

- B. The applicant shall prove to the Zoning Officer that the sign will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE VIII
General Regulations

§ 246-63. Frontage onto improved streets; number of uses or buildings; minimum size of dwellings.

- A. Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 225, Subdivision and Land Development. In the case of townhouses, manufactured/mobile home parks, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.
- B. Number of principal uses and principal buildings per lot.
- (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
- (a) For example, if "use one" requires a one-acre lot area and "use two" on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
- (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
- (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
- (2) A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided that all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the

Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

- C. Minimum size of dwellings. Each dwelling unit of two or fewer bedrooms shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. Such square footage shall be increased to a minimum of 900 square feet for a dwelling unit of three or more bedrooms.
- D. Maximum occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

§ 246-64. Height exceptions.

The maximum structure height specified for each district shall not apply to antennas that meet the requirements of this chapter, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also the definition of "height" in § 246-20.

§ 246-65. Special lot and yard requirements, sight distance and buffer yards.

- A. In general.
 - (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.
 - (2) Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.
- B. Exceptions to minimum lot areas, lot widths and yards.
 - (1) Corner lots. For a corner lot, the minimum depth of each yard that abuts a public street shall be equal to the required minimum depth of the front yard.
 - (2) Projections into required yards.
 - (a) Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.
 - (b) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

(c) For decks and porches, see the notes of § 246-27.

C. Sight clearance at intersections.

- (1) Intent. The intent of this subsection is to make sure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
- (2) A triangular area as described in this section shall be graded and shall be kept free of new or expanded sight obstructions between a height of two feet and 10 feet, including structures, nontransparent fences, vegetation and signs (but not including signposts of less than one foot in width or the trunks of trees or mailboxes).
- (3) This sight clearance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land. Such triangle shall apply on all lots that are under the ownership of or the control of the applicant.
- (4) The minimum sight clearance triangle shall be measured along the curblines of a street. If no curb exists, then the triangle shall be measured along the edge of the street shoulder or the edge of the street cartway where no shoulder exists. The two shorter legs of the triangle shall be measured from the intersecting point of the curblines (or shoulder or cartway as specified above). The intersecting point of the curblines shall be drawn as if there was no curved radius at the corner. Along the edge of a local street, the leg of the triangle shall be a minimum length of 15 feet. Along the edge of a collector street, the leg of the triangle shall be a minimum length of 30 feet. Along the edge of an arterial street, the leg of the triangle shall be a minimum length of 100 feet. Each leg of the triangle shall be 15 feet long. However, along an arterial street, a leg of the triangle shall be 25 feet long. The two shorter legs shall then be connected by a third leg to form the triangle.

D. Buffer yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

- (1) Buffer yard width, when required. Buffer yards shall have a minimum width of 30 feet, unless a larger width is required by another provision of this chapter. Buffer yards shall primarily include evergreen plants screening and shall be required in the following situations, and where otherwise required by this chapter:

Buffer Yard to be Provided by the Following		When the Use Providing the Screening and Buffer Is
a.	Along side and rear lot lines of any newly developed or expanded:	Abutting an existing principal residential use; or
(1)	Principal commercial or industrial use;	Abutting undeveloped residentially zoned land.
(2)	Area of 4 or more new off-street parking spaces;	

Buffer Yard to be Provided by the Following	When the Use Providing the Screening and Buffer Is
<ul style="list-style-type: none"> (3) An outdoor industrial storage or loading area; or (4) An area routinely used for the overnight parking of 2 or more tractor-trailer trucks. 	
<ul style="list-style-type: none"> b. Along lot lines of any newly developed or expanded: <ul style="list-style-type: none"> (1) Outdoor industrial storage or loading area; or (2) Area routinely used for the overnight parking of 2 or more tractor-trailer trucks. 	<p>Abutting and visible from a public street.</p>

(2) Location of buffer yards.

- (a) The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
- (b) Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Township to be placed within a street right-of-way.
- (c) The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area, provided that the larger yard requirement shall apply in case of overlap.

(3) Characteristics of buffer yards.

- (a) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- (b) A buffer yard shall not be required where the applicant proves to the Zoning Officer that a minimum of 60 feet of mature woodland will be preserved where the buffer yard otherwise would be required.
- (c) As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
- (d) Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.

- (c) A well or septic system may be placed within a buffer yard, provided that the landscaping provisions are still met.
- (4) Plant screen.
 - (a) Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
 - (b) Each planting screen shall meet the following requirements:
 - [1] Plant materials needed to form the visual screen shall have a minimum height, when planted, of three feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - [2] Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within four years a mostly solid year-round visual screen at least six feet in height.
 - [3] The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - [4] The plant visual screen shall be interrupted only at:
 - [a] Approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot;
 - [b] Locations necessary to comply with safe sight distance requirements; and
 - [c] Locations needed to meet other specific state, Township and utility requirements.
 - [5] American Arborvitae and similar weak-stemmed plants shall not be used to meet the buffer yard requirements.
 - [6] Evergreen trees should be planted at diagonal offsets so that there is room for future growth of the trees.
- (5) Buffer yard plans.
 - (a) Prior to the issuance of a permit under this chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - [1] The location and arrangement of each buffer yard;
 - [2] The placement, general selection of species and initial size of all plant materials; and
 - [3] The placement, size, materials and type of all fences to be placed in such buffer yard.

- (b) If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.

§ 246-66. Landscaping.

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. See also the buffer yard provisions in § 246-65.
- C. Street trees. As part of the creation of a new lot or the construction of a new principal nonresidential building, or development of parking area for six or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.
 - (1) Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
 - (2) Location. Such trees shall be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Board of Supervisors.
 - (3) Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
 - (4) Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count toward both requirements.
- D. Parking lot landscaping.
 - (1) A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
 - (2) If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.
 - (3) Deciduous trees required by this section shall meet the following standards:
 - (a) Type of trees permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

Types of Deciduous Trees Permitted to Meet Chapter Requirements

Acer rubrum — red maple

Quercus — All species of oaks

Types of Deciduous Trees Permitted to Meet Chapter Requirements	
Acer saccharum — sugar maple	Sophora japonica — scholar tree/ pagoda tree
Celtis occidentalis — common hackberry	Tilia americana — American linden
Fagus sylvatica — European beech	Tilia cordata — littleleaf linden
Fraxinus americana — white ash	Tilia euchlora — Crimean linden
Fraxinus pennsylvanica — green ash	Tilia petiolaris — silver linden
Ginkgo biloba fastigiata — maidenhair tree (male only; female has noxious odor)	Ulmus hybrids — homestead or Sapporo autumn gold
Gleditsia triacanthos — thornless locust	Ulmus parviflora — Chinese or lacebark elm, not including Siberian elm
Liquidambar styraciflua — sweetgum	Zelkova serrata — Zelkova
Liriodendron tulipifera — tulip poplar	

NOTE: This chapter only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- (b) Quality of trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
 - (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
 - (d) Planting and maintenance. Required trees shall be:
 - [1] Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
 - [2] Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
- E. Other landscaping, commercial or residential. **[Added 2-2-2016 by Ord. No. 1-2016⁶⁰]**
- (1) Landscaping work on a lot within a recorded easement or public right-of-way shall require a landscaping plan to be approved by the Zoning Officer.

⁶⁰ Editor's Note: This ordinance also renumbered Subsections E and F as Subsections F and G, respectively.

- (2) Any landscaping on a lot that involves grading or any other regulated activity shall comply with the Fairview Township Stormwater Management Ordinance.⁶¹
 - (3) No grading shall result in a slope greater than two feet horizontal to one foot vertical within 20 feet of any lot line unless a retaining wall is constructed in accordance with § 246-35D(6) of this chapter.
- F. Landscaping maintenance. All shade tree, buffer yard and other landscaping required by this chapter shall be perpetually maintained by the property owner. Any landscaping needed to meet a chapter requirement that dies, is removed or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- G. Review and approval. Where landscaping is required by this chapter, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

§ 246-67. Nonconformities.

- A. Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of nonconformities.
- (1) A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners.
 - (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 - (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or construction upon nonconformities. The following shall apply, unless the structure is approved under Subsection D.
- (1) Nonconforming structure.
 - (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
 - [1] Such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity; and
 - [2] Any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter.

61. Editor's Note: See Ch. 211, Stormwater Management.

- (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
- (2) Nonconforming lots.
- (a) Permitted construction on a nonconforming lot.
 - [1] A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot, provided that all of the following additional requirements are met:
 - [a] The lot must be a lawful nonconforming lot of record;
 - [b] Minimum setback requirements shall be met;
 - [c] State and federal wetland regulations shall be met;
 - [d] The septic and well requirements of § 246-29 shall be met; and
 - [e] If the lot has a lot area of less than one acre, then the lot area shall not be less than 50% of the area that would otherwise be required.
 - [2] If two abutting lots each have a nonconforming lot area of less than 30,000 square feet, and a lot area of one acre or more is required by the applicable district regulations, and the lots are held in common ownership at the time of adoption of this chapter, then the lots shall hereby be merged into a single lot.
 - [a] For the purposes of this chapter, at the effective date of this chapter, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
 - [b] Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this Subsection C(2)(a)[2], the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
 - [c] This subsection shall only apply if one or both of the lots do not include a principal building at the time of adoption of this chapter.
 - (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- (a) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article I.
 - (b) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - (c) The total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 25% beyond what existed in the nonconforming use at the time the use first became nonconforming. The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count toward the above maximum increase.
 - (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted by right use, provided that:
- (a) The number of dwelling units or rooming house units are not increased;
 - (b) The expansion meets all applicable setbacks;
 - (c) No new types of nonconformities are created; and
 - (d) A nonconformity is not made more severe.
- (5) Nonconforming sign. The provisions of this chapter shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- D. Damaged or destroyed nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterwards and continues, and no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a nonconformity.
- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the damaged or destroyed nonconformities provisions of this section.
 - (2) The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.

- (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered abandoned under this chapter.
- F. Changes from one nonconforming use to another.
- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 - (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal-service use to another personal-service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 - (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.
 - (4) A nonconforming use shall not be changed to a nonconforming adult use.
- G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

§ 246-68. Dumpster screening and location.

- A. Any newly placed solid waste dumpster shall be screened on at least three of four sides as necessary to screen views from public streets and dwellings.
- B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- C. Setback from dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this section.

- E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.
- F. If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied.

§ 246-69. Minimum setbacks from existing streets.

- A. Where a front, side or rear yard would abut an existing street, then such yard shall be measured from the following minimum distances from the center line of the street right-of-way:
 - (1) Forty feet from the center line of a major arterial street (which shall include Route 309).
 - (2) Twenty-five feet from the center line of any other street.
 - (3) Ten feet from the center line of an alley.
- B. Applicants are strongly encouraged to dedicate additional right-of-way as appropriate to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.
- C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Subsection A.

§ 246-70. Storage containers. [Added 2-2-2016 by Ord. No. 1-2016]

- A. Storage containers. No person or landowner shall place, use, or employ a storage container on a lot for any use or storage of personal property except in the LI and GI Zoning Districts and then provided all of the following are met:
 - (1) No advertising may be depicted or displayed on the storage containers except for the identity and logo of the owner or company providing the container, if any.
 - (2) No more than one container shall be permitted on a lot, and must be located in the rear yard not less than 100 feet to an adjoining lot line.
 - (3) No hazardous waste, garbage, refuse or junk may be placed in the storage container.
- B. Portable storage containers. Upon any property used for a principal residence, the use of portable storage containers is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of portable storage containers and pods for permanent storage, storage of vehicles, junk, or waste containment is expressly prohibited. The use of portable storage containers and pods shall not exceed 90 days during any calendar year. Such containers must be located so as not to block any required clear sight triangles and be at least 10 feet from all lot