter or a lessee.

2. The accessory use shall be located in a principal dwelling building.

3. The accessory use shall not occupy more than 25 percent of the ground floor area of the principal dwelling building.

4. There shall not be an animal hospital or animal clinic in connection therewith.

5. There shall not be more than two non-residents employed on the premises.

6. There shall be a minimum of four off-street parking spaces in addition to those required under the provisions of this Ordinance.

Section 829 MOBILE HOME PARKS

Mobile home parks are permitted in the A-2 Agrarian District.

A. The minimum size of a mobile home park site shall be three acres not including in this area wetlands, floodplains or steep slopes.

B. Lot and area requirements shall be required for individual spaces (lots) as follows:

1. Minimum lot area - 6,000 square feet.
2. Minimum lot width - may vary in accordance with the design of the plan, however shall be no less than 50 feet.
3. Minimum front yard - 25 feet.
4. Minimum side yard.
 - a. Principal use - 24 feet total, 10 feet minimum one side.
 - b. Accessory use - five feet.
 - c. Street side on corner lot - 20 percent of lot width or 25 feet, whichever is less.
5. Minimum rear yard.
 - a. Principal use - 25 feet.
 - b. Accessory use - five feet.
6. Maximum building height - 20 feet.
7. Maximum building lot coverage.
 - a. Principal use - 35 percent of total lot area.
 - b. Accessory use - 40 percent of rear and side yard area.

8. Minimum lot depth - may vary in accordance with the design of the plan, however shall be no less than 100 feet.

9. Maximum lot depth to width ratio - three to one.

C. The entire mobile home shall be anchored for safety reasons to concrete supports as specified by the Fairview Township Engineer, depending on soil conditions.

D. The entire mobile home shall be skirted for safety reasons by fire resistant skirting, as delineated in the Pennsylvania Construction Code Act and the regulations promulgated thereunder.

E. Off-street parking spaces shall be provided with a minimum of two off-street parking spaces for each mobile home; and one additional parking space for every two mobile homes to provide for guest parking, and for delivery and service vehicles.

F. All streets shall be public, constructed in accordance with Township road specifications with 50 foot minimum rights-of-way, and maintained by the Township upon dedication and acceptance.

G. In addition to meeting the above requirements and conforming to other laws of the Township, County Health Department and State including the Pennsylvania Department of Health and/or Department of Environmental Protection regulations for Mobile Home Parks, mobile home parks shall also conform to the requirements set forth in sections or chapters of Mobile Home Court Development Guide of the Federal Housing Administration, provided that where provisions of such regulations conflict with those of the existing Township, County or State, the most restrictive or those imposing the higher standards shall govern.

H. Recreation facilities shall be provided as follows:

1. Extent:

a. Recreation areas and facilities, such as playgrounds, swimming pools and community buildings, should be provided to the extent necessary to meet the anticipated needs of the clientele the court is designed to serve. Provisions of separate adult and child recreation areas are encouraged.

2. Location:

a. Recreation facilities generally should be provided in a central location and should be convenient to the project community center. A location adjacent

to the community center is preferable for efficient construction, use and maintenance of all facilities. In larger courts, however, recreation facilities can be decentralized.

3. Recreation areas:

a. Size: Not less than eight percent of the gross site area referred to in Section 809A shall be devoted to recreational facilities.

b. Design: The area shall be designed appropriately for its intended use and location.

4. Equipment:

a. Design: Appropriate for intended use and location.

b. Construction: Durable to withstand weather and use; firmly fixed in place where possible.

I. Mobile home parks shall provide a six foot screen planting of trees, evergreens, or hedges or shrubs two feet wide on the side and rear property lines.

J. Plans for mobile home parks, showing the location and design of all facilities, shall be submitted to the Planning Commission and Board of Supervisors for review and approval prior to the issuance of a zoning permit.

Section 830 TRAVEL TRAILER PARKS

Travel trailer parks are permitted in the A-2 Agrarian District.

A. Location, Access and Size: All trailer parks shall have sufficient access to a public street or highway and have adequate frontage to provide appropriate design of entrances and exits. The minimum size of a travel trailer park site shall be three acres not including wetlands, floodplains or steep slopes.

B. Site Conditions: The site shall be so located that soil conditions, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants, as determined by the Erie County Conservation District.

C. Request for Permit: All requests for permits shall be accompanied by a site plan drawn to scale showing the location of the proposed park in relation to all roads, streets and lot lines within 200 feet of the park boundaries, the location, size and arrangement of all park roads and trailer spaces, the location of all proposed sanitary facilities and

well or other sources of water supply, and the location of special camp buildings and other pertinent camp features. An authorized representative of the Township, County Health Department and the Pennsylvania Department of Health and/or Department of Environmental Protection shall have inspected the proposed plan with respect to proposed sanitary facilities including sources of water supply and shall have found them to be acceptable and in accordance with applicable regulations and the representative shall provide written approval of same.

D. Spaces for Occupancy, Uses Permitted and Length of Stay: Spaces in trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents or other short-term housing or shelter arrangements or devices. Spaces shall be rented by the day or week only, and the length of occupancy shall be limited to not more than 120 days, in any one calendar year.

E. Relation of Trailer Spaces to Exterior Streets: No trailer space shall be located that any part intended for occupancy for sleeping purposes shall be fronting on or within 50 feet of the right-of-way line of any public street.

F. Off-Street Parking Requirements: No parking or maneuvering within any street right-of-way or on any sidewalk shall be counted as meeting the off-street parking requirements. Each trailer park shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibited above may be observed. Two parking spaces per trailer space shall be the minimum standard.

G. Size and Spacing of Travel Trailer Lots: Since there is a substantial variation in dimension and shape of travel trailers or related units which may occupy spaces within the trailer park and in order to provide flexibility of design and spacing, the location of individual spaces shall be dimensioned, improved and arranged so that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within 15 feet of any portion of any other unit or building. Trailer lot size spaces shall be no less than 2,000 square feet in size.

H. Provision of Utilities, Sanitary Regulations and Refuse Disposal: The provision of central water and sewage facilities is mandatory. Such facilities and all plumbing and electrical installations; refuse and garbage disposal; insect and rodent control; sanitary stations; and service buildings containing toilet and shower facilities shall be in accordance with applicable requirements of the respective Township, County and the Pennsylvania Department of Environmental Protection.

I. Internal Street System: the internal street system in privately owned travel trailer parks shall be privately owned, constructed and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use by park

occupants. Where parks or portions of parks are intended for overnight occupancy only, it is preferred that streets be arranged to accommodate drive-through spaces. In addition, the following requirements shall be met:

1. Alignment and gradient shall be properly adapted to topography, to the safe movement of the types of traffic anticipated, and to adequately control surface and ground water.

2. Surfacing and maintenance shall provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water. Roads shall remain open and passable for emergency vehicles when the travel trailer park is occupied.

3. Street widths shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following requirements:

a. Minor streets are hereby defined as less than 500 feet in length and serving:

(1) with drive-through spaces, 50 or less if street is one-way, 100 or less if two-way, or,

(2) where it is necessary to back onto or out of spaces, 25 spaces or less if street is one-way, 50 or less if two-way. One-way, with parking on one side only - 20 feet. Two-way, with parking on one side only - 28 feet.

b. Collector streets (streets other than minor streets, as defined above, serving up to and including 200 spaces, and without limitation on length): One-way, with parking on one side only -- 22 feet. Two-way, with parking on one side only -- 34 feet.

c. At points where general traffic enters or leaves the park, regardless of the classification of the street under the items above, street widths shall be sufficient to permit free movement from or to the stream of traffic on the public street and no parking shall be permitted which in any way interferes with such free movement. Where substantial pedestrian movement from and to the park is anticipated, sidewalks shall be provided in such a manner as to eliminate the use of roadway surface by pedestrians at access points.

d. Travel trailer parks shall provide a six-foot screen planting of trees, evergreens, or hedges or shrubs two feet wide on the side and rear property lines.

e. Plans for travel trailer parks, showing the location and design of all facilities, shall be submitted to the Planning Commission and Board of Supervisors for review and approval prior to the issuance of a zoning permit.

ARTICLE IX

NON-CONFORMING USES

Section 900 DEFINITION

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

Section 901 WHEN PERMITTED

Subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of this Ordinance may be continued and maintained in proper condition even though such use does not conform with the provisions of this Ordinance for the District in which it is located.

Section 902 ABANDONMENT

A non-conforming use of a building or land which has been abandoned shall not thereafter be returned to such a non-conforming use. A non-conforming use shall be considered abandoned when one or more of the following conditions exist.

- A. When the intent of the owner to discontinue the use is apparent.
- B. When the characteristic equipment and furnishing of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the non-conforming use.
- C. When the non-conforming use has been discontinued for a period of six months.
- D. When the non-conforming use has been replaced by a conforming use.
- E. When the non-conforming use has been changed to another use under permit from the Zoning Hearing Board.

F. When a non-conforming lot with a non-conforming use on the lot has been reduced to a size smaller than required in a Zoning District where such lot or use is permitted, no new non-conforming lots may be created by the subdivision of property.

Section 903 CHANGES

A non-conforming building, structure or use may be changed to another non-conforming use of the same type of use in a permitted zoning district or to a use in another zoning district that is more compatible with its adjacent zoning district as a special exception.

**Section 904 CONSTRUCTION APPROVED PRIOR TO LEGAL
ENACTMENT OF THIS ORDINANCE**

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning permit has been issued or the construction of which shall have been diligently prosecuted within two months of the date of such permit, and the ground floor framework of which shall have been completed within four months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of enactment of this Ordinance.

Section 905 DISTRICT CHANGES

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district of a different classification, the requirements of the original zoning district shall apply to any non-conforming uses or structures existing therein.

Section 906 EXTENSION

A non-conforming use may be extended as a special exception upon approval of the Zoning Hearing Board, subject to the following provisions:

- A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The extension does not encroach upon the yard requirements of the District in which the non-conforming use is presently located.
- C. The extension is for the purpose of expanding only the non-conforming use on the original parcel in existence at the time of the legal acceptance of this Ordinance or

amendment thereto. Extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such non-conforming use.

Section 907 REGISTRATION

All non-conforming uses existing at the time of the enactment of this Ordinance or amendments thereto shall be registered and maintained for public use in the office of the Zoning Officer.

Section 908 RESTORATION

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure required as a result of fire, collapse, explosion or act of God subsequent to the date of enactment of this Ordinance and reconstruction of the destroyed or damaged building is initiated within one year of the date of damage. To be entitled to the benefits of this provision, written notice to the Township of the event causing the damage shall be provided within fifteen (15) days of the damage.

Section 909 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of Township regulations in existence at the time of the effective date of legal enactment of this Ordinance.

Section 910 UNSAFE STRUCTURE

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority. Any such work shall be performed in a manner consistent with the requirements of the Pennsylvania Construction Code Act.

ARTICLE X
ADMINISTRATION

Section 1000 ADMINISTRATION

The Zoning Administrator and such assistants and subordinates as are designated by the Board of Supervisors shall have such duties and powers as are necessary to administer and enforce this Ordinance, including but not limited to the following, which shall apply to the Zoning Administrator and all other authorized employees:

- A. Such officials shall receive and act upon applications for Zoning Permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures, Use Certificates, construction of foundations and other matters addressed in this Ordinance, and enforce compliance with the provisions of this Ordinance.
- B. Such officials shall receive and refer to the Zoning Hearing Board all applications for variance, use on special exception and other matters within the jurisdiction of said board.
- C. Such officials shall receive and refer to the Planning Commission and Board of Supervisors all petitions requesting rezoning of properties.
- D. Such officials shall refer to the Board of Supervisors such other applications or petitions as are directed to the Board of Supervisors for action.
- E. Such officials may engage such expert opinions as the officials deem necessary to report upon unusual technical issues that arise.
- F. Such officials shall be responsible for enforcement of this Ordinance.
- G. Such officials shall approve and issue a permit or certificate only when all requirements for its issuance have been met.
- H. Where all requirements for a permit or certificate have not been met, such officials shall in writing deny such application, the writing to state the reason(s) for such denial.
- I. Where a permit or certificate has been issued in reliance upon information submitted by the applicant that is later found to be materially untrue, or has been

issued improvidently, such officials shall have authority to revoke such issued permit or certificate. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate was issued via U.S. certified mail.

J. Such officials shall make such investigations as they deem necessary or appropriate in performance of their duties, and shall carry proper identification should they inspect buildings or premises in the performance of their duties.

K. Such officials shall issue all notices or orders necessary to act upon applications and ensure compliance with this Ordinance.

L. Such officials shall issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit or certificate.

M. Such officials are authorized to register non-conforming lots, structures and uses. Such officials shall communicate with the building code official retained by the Township to administer and enforce the Uniform Construction Code, and shall receive and maintain on file reports, permits, certificates and other documents received from said building code official. Communications shall include all necessary or appropriate to proper administration of the ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings. Such officials shall issue all notices and prosecute all actions necessary to enforce this Ordinance and permits or certificates as issued.

Section 1001 ZONING PERMIT

A. When required, no building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. A zoning permit will be required for all development in the Special District. Construction and/or alterations as authorized by an approval permit shall begin within the period of 90 days of the date of issuance, otherwise the permit is null and void. All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Exterior remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement.

The renewal of a zoning permit is allowable. Such renewal must be applied for prior to the 90 day expiration. Such renewal shall be issued only once after the initial issuance, should conditions change such renewal request will be denied and a new application will be required. Any permit or renewal will be valid for a period of one year from issuance if construction and/or alteration as authorized in the approved zoning permit began with in the period of 90 days of issuance.

B. Matter Accompanying Applications

There shall be submitted with all applications for zoning permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.

C. A-3 Conservation District development plan requirements to accompany applications are as follows:

1. A plan which details the existing and proposed contours and elevations (in relation to mean-sea level) of the ground and the elevation of the lowest floor of proposed construction, 100 Year Flood Elevations and other associated factors such as pressures, impact forces, etc. storage elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and flood-proofing measures including specific reference to the level of the flood-proofing in relation to the 100 Year Flood.

2. A record of such certificate, which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed and/or elevated, shall be maintained with the flood insurance coordinator (Zoning Officer).

3. Review by County Conservation District: A copy of all applications and plans for proposed construction or development in any flood plain or coastal hazard areas shall be submitted by the Township to the Erie County Conservation District offices for review and comment prior to the issuance of a building permit. The comments and recommendations received from the County Conservation District shall be considered by the Township prior to the issuance of a building permit.

4. Other Permit Issuance Requirements: Prior to the issuance of any zoning permit the Zoning Officer shall review the application for zoning permit to determine if all other necessary governmental permits such as those required by State and federal laws have been obtained including those required by the Pennsylvania Sewage

Facilities Act, the Pa Water Obstructions Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334.

No permit shall be issued until this determination has been made.

5. Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the Township, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, as specified in the Water Obstruction Act of 1913, as amended. Further, the PADEP Dams and Encroachment Division shall provide notification of the proposal to all affected adjacent municipalities and copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

D. Fee

One copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the zoning permit to applicant upon payment of a fee as predetermined from a fee schedule adopted by the Board of Supervisors.

Section 1002 ZONING OCCUPANCY PERMIT

A. When required, completion of the authorized new construction, alteration, remodeling, change of use of building or land under the provisions of a zoning permit shall not be occupied until a zoning occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within one week of receipt of the request of the proposed zoning occupancy permit provided the use is in conformity with the provisions of this Ordinance and other applicable ordinances. Zoning Officer refusal to issue a zoning occupancy permit shall include a written statement to the applicant containing reasons for such denial.

Zoning Occupancy permits are required for the following:

1. Occupancy of a new building.
2. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
3. Change in the use of an existing building other than to a use of the same type.

4. Occupancy and use of vacant land.
5. Change in the use of land except to another use of the same type.
6. Any change in the use of a non-conforming use.

Zoning occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Ordinance and all other ordinances of the municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of the Ordinance.

B. Fee

Upon application and approval for a zoning occupancy permit, the Zoning Officer shall issue a zoning occupancy permit upon payment of the prescribed fee. Fee for zoning occupancy permits shall be in accordance with the fees as predetermined from a fee schedule adopted by the Board of Supervisors.

Section 1003 TEMPORARY ZONING PERMIT

A. Temporary permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere within the Township for a very short period of time. Temporary zoning permits are valid for a period not to exceed 90 days during any one calendar year and are limited to the time periods as specified herein.

B. Temporary zoning permits are required for and in accordance with the following:

1. Selling of Christmas trees in Business Districts or at churches, schools, clubs and lodges, a maximum of four weeks.
2. Carnival, circus or street fairs, a maximum of one week.
3. Mobile amusements and lighting equipment for promotion, advertisement and grand openings, a maximum of two weeks.
4. Camping equipment and recreational vehicles in Residential Districts as provided elsewhere in this Ordinance.
5. Temporary permit in Agricultural Districts, six months in any one calendar year.

6. Business and construction trailers are permitted as a special exception by the Zoning Hearing Board for a time limit and conditions to be specified under such permit.

7. An emergency trailer may be permitted for alternate housing due to fire, collapse, explosion or act of God for time periods specified under Section 1003 A.

C. No temporary zoning permit shall be issued for any temporary use where said use would violate any of the provisions of this Ordinance except upon approval of the Planning Commission.

D. Temporary storage facilities will be permitted as allowed and refined in Section 813 of this Ordinance.

Section 1004 FEES

Fees for zoning, temporary and zoning occupancy permits shall be in accordance with the fees as predetermined from a fee schedule adopted by the Board of Supervisors.

ARTICLE XI

ZONING HEARING BOARD

Section 1100 CREATION AND APPOINTMENT

A Zoning Hearing Board is hereby created. The membership of the Board shall consist of five residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur.

Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.

Section 1101 REMOVAL OF MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1102 ORGANIZATION OF ZONING HEARING BOARD

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in the Pennsylvania Municipalities Planning Code.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section

shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of Fairview Township and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the municipality and shall submit a report of its activities to the Board of Supervisors once a year.

Section 1103 POWERS AND DUTIES

A. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.

B. The Zoning Hearing Board shall hear and decide all matters referred to it upon which it is required to pass under this Ordinance.

C. The Zoning Hearing Board may issue special permits for any of the uses requiring such permits under the terms of this Ordinance. In granting special permits, the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of the public interest.

1. Variances and/or Special Exceptions granted by the Zoning Hearing Board shall become invalid if a Zoning Permit is not issued and improvements are not started within 90 days from the date the Variance and/or Special Exception has been granted.

2. No special permit shall be granted by the Zoning Hearing Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this Ordinance.

D. The Zoning Hearing Board may adapt or vary the strict application of any requirements of this Ordinance in the case of irregular, narrow, shallow or steep lots, or other physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved but in no other case.

1. No such variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds the conditions

stated in section 1103.D. above are such that the strict application of this Ordinance would deprive the applicant of the reasonable use of land or buildings.

2. The granting of any variance shall be in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare and shall be the minimum necessary to afford relief.

3. The Board must determine that any unnecessary hardship has not been created by the appellant.

4. Requests for variance to the strict application of the Conservation District shall be granted in accordance with the following:

a. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100 Year Flood elevation or that would cause any increase in the rate or amount of erosion occurring within a Coastal and Bluff Recession Hazard Area.

b. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

c. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:

(1) That the granting of the variance will not result in any unacceptable or prohibited increase in flood heights or erosion, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State Ordinances and regulations.

(2) The structure shall be designed and constructed to be movable. The construction activities shall meet the minimum erosion and sedimentation control practices established by PADEP Rules and Regulations, Pa. Code, Chapter 102, and reflect guidance contained in the Erosion and Sedimentation Control Guide of Erie County and shall comply with the requirements contained in the Fairview Township Stormwater Management Ordinance. All construction materials, including

foundations, shall be removed and disposed of in accordance with the Pennsylvania Solid Waste Management Act, PADEP Rules and Regulations, promulgated thereunder as a part of the relocating structures. Access to and from the structure shall be of sufficient width and acceptable grade to allow for moving the structure.

d. A parcel established prior to coastal and bluff recession hazard area designation does not have adequate depth considering the minimum bluff setback requirements to provide for any permitted use of the land.

e. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

f. A copy of the PADEP permit and requirements from the Bureau of Dams and Waterway Management shall be filed with the Zoning Hearing Board.

5. Notwithstanding any of the Flood Hazard requirements, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, and effects of buoyancy of the 100 Year Flood, and meet all Design and Construction Provisions for any flood area.

6. When reviewing applications for Special Exceptions and Variances and development located within flood plain or coastal hazard areas, the Zoning Hearing Board may refer any application and accompanying documentation to the Fairview Township Engineer or agency for technical assistance in evaluating the proposal.

Section 1104 PROCEDURE FOR APPEAL

The procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code and such rules, not inconsistent therewith, as the Board may adopt. In general, the procedure for appeal from action of the Zoning Officer shall be as follows:

A. Any appeal from the requirements of the Zoning Ordinance shall be taken by filing with the Zoning Hearing Board, a notice of appeal specifying the ground thereof. The Zoning Officer shall forthwith transmit to the Board all of the documentary material constituting the record upon which the action appealed was taken.

B. The appellant shall, at the time of filing his appeal, pay the Township a fee as determined by the Board of Supervisors to defray or help defray the cost of the required

advertising, and shall not be refunded even though the application may be disapproved by the Board.

C. Each appeal shall be tried on its merits at a public hearing. Notice of such appeal shall be given to the applicant, zoning officer and published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Board shall give any additional notice required by any other Ordinance to all parties of interest and shall adjourn any hearing for the purpose of giving such further notice.

D. The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data available from Township files and relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.

E. The Board shall decide each appeal in the manner provided by the Pennsylvania Municipalities Planning Code, and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Board may in conformity with law, reverse, or affirm wholly or partly, or modify the order, requirement, decision or determination as in its opinion ought to be made.

F. Time Limitations

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Fairview Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, then he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a Planned Residential Development as set forth in Section 709 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, shall preclude an appeal from a final

approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

G. Any person aggrieved by any decision of the Board or any administrative officer may appeal therefrom within 30 days to the Court of Common Pleas of Erie County, Pennsylvania as provided by the Pennsylvania Municipalities Planning Code.

ARTICLE XII

AMENDMENTS

Section 1200 PERMITTED CHANGES

Whenever the public necessity, convenience or general welfare indicates, the Board of Supervisors may, by Ordinance in accordance with applicable laws of the Pennsylvania Municipalities Planning Code supplement or change the regulations, restrictions, boundaries or classifications of buildings, structures and land, as the same are established by this Ordinance or may hereafter be made a part thereof.

Section 1201 APPLICATION

Applications for any amendments to the Zoning Ordinance and/or Zoning Map, shall be submitted to the Zoning Officer and shall be accompanied by a fee as established by the Board of Supervisors by Resolution. Such fee shall not be refundable.

Section 1202 PROCEDURES

A. Before voting on the enactment of an amendment, other than that prepared by the Fairview Township Planning Commission:

1. The Board of Supervisors shall submit each such amendment to the Fairview Township Planning Commission and the Erie County Planning Commission at least 30 days prior to the public hearing.

2. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract to notify interested citizens. The area shall be posted at least seven days prior to the date of the hearing.

3. If, after any public hearing held upon an amendment substantial change or revision to include land previously not affected, the Board of Supervisors shall, at least 10 days prior to enactment, re-advertise a brief summary setting forth provisions in reasonable detail together with a summary of the amendments and hold another public hearing prior to the vote.

4. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in the Pennsylvania Municipalities Planning Code.

Section 1203

CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code.

ARTICLE XIII

ENFORCEMENT

Section 1300 VALIDITY

Should any section 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, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

Section 1301 INTERPRETATION AND CONFLICT

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township of Fairview. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by other such rules, regulations or Ordinances of the Township, the provisions of this Ordinance shall prevail.

Section 1302 CAUSES OF ACTION

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, such violation shall be subject to the provisions of Section 617 of the Pennsylvania Municipalities Planning Code.

Section 1303 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall be subject to the provisions of Section 617.2 of the Pennsylvania Municipalities Planning Code.

ARTICLE XIV

REFERENCE ZONING MAP

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