

*Township of Fairview, PA  
Wednesday, December 18, 2019*

## Chapter 260. Subdivision and Land Development

### Article II. Terminology

#### § 260-6. Word usage.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning indicated:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular include the plural and vice versa.
- C. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory.
- D. The words "person," "applicant," "subdivider," "developer" and "landowner" include a corporation, unincorporated association, a partnership, other legal entity, as well as an individual.
- E. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

#### § 260-7. Definitions.

[Amended 7-26-2004 by Ord. No. 2004-4]

As used in this chapter, the following terms shall have the meanings indicated:

##### **ACCESS DRIVE**

A private drive providing vehicular access between a public or private street and a parking area within a land development.

##### **APPLICANT**

A landowner, developer or authorized agent, who has filed an application for subdivision or land development including heirs, successors and assigns.

##### **APPLICATION FOR DEVELOPMENT**

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

##### **BLOCK**

An area, divided into lots and bounded by three or more streets.

**CARTWAY (ROADWAY)**

The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

**CLEAR SIGHT TRIANGLE**

An area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

**COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

**CROSSWALK**

A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

**CUL-DE-SAC**

A minor street intersecting a through street at one end and terminating in a vehicular turnaround at the other end or looping back onto itself.

**DEVELOPER**

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

**DEVELOPMENT PLAN**

The provisions for development including a planned residential development, a plat for subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

**DRAINAGE FACILITIES**

Facilities designed to convey runoff such as inlets, sewer pipes, culverts, ditches.

**DRAINAGE PLAN**

A plan showing all present and existing surface and subsurface drainage conditions as described by grades, contours and topography with proposed methods and facilities to collect and convey said drainage.

**DRIVEWAY**

A private drive providing access between a public or private street or access drive and the parking area for a single residential unit of occupancy.

**EASEMENT**

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**ENGINEER**

A professional engineer licensed to practice in the Commonwealth of Pennsylvania designated as the Engineer for the Township of Fairview.

**ENGINEERING SPECIFICATIONS**

The minimum requirements of the Township regulating the installation of any required improvements or for any facility, installed by an owner or developer, subject to public use.

**EXISTING CONDITIONS**

The land use present at the time a drainage/stormwater management plan is submitted. However, a more impervious existing condition can be used if the developer can document that a more impervious condition was present at the time the Township adopted this section. For computation purposes, meadow or good woods/forest shall be used for existing pervious conditions. For existing areas consisting of a combination of pervious and impervious cover, either a composite of meadow, good woods/forest, and impervious/parking shall be used or the various precomputed composite covers for developed areas shall be used.

**IMPERVIOUS SURFACE**

A surface that generally prevents the infiltration of water into the ground.

**IMPROVEMENTS**

Grading, paving, roads and streets, walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, stormwater retention, detention basins and other related drainage facilities, recreational facilities, open space and public facilities, etc., as may be required by this chapter.

**LAND DEVELOPMENT**

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or amount two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land development" does not include development which involves:
  - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the

purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**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.

**LOT, DOUBLE OR REVERSE FRONTAGE**

An interior lot having frontage on two streets.

**LOT, FLAG**

A lot with two distinct parts: the flag, which is the only building site for a primary structure and is located behind another lot; and the pole, which connects the flag to the street which provides the only street frontage for the lot and at any point is less than the minimum lot width requirements. A flag lot shall have the building setbacks and yards measured from the property lines of the flag portion of the lot only.

[Added 10-30-2017 by Ord. No. 2017-3]

**LOT LINE**

A line that separates a lot from another lot or from a street or any other public or private space.

**LOT OF RECORD**

A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.

**MARKER**

A fixed landmark to establish the location of the legal right-of-way of streets, easements, boundary lines and property corners. Each marker shall be constructed and placed as specified herein by this chapter.

**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 and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT**

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

**MOBILE HOME PARK**

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MONUMENT**

A permanent and fixed landmark to establish two locations at either a legal right-of-way of a street, easement, boundary line or property corner as determined by the engineer and constructed as specified herein by this chapter.

**MUNICIPAL AUTHORITY**

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."<sup>[1]</sup>

**MUNICIPALITY**

Fairview Township, York County, Pennsylvania.

**OFFICIAL PLAN**

The Comprehensive Development Policy Plan and/or Future Land Use Plan, and/or Ultimate Right-of-Way Plan, and/or Official Map or other such plans or portions thereof, as may be adopted, pursuant to statute, for the Township.

**PARENT TRACT**

A tract of land legally recorded on or after July 5, 2004, that may be subdivided into five or more lots.

**PERSON**

Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

**PERVIOUS SURFACE**

A surface that generally permits the infiltration of water into the ground.

**PLANNING COMMISSION**

The Fairview Township Planning Commission.

**PLAT**

The map or plan of a subdivision or land development plan, whether preliminary or final.

**PRIVATE STREET**

A street, including the entire private right-of-way, that is privately owned and maintained through private agreement and that is intended for private use. A private street provides access to several lots or parcels that do not have access to a public street and that require access to a public street, through a private street. All private streets shall be constructed in accordance with the street design requirements of this chapter.

**PUBLIC GROUNDS**

Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING**

A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC MEETING**

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.

**PUBLIC NOTICE**

Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 days from the date of the hearing.

**PUBLIC STREET**

A street, including the entire public right-of-way, that has been dedicated to and accepted by the Township or state or that has been devoted to public use by legal mapping, use or other means.

**RECREATIONAL VEHICLE**

A vehicle with or without motive power which may be towed on the public highways by a passenger automobile or carriers on a truck or driven on the public highway without a special hauling permit and which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a "travel trailer" or a "camping vehicle."

**REPLACEMENT AREA**

A portion of a lot or a developed property sized to permit the installation of a subsurface sewage disposal area that is reserved to allow that installation in the event of the malfunction of the originally installed on-lot sewage disposal system.

**RESERVE STRIP**

A parcel of ground in separate ownership separating a street from other adjacent properties.

**RIGHT-OF-WAY**

The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.

**SIGHT DISTANCE**

The length of unobstructed vision (in either a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

**STORMWATER MANAGEMENT FACILITIES**

Facilities designed to reduce peak flow and/or volumes such as stormwater management ponds, underground storage, rooftop storage, pervious parking, etc.

**STREET**

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**A. ARTERIAL OR MAJOR STREET**

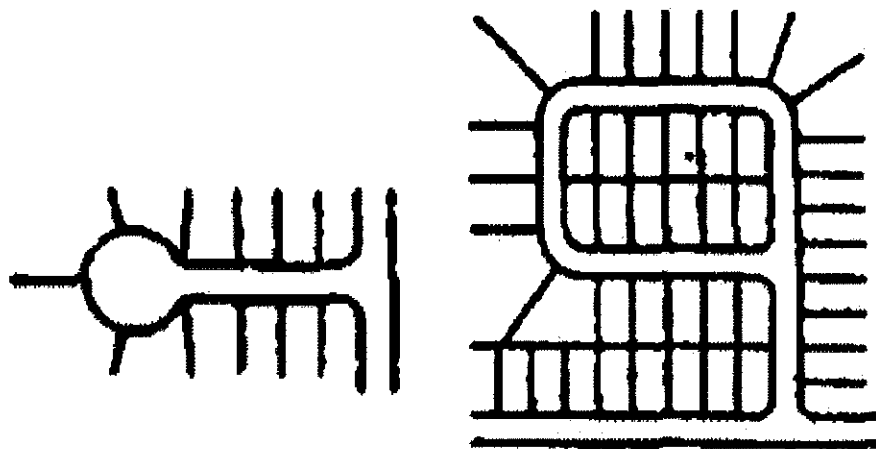
A street serving large volumes of comparatively high-speed and long-distance or through traffic, including those facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

**B. COLLECTOR STREET**

A street, which in addition to providing access to abutting properties (50 or more), intercepts minor streets and provides access to community facilities and/or other collector or arterial streets.

**C. CUL-DE-SAC**

A minor street intersecting a through street at one end and terminating in a vehicular turnaround at the other end or looping back onto itself. This includes traditional culs-de-sac and innovative designs such as looped culs-de-sac.



Cul-de-sac

Looped cul-de-sac

**D. HALF (PARTIAL) STREET**

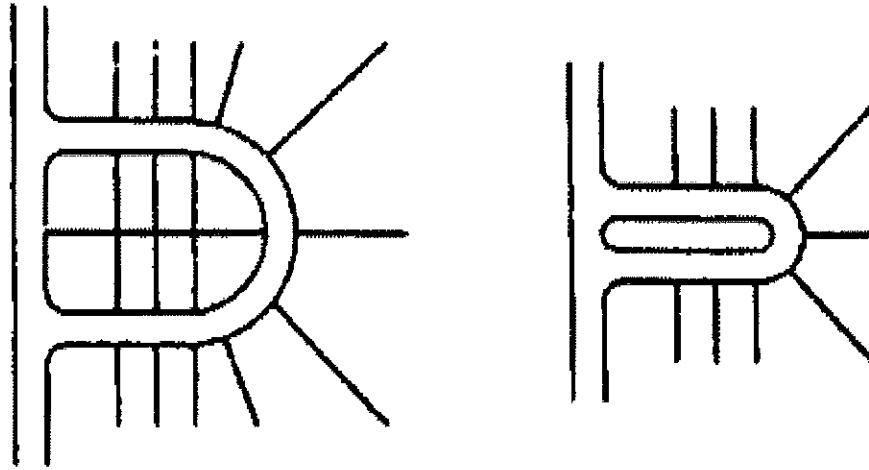
A street generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

**E. LOCAL OR MINOR STREET**

A street used primarily to provide access to abutting properties.

**F. LOOP STREET**

A minor street having two points of access onto a through street.

**G. MARGINAL ACCESS STREET**

A minor street, parallel and adjacent to a major street (perhaps separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

**SUBDIVISION**

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

**SURVEYOR**

A licensed surveyor registered by the Commonwealth of Pennsylvania.

**WATER SURVEY**

An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

- [1] *Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.*



*Township of Fairview, PA  
Wednesday, December 18, 2019*

## Chapter 300. Zoning

### Article II. Terminology

#### § 300-10. Word usage.

- A. The language and words set forth in this Article II of this chapter are defined in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning indicated in this article.
- (1) Words used in the present tense shall include the future tense.
  - (2) Words used in the singular include the plural and vice versa.
  - (3) The words "should" and "may" are permissive; the words "shall" and "will" are mandatory.
  - (4) The words "person," "applicant," "subdivider," "developer" and "landowner" include a corporation, unincorporated association, a partnership, other legal entity, as well as an individual.
  - (5) The masculine gender includes the feminine and neuter. The feminine gender includes the neuter and masculine. The neuter gender includes both feminine and masculine.
  - (6) The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof."
  - (7) The word "used" or "occupied" as applied to any land, or structure shall be construed to include the phrase, "intended, arranged or designed to be used or occupied."
  - (8) The word "erected" shall be inclusive of the words "constructed, altered, or moved."
  - (9) Except as provided in Subsection **A(11)** of this subsection, for those terms used in this chapter but not defined in this Article II of this chapter or elsewhere in this chapter, the definitions found in the Pennsylvania Municipalities Planning Code (MPC)<sup>[1]</sup> or various chapters of the Code of the Township of Fairview specifically including but not limited to chapter(s): relating to code enforcement, uniform construction code;<sup>[2]</sup> relating to

floodplains;<sup>[3]</sup> relating to streets and sidewalks;<sup>[4]</sup> relating to subdivision and land development (and also stormwater management);<sup>[5]</sup> and relating to trees;<sup>[6]</sup> shall apply.

[1] *Editor's Note: See 53 P.S. § 10101 et seq.*

[2] *Editor's Note: See Ch. 113, Uniform Construction Code, and Ch. 215, Art. II, International Property Maintenance Code.*

[3] *Editor's Note: See Ch. 151, Floodplain Management.*

[4] *Editor's Note: See Ch. 255, Streets and Sidewalks.*

[5] *Editor's Note: See Ch. 260, Subdivision and Land Development, and Ch. 252, Stormwater Management.*

[6] *Editor's Note: See Ch. 273, Trees.*

(10) For those words used in this chapter but also which are defined in various chapters of the Code of the Township of Fairview, wherever and whenever the terms and associated definitions are not consistent, the terms and associated definitions used in this chapter govern the regulations and standards in this chapter.

(11) For those words used in this chapter but not defined in this chapter or in the terms and associated definitions found in various chapters of the Code of the Township of Fairview, the definition of the term found in the most recent edition of Webster's Unabridged Dictionary shall apply.

B. Illustrations and tables. In instances of any differences of meanings or implications between the text of this chapter and any caption, illustration or table, the text shall control. No caption, illustration, or table shall be construed to limit the scope or intent of the text of this chapter.

## § 300-11. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

### **ABANDONMENT**

The relinquishment of property, or a cessation of the use of the property, by the owner without the intention of transferring rights to the property to another owner, or of resuming the use of the property.

### **ABUT or ABUTTING**

Areas of contiguous lots that share a common property line or lot line, or are separated by a common border including easements, but excluding lots entirely separated by a public right-of-way for a street or alley.

### **ACCESS DRIVE**

See Chapter 260 relating to subdivision and land development. (A private drive providing vehicular access between a public or private street and a parking area within a land development.)

### **ACCESS AISLE**

The traveled way by which automobiles and other similar motor vehicles enter and depart parking spaces.

**ACCESSORY ALTERNATIVE ENERGY SYSTEM**

An alternative energy system that supplies energy primarily for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. This definition shall not in any way limit or preclude those accessory alternative energy systems conducted pursuant to and part of power purchase agreements.

**ACCESSORY APARTMENT**

An individual independent dwelling unit, incorporated into the principal or accessory building or structure located on an owner occupied lot upon which the permitted principal use is a single-family detached dwelling, and which meets the requirements for such use in Article X of this chapter relating to additional supplemental standards and requirements for specific accessory uses.

**ACTIVITY**

The use of land, structure, or building for a specific purpose.

**ADAPTIVE REUSE OF EXISTING AGRICULTURAL STRUCTURE**

A use involving the process of converting an existing traditional farm building or structure, including but not limited to barns and silos, to a new use other than that for which it was originally designed and used, in a sympathetic, compatible, and context-sensitive manner.

**ADDITION**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An extension or increase in floor area or height of a building or structure.)

**ADJACENT**

Two or more abutting lots or two or more lots separated only by a public street right-of-way, another lot, or as otherwise specified in this chapter.

**AGRIBUSINESS**

Agricultural uses that involve, but are not necessarily limited to, one or more of the following conditions:

A. **CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)**

An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.<sup>[1]</sup>

B. **CONCENTRATED ANIMAL OPERATION (CAO)**

An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).

C. **OTHER AGRIBUSINESS**

Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed structure exceeding 10,000 square feet.

**AGRI-TAINMENT/AGRI-TOURISM**

An enterprise upon and accessory to a working farm or agricultural operation and offered to the public or to invited groups for the purpose of combining and providing the elements and characteristics of agriculture, entertainment, education, recreation, or active involvement in the farm operation.

#### **AGRICULTURAL OPERATION**

See MPC. (An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.) For purposes of this chapter, "agricultural operations" shall not be construed to be an agribusiness or forestry (timber harvesting) as defined in this Article II of this chapter.

#### **AGRICULTURAL SUPPORT BUSINESS**

An establishment directed at meeting the needs of those engaged in farming, agricultural operations, and agribusiness. Such activities shall be directed at providing goods, materials, and services needed to farm and for agricultural operations and agribusinesses, rather than the distribution of goods produced on the farm, agricultural operations and agribusinesses.

#### **AIRPORT OVERLAY ZONING DISTRICT TERMS AND PHRASES**

Unless specifically defined elsewhere in this chapter, the following words and phrases when used in Article VI of this chapter relating to the Airport Overlay Zoning District shall have the meaning given to them in this definition:

**A. AIRPORT(S)**

CAPITAL CITY AIRPORT (CXY) AND HARRISBURG INTERNATIONAL AIRPORT (MDT) — Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon.

**B. AIRPORT ELEVATION**

The highest point of an airport's usable land area measured in feet above sea level. The airport elevation for Capital City Airport is 347 feet; and the Airport Elevation for Harrisburg International Airport is 310 feet.

**C. AIRPORT HAZARD**

Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.C.S.A. § 5102.

**D. AIRPORT HAZARD AREA**

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in Article VI of this chapter relating to Airport Overlay Zoning District (APO) and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).<sup>[2]</sup>

**E. APPROACH SURFACE ZONE (ASZ)**

An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone is derived from the approach surface.

**F. CONICAL SURFACE ZONE (CSZ)**

An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically (or 20:1) for a horizontal distance of 4,000 feet. The conical surface zone is based on the conical surface.

**G. FAA**

Federal Aviation Administration of the United States Department of Transportation.

**H. HEIGHT**

For the purpose of determining the height limits in all Airport Overlay Zoning District-related zones set forth in Article VI of this chapter relating to Airport Overlay Zoning District (APO) and shown on the on "Township of Fairview, York County, PA, Official Zoning Map" listed in Article III of this chapter relating to zoning districts and map, the datum shall be mean sea level elevation unless otherwise specified.

**I. HORIZONTAL SURFACE ZONE (HSZ)**

An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone is derived from the horizontal surface.

**J. LARGER-THAN-UTILITY RUNWAY**

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

**K. NON-PRECISION-INSTRUMENT RUNWAY**

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision-instrument approach procedure has been approved or planned.

**L. OBSTRUCTION**

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by Article VI of this chapter relating to Airport Overlay Zoning District (APO).

**M. PRECISION INSTRUMENT RUNWAY**

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**N. PRIMARY SURFACE ZONE (PSZ)**

An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The primary surface zone is derived from the primary surface.

**O. RUNWAY**

A defined area of an airport prepared for landing and takeoff of aircraft along its length.

**P. TRANSITIONAL SURFACE ZONE (TSZ)**

An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven feet horizontally to one foot vertically. The transitional surface zone is derived from the transitional surface.

**Q. TREE**

Any vegetative object of natural growth.

**R. UTILITY RUNWAY**

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**S. VISUAL RUNWAY**

A runway intended solely for the operation of aircraft using visual approach procedures.

**ALTERATION**

Any change, addition, or modification in construction, occupancy, or use.

**ALTERNATIVE ENERGY SYSTEM**

Any one or more method and facilities used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities of renewable energy sources (including but not limited to sunlight, wind, rain, tides, and geothermal heat).

**AMENDMENT**

Revisions to the zoning text and/or the Official Zoning Map to depict a change in use in any regulations and/or change in zoning district location(s).

**ANIMAL HOSPITAL**

An establishment offering veterinary services to all types of animals, which also includes outdoor or overnight keeping or boarding of animals.

**ANIMAL RESCUE SHELTER**

An establishment in which three or more animals are housed or contained and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or any other such duly incorporated organization devoted to the welfare, protection, and humane treatment of animals.

**ANTENNA HEIGHT**

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped

grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ANTENNA SUPPORT STRUCTURE**

Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

**APARTMENT**

An individual independent dwelling unit within a residential building.

**APARTMENT CONVERSION**

The creation of multifamily dwelling units or apartments by converting an existing single-family detached dwelling without substantially altering the exterior of the building.

**APPLICANT**

See MPC. (A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.)

**APPLICATION FOR DEVELOPMENT**

See MPC. (Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.)

**APPURTENANCES**

The visible, functional, or ornamental objects accessory to and part of buildings.

**ARCADE**

An arched covered passageway or avenue; a series of arches with their columns or piers.

**ARCH**

A curved structure that spans an opening and is supported at both ends.

**ASSISTED LIVING**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A building or part thereof housing persons, on a twenty-four-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted-living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse center and convalescent facilities.) For purposes of this chapter, assisted-living facilities shall not include halfway houses, group homes, social rehabilitation facilities, and alcohol and drug abuse centers. Assisted-living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

**AUTHORITY**

See "municipal authority."

**AUTOMATED BANKING FACILITY**

An establishment that contains automated devices performing banking or financial functions which are operated by the consumer or patron primarily for those who remain in their automobile, but may also be operated by those customers walking up to the device.

**AUTOMOBILE AND OTHER SIMILAR LIGHT DUTY MOTOR AND PASSENGER VEHICLE RENTAL/SALES, REPAIR/SERVICE, WASHING, AND/OR FUEL/GAS SALES**

An establishment involving the indoor and/or outdoor display, sale, or rental of new and used motor vehicles including cars, motorcycles, trailers, light trucks, other similar light-duty motor vehicles; and which may include: washing and polishing of vehicles; major and minor mechanical repairs and body work; state inspections; oil changes and lubrications; and tune-ups; conducted within a completely enclosed building or structure. Additionally, this use includes: the dispensing or sales of fuel/gas for motor vehicles; and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**AUTOMOBILE WRECKING, JUNK AND SCRAP STORAGE AND SALES**

An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as defined in this Article II of this chapter. In no zoning district shall this use be considered to be accessory or incidental to another use. This term includes "junkyards" as defined in Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards.

**AWNING**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.)

**BANK**

An establishment, in which money is kept for savings or commercial purposes, investment purposes, supplied for loans, or exchanged, and that includes routine interactions with customers and/or patrons. A bank may also provide financial counseling, planning, and services related to money management, and includes those establishments considered savings and loans and credit unions.

**BAR**

See "tavern/bar."

**BASEMENT**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A story that is not a story above grade plane.) For purposes of this chapter, "basement" does not apply to provisions for flood loads.



**BED-AND-BREAKFAST**

An owner-occupied or manager-occupied establishment within a single-family detached dwelling and/or the associated accessory structure, providing temporary, overnight lodging accommodations in sleeping rooms/units for transient guests and related meal service for compensation. Bed-and-breakfast may also host accommodations for private events (e.g., weddings and conferences). Temporary, overnight lodging occurs within individual sleeping rooms/units which do not contain cooking facilities.

**BEDROCK**

The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.

**BEER AND ALE WHOLESALE DISTRIBUTION**

An establishment engaged in the sale and delivery of beer and ale, and similar alcoholic beverages, such as malt liquor and wine coolers, in wholesale quantities to retail sellers, as well as retail sales to the public.

**BERM**

A mound of soil, either natural or man-made, used to obstruct views and attenuate sound, among other purposes.

**BEST MANAGEMENT PRACTICE (BMP)**

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "nonstructural" or "structural."

**A. NONSTRUCTURAL BMPs**

Measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff.

**B. STRUCTURAL BMPs**

Includes, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

**BLOCK**

See Chapter 260 relating to subdivision and land development. (An area, divided into lots and bounded by three or more streets.)

**BOARDING HOUSE (including ROOMING HOUSE)**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.) A boarding house shall not include a use that meets the definition of a treatment center, hotel, motel, personal care facility, bed-and-breakfast, group home, group care facility, long-term-care nursing facility,

and/or similar type group living use. A boarding house may involve the provision of meals to residents, but shall not include a restaurant open to the public.

**BOAT-LAUNCHING RAMP**

A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

**BOARD OF SUPERVISORS**

The Board of Supervisors of the Township of Fairview also may be referenced as the Fairview Township Board of Supervisors. (See "governing body.")

**BOULDER**

Rock fragments larger than two feet in diameter.

**BUFFER**

An open area of land that is located between two uses, and intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**BUFFER YARD**

An open area of land that is located between two uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district, whose dimensions normally exceed, but may include where specified, the required building setback or yard requirements, and which is generally planted and may include required screening, and within which no building structure, or otherwise shall be permitted except those used as part of required screening as otherwise provided for in this chapter.

**BUILDING**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A structure used or intended for supporting or sheltering any use or occupancy.)

**BUILDING, ACCESSORY**

A detached, subordinate building or structure, the use of which is customarily incidental and subordinate to that of the principal building, structure, or otherwise principal use of the lot, and which is located on the same lot as that occupied by the principal building, structure, or otherwise principal use of the lot.

**BUILDING, ATTACHED**

A building connected to another building or structure via one or more common party wall(s).

**BUILDING, DETACHED**

A building surrounded by open space on the same lot.

**BUILDING, PRINCIPAL**

The main or primary building or structure, the use of which is primary and essential to that of any accessory building, structure, or other accessory use of the lot, and which is located on the same lot as any accessory building, structure, or other accessory use of the lot.

**BUILDING CODE OFFICIAL**

The administrative officer certified by the PA Department of Labor and Industry to manage, supervise, administer code enforcement activities, and issue building permits under the authority of the PA Uniform Construction Code pursuant to Chapter 113 relating to code enforcement, Uniform Construction Code, who is appointed by the Board of Supervisors of the Township of Fairview.

**BUILDING FACADE**

The front exterior face, elevation, or wall of a principal building, that is often facing street rights-of-way (excluding alleys).

**BUILDING FOOTPRINT**

The sum total of the ground area of a site occupied by any building measured from the exterior face of exterior walls; this includes courts and decks or porches when covered by a roof.

**BUILDING HEIGHT**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The vertical distance from grade plane to the average height of the highest roof surface.)

**BUILDING LINE**

A line parallel to the front, side, and/or rear lot line, touching that part of the structure closest to said lot line.

**BUILDING PERMIT**

A document signed by the Building Code Official, as required in Chapter 113 relating to code enforcement, Uniform Construction Code, as a condition that shall be met prior to commencing with the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such building or structure complies with the provisions of Chapter 113 relating to code enforcement, Uniform Construction Code, and this chapter.

**BUILDING SETBACK LINE**

See "setback line."

**BUSINESS PARK**

An establishment containing a group of three or more businesses permitted in the applicable zoning district, but may also include other similar and related establishments; planned and designed for the site on which it is built and functioning as a unit on the parcel(s) on which it is located, with internal vehicle circulation (public or private) and off-street parking provided as an integral part of the park. This term shall not include shopping centers.

**BUS/TRANSIT SHELTER**

A structure providing temporary cover or protection, as from the weather, to riders waiting to board buses and other similar public transportation motor vehicles.

**CALIPER, TREE**

The diameter of a tree trunk measured at 4 1/2 feet from ground level.

**CAMPER**

Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

**CAMPGROUND OR RECREATIONAL VEHICLE PARK**

A state-permitted establishment, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers, recreational vehicles, or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons in a calendar year.

**CANOPY**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and shall be structurally independent or supported by attachment to a building on one end by not less than one stanchion on the outer end.)

**CARPORT**

A roofed structure that is enclosed on not more than two sides and provides space for the parking of motor vehicles, and is accessory to a principal or accessory structure (unless it is attached to the building or structure, in which case it shall comply with all applicable principal or accessory structure standards of this chapter).

**CARTWAY**

See Chapter 260 relating to subdivision and land development. (The portion of a street right-of-way, paved or unpaved, intended for vehicular use.)

**CEMETERY**

An establishment involving the burial for and/or long-term internment of human or animal remains either in the ground or in structures such as columbariums, mausoleums, and entombments.

**CERTIFICATE OF USE AND OCCUPANCY**

The certificate issued by a duly authorized Township officer which permits the use of a building or structure in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit and/or zoning permit.

**CHANGE OF USE**

Any use that differs from the previous use of a structure, building, or land.

**CLEAN WOOD**

Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol. For the purposes of this chapter, the term shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt-offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets.

**CLEAR SIGHT TRIANGLE**

See Chapter 260 relating to subdivision and land development. [An area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.]

**CLINIC, MEDICAL**

An establishment where three or more full-time-equivalent licensed medical professionals, including physicians, dentists, opticians, psychologists, and other similar medical personnel and vocations, examine and treat patients on an outpatient basis. Such a facility may also include a pharmacy, provided that such use has access only from the interior of the building or structure. This use shall not include overnight accommodation of patients. This use shall also include those establishments commonly known as ambulatory surgical, urgent, and emergency centers without overnight accommodations.

**CLUBHOUSE OR LODGE, PRIVATE**

An establishment exclusively serving members and their guests, or premises or buildings that are used for social, recreational and administrative purposes, provided there are no vending stands, merchandising, or commercial activities except as required for the membership or fund-raising of such club. This use shall not include a bar, boarding house, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that zoning district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests. Private clubhouses or private lodges shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**CLUB, PRIVATE**

An organization catering exclusively to members and their guests and not the general public. Private clubs shall include but not be limited to, educational, fraternal, service, and political organizations, labor unions, and social and athletic clubs. Private clubs shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**COLD-FRAME**

An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

**COLONNADE**

A row of columns.

**COMMERCIAL RECREATION**

An establishment operated as a gainful business whose primary purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

**A. COMMERCIAL RECREATION, INDOOR**

An establishment operated as a gainful business, open to the public, for the purpose of leisure-time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, shooting range, swimming pool, tennis courts, etc., when operated within a completely enclosed building or structure.

**B. COMMERCIAL RECREATION, OUTDOOR**

An establishment operated as a gainful business and open to the public upon open land, wholly or partially outside of a building or structure, for the purpose of leisure-time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-cart track, and skating rinks, and that may also include amusement rides or regular live entertainment. This use excludes a park, golf course, and an outdoor shooting range.

**COMMERCIAL TIMBER HARVESTING**

That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Includes tree harvesting and logging. See "forestry."

**COMMERCIAL VEHICLE**

Any motor vehicle licensed by the Commonwealth of Pennsylvania as a commercial vehicle.

**COMMON OPEN SPACE**

See Chapter 260 relating to subdivision and land development. (A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.)

**COMMUNITY CENTER**

An establishment used for noncommercial recreational, social, educational, and cultural activities, open to the public or a designated part of the public, owned or operated by a public or nonprofit group or agency.

**COMMUNITY GARDEN**

An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or nonfood, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members.

**COMPATIBLE**

Capable of associating or blending with or being associated or blended because of sensitive, harmonious, agreeable, appropriate, or consistent combination with another or other.

**COMPREHENSIVE PLAN**

The most recent version of the official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of the Township of Fairview, as amended from time to time.

**COMPOSTING**

The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

**CONDITIONAL USE**

See MPC. (A use permitted in a particular zoning district pursuant to the provisions in Article VI.)

**CONDOMINIUM**

A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980,<sup>[3]</sup> which includes a multiple-unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities. (For purposes of this chapter, the specific uses associated with a condominium shall be regulated by the applicable standards of this chapter regardless of the form of ownership.)

**CONSERVATION AREA**

A voluntary agreement between a private landowner and a municipal agency or qualified nonprofit organization to permanently restrict the development or use of a parcel of land or part thereof; the participating agency holds the interest in and is empowered to enforce restrictions against current and subsequent owners of the land.

**A. EXISTING PROTECTED AREAS**

Lands subject to conservation easements, state and federal forest and park lands, municipal parks and conservancy properties listed as "existing protected areas" of the most recent version of the Fairview Township Comprehensive Plan.

**B. PRIMARY CONSERVATION AREAS**

Lands containing natural features and areas deemed to be inherently unsuitable for development due to extremely severe environmental constraints including: floodplain, wetlands, streams, and steep slopes equal to or greater than 25% listed as "environmentally sensitive areas" in the most recent version of the Fairview Township Comprehensive Plan.

**C. SECONDARY CONSERVATION AREAS**

Lands containing natural and man-made features and areas that can be developed but are significant at some level worthy of consideration for conservation including: natural area inventory sites, stream buffers, moderately steep slopes, forested areas, greenways, Yellow Breeches Water Trail, or other important features as depicted in "Appendix 1: Existing Conditions Reports, Map 12: Environmentally Sensitive Areas" of the most recent version of the Fairview Township Comprehensive Plan.<sup>[4]</sup>

**CONSTRUCTION**

The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile/manufactured homes.

**CONTIGUOUS**

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

**CONTINUING CARE RETIREMENT COMMUNITY**

An age-restricted development or establishment that provides a continuum of accommodations and care, from independent living to long-term bed care, and

enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

**CONVENIENCE STORE**

An establishment primarily engaged in the retail sale of frequently or reoccurring needed goods for household consumption prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware; as well as the rental of videotapes, DVDs and videogames, provided that a sexually oriented business and/or related use are specifically prohibited. The use also may include the on-site consumption of food and beverages, as well as the retail sale of fuel/gas for passenger vehicles, oil, grease, automobile accessories, propane, and kerosene, and automatic motor vehicle washing facilities.

**CONVENTION CENTER**

A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.

**COPY SHOP/BUSINESS SERVICE**

An establishment primarily engaged in providing custom printing, photocopying, faxing, mailing, courier service and/or other similar business and office support services, along with accessory sales of materials and items related to copying and mailing.

**CORNICE**

The projecting horizontal element that tops a wall or flat roof.

**CRAFTSMAN/ARTISAN STUDIO**

An establishment primarily including the on-site production, display, and sale of goods created on-site by hand manufacturing generally involving only the use of hand tools and/or other domestic mechanical equipment. Typical uses include painting and other media art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production associated with this use shall occur within a completely enclosed building.

**CROP**

A harvestable product including but not limited to herbs, fruits, flowers or vegetables, planted, grown, and cultivated in the soil.

**CROPS/GARDENING**

The use of land for the tilling of the soil; the raising, maintenance, and cultivation of crops, and also including horticulture, apiculture, floriculture, vitaculture, for personal and, generally noncommercial purposes.

**CURB**

A stone, concrete, or other improved boundary usually marking the edge of the roadway, access drive, or paved area.

**CURB CUT**

The opening along the curblane at which point vehicles may enter or leave the roadway.

**DAY CARE**



An establishment offering care or supervision of persons under the age of 16, special-needs adults in lieu of care or supervision by family members, elderly persons (generally 62 years of age and older), mentally disabled, and/or physically handicapped persons who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of criminal and/or violent behavior. This use may involve occasional oversight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**A. DAY CARE, ACCESSORY**

An accessory use to a residential dwelling unit, whereby care and supervision is offered to no more than three nonresidents of the site during any calendar day. An accessory day care does not require zoning approval.

**B. DAY CARE, COMMERCIAL**

An establishment operated as a gainful business that provides care and supervision to more than six nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial day care be considered an accessory use to an individual dwelling unit. Commercial day care facilities shall include group child day-care homes and child day-care centers, as defined and regulated by the Pennsylvania Department of Public Welfare.

**C. DAY CARE, FAMILY**

An accessory use to a residential dwelling unit, in which the care and supervision is offered to between four and six nonresidents of the site during any calendar day. Family day-care facilities shall be registered with the Pennsylvania Department of Public Welfare.

**DECIDUOUS**

Plants that drop their leaves before becoming dormant in winter.

**DECK**

An elevated, open, exterior structure, platform, or floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

**DEED RESTRICTION**

A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The municipality is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process, and in which the municipality is a party.

**DENSITY**

Unless otherwise specified in Article IV relating to the RL Zoning District, the number of dwelling units or units of occupancy per acre of net lot area.

**DEP**

Pennsylvania Department of Environmental Protection.

**DEVELOPABLE AREA**

The total net tract area minus environmentally constrained land; this total amount of land is then used to calculate a development's overall allowable density.

**DEVELOPER**

See Chapter **260** relating to subdivision and land development. (Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.)

**DEVELOPMENT**

Includes the following:

- A. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement, of or extension (vertical or horizontal) of a structure, building or sign;
- B. Change of the type of use or expansion of the use of a structure, building, or area of land;
- C. Creation or establishment of a new use of a structure, building, and area of land;
- D. Creation of a new lot or alteration of existing boundaries;
- E. Alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities, provided the final grade is not altered;
- F. Construction or installation of lakes, ponds, dams, or other water retention basins;
- G. Land development as defined in this article shall be included in this definition;
- H. Other activities required to have a permit and/or approval by this chapter relating to zoning.

**DEVELOPMENT PLAN**

See Chapter **260** relating to subdivision and land development. (The provisions for development including a planned residential development, a plat for subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.)

**DIABASE**

A dark-gray to black, fine-textured igneous rock composed mainly of feldspar and pyroxene and used for monuments and as crushed stone.

**DISPLAY WINDOW**

A glazed opening in a wall for the purpose of admitting light and/or display of merchandise associated with a retail establishment.

**DISTRIBUTION**

A process whereby materials, goods, cargo, and products are received and stored by one entity and then delivered to another.

**DORMITORY**

See Chapter **113** relating to code enforcement, Uniform Construction Code. (A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.)

**DRIVE-IN**

An establishment, including an eating establishment, that offers refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment, or services on the premises and outside of the building or structure, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DRIVE-THROUGH**

A structure designed for providing goods and services to drivers and patrons who remain in their vehicles before and during the on-site activity.

**DRIVEWAY**

See Chapter **260** relating to subdivision and land development. (A private drive providing access between a public or private street or access drive and the parking area for a single residential unit of occupancy.)

**DUMPSTER**

A container generally two or more cubic yards in capacity, for the disposing of refuse, whether generated by residential, nonresidential, or other use.

**DWELLING, MULTIFAMILY**

A building occupied and used by three or more families living independently of each other, wherein each dwelling unit shall contain private bath and kitchen facilities, includes apartment homes/houses. See Figure 2.1, Multifamily Dwelling Example - Plan View.

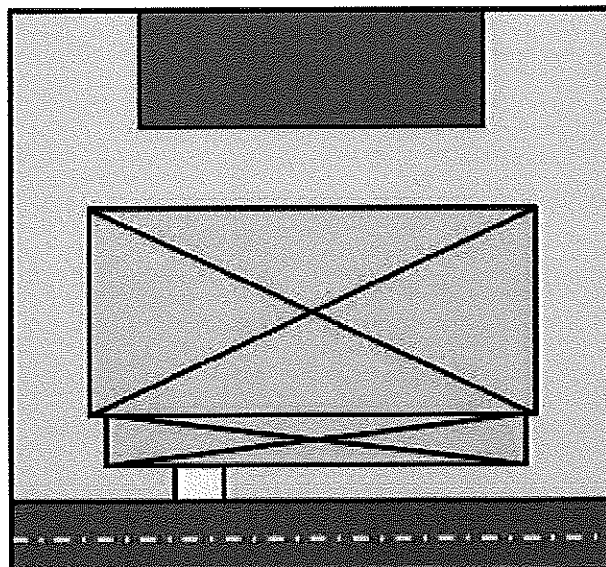


Figure 2.1

**Multifamily Dwelling Example — Plan View****DWELLING, SINGLE-FAMILY ATTACHED**

A building containing one dwelling unit, occupied and used by one family, having at least one party wall in common with other single-family attached dwelling building(s). For units having one party wall, there shall be one side yard, and for units having two party walls, there shall be no side yards (except on corner lots). Standards and regulations of this chapter shall apply to individual units, whether on a common lot or on individual lots. Includes town homes/houses and row homes/houses. See Figure 2.2, Single-Family Attached Dwellings Example — Plan View, and Figure 2.3, Single-Family Attached Dwellings (On One Lot) Example — Plan View.

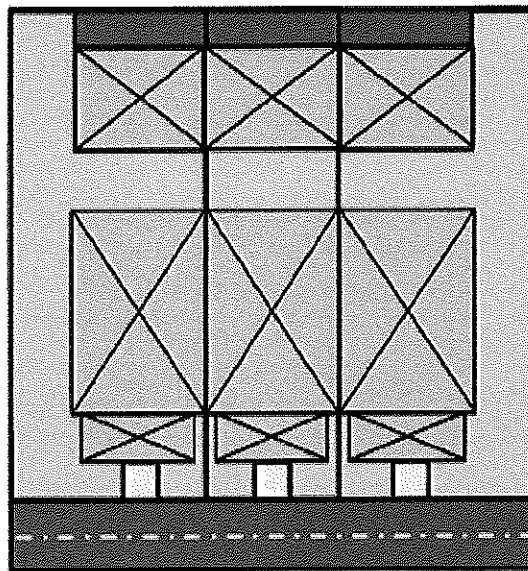


Figure 2.2

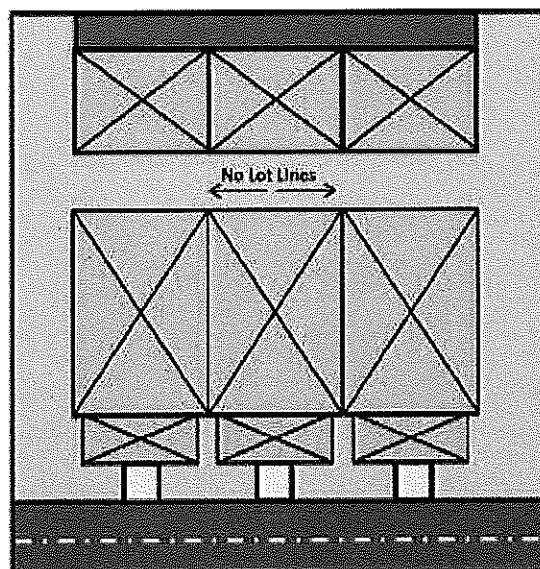
**Single-Family Attached Dwellings Example — Plan View**

Figure 2.3

**Single-Family Attached Dwellings (On One Lot) Example — Plan View****DWELLING, SINGLE-FAMILY DETACHED**

A building containing one dwelling unit occupied and used by one family, and having two side yards (except on corner lots). See Figure 2.4, Single-Family Detached Dwelling Example — Plan View.

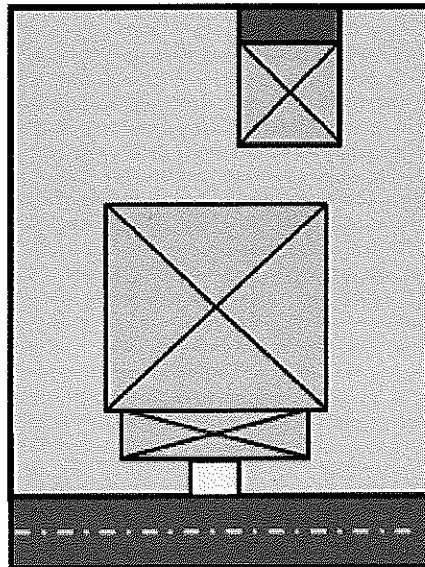


Figure 2.4

**Single-Family Dwelling Example — Plan View****DWELLING, SINGLE-FAMILY SEMIDETACHED**

A building containing one dwelling unit occupied and used by one family, and having one party wall in common with another single-family semidetached dwelling building and one side yard (except on corner lots). See Figure 2.5, Single-Family Semidetached Dwellings Example — Plan View.

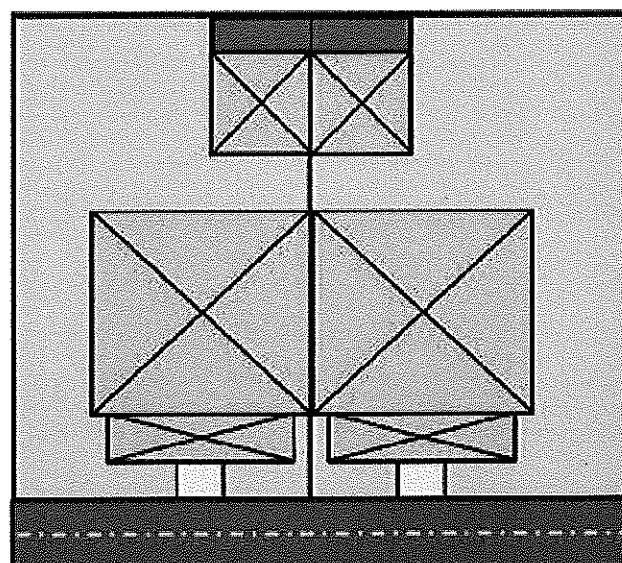


Figure 2.5

### Single-Family Semidetached Dwellings Example — Plan View

#### DWELLING, TWO-FAMILY DETACHED

A building containing two dwelling units each occupied and used by one family, with one dwelling unit arranged over the other, in front of the other, or beside the other, and having two side yards (except on corner lots). See Figure 2.6, Two-Family Dwelling Example — Plan View.

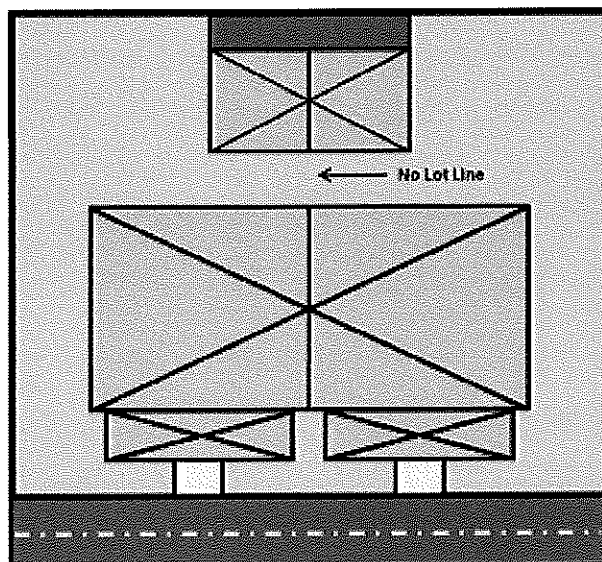


Figure 2.6

### Two-Family Dwelling Example — Plan View

#### DWELLING UNIT

See Chapter 113 relating to code enforcement, Uniform Construction Code. (A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation). For purposes of this chapter, "or more persons" shall specifically be limited to not more than one family.

#### EASEMENT

See Chapter 260 relating to subdivision and land development (a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.)

#### EAVE

Projecting overhang at the lower border of a roof and extending from a primary wall or support.

#### EMERGENCY SERVICES

An establishment for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment utilized for fire, emergency medical, and ambulatory services and related activities, other than those owned and/or operated by Township of Fairview, and/or its authorized municipal authorities and/or agents. This use may include accessory housing for related personnel while on call.

**EMPLOYEES, NUMBER OF**

The greatest number of workers (including both part-time and full-time), both compensated and volunteer, and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ENLARGEMENT**

An increase in the size of an existing structure or use, including physical size of the property, structure, building, parking, and other improvements.

**ENROLLMENT**

The largest number of students under educational supervision at any one time.

**ENTRY AREA**

The passageway into a building.

**ENVIRONMENTAL CONSTRAINTS**

Physical limitations of a site which restrict development; these include but are not limited to high water tables, water bodies, wetlands, floodplains, steep slopes, woodlands, bedrock close to the site's surface, and riparian corridors, some of which may end up designated as conservation areas.

**ESSENTIAL SERVICES**

The provision by public utilities, municipal, or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities, municipal, or governmental units or for the public health, safety or general welfare.

**ESTABLISHMENT**

Any organization, including a business, whether private, public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded for a specific purpose.

**EVERGREEN**

Plants having foliage that persists and remains green throughout the year.

**EXCAVATION**

Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

**EXISTING GRADE**

The elevation of the land surface of a site prior to any earth disturbance for site preparation work.

**EXISTING USE**

An activity or use of land occurring on a lot or parcel as of the effective date of this chapter.

**FACADE**

The face of a building; a nonstructural covering on the face of the building, such as brick or stone.

**FAMILY**

One or more persons related by blood, marriage, legal guardianship, licensed or court- appointed foster care or legal adoption who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court- appointed foster care, or legal adoption. Persons possessing a handicap as set forth in "group home" and within the meaning of the Fair Housing Act [42 U.S.C. § 3602(h), or successor legislation], who reside in one dwelling unit and live and cook together as a single housekeeping unit, shall be considered a family. A roomer, boarder, or lodger is not considered a family member.

**FARM OCCUPATION**

A business activity clearly conducted as a customary, incidental, and accessory use to a principal agricultural operation or farm use, but not necessarily directly related to the principal agricultural operation or farm use.

**FENCE**

Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry erected, intended and maintained; and/or hedges, "living fences" and other natural vegetation planted, intended and maintained; either, singularly, or in combination to provide screening or divide one property from another property or public street right-of-way; enclosing an area; helping assure privacy or protection; and/or to define and mark the property or lot line(s).

**FENCE, LIVING**

A continuous hedgerow of living plant material planted, intended, and maintained for the purpose of screening or dividing one property from another property or public street right-of-way; enclosing an area; helping assure privacy, or protection; and/or to define and mark the property or lot line(s).

**FILL**

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The amount of fill shall be considered the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

**FINANCIAL SERVICE, OTHER**

An establishment, excluding banks, savings and loans, and credit unions, where the principal business is the receipt, disbursement, or exchange of funds and currencies and includes those establishments considered pawn shops, payday lending, and check-cashing businesses.

**FINISHED GRADE**

The elevation of the land surface of a site after completion of all site preparation work.

**FIRE ESCAPE**



A structure, device, or appurtenance, including stairways, railings, ladders, etc. attached to the exterior of a building, erected for emergency exit in the event of fire.

**FLOODPLAIN**

See Chapter 151 relating to floodplains ("floodplain area"). (A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.)

**FLOODWAY**

See Chapter 151 relating to floodplains. (The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.)

**FLOOR AREA, GROSS**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.)

**FLOOR AREA, HABITABLE**

See Chapter 113 relating to code enforcement, Uniform Construction Code ("habitable space"). (A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.)

**FLOOR AREA, NET**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.)

**FLOOR AREA, RETAIL, NET**

The sum total of all floor area space relegated to use by the customer and the retail employee to conduct retail sales, including the display area used to indicate the variety of goods available for customers, but not including accessory office space, storage space, and other general administrative areas.

**FOOD SERVICE**

An establishment in which food is processed and/or prepared on the premises, and which may be sold and/or consumed on the premises. This term shall also include bakeries and catering establishments.

**FORESTRY**

See MPC (the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.) See "commercial timber harvesting."

**FUNERAL HOME**

An establishment conducting embalming and cremation activities which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

**GARAGE, PRIVATE**

An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor holds space therein, unless otherwise permitted elsewhere in this chapter.

**GARAGE, PUBLIC PARKING**

Any garage other than a private garage, that is used for parking or storage of motor vehicles.

**GARDENING**

The cultivation of herbs, fruits, flowers, or vegetables.

**GOLF COURSE**

An establishment developed with tees, greens, fairways and hazards for playing at least nine holes of the game of golf, that may include a clubhouse with dining facilities (excluding drive-through facilities), swimming pool, tennis courts, driving range, miniature golf and other customarily and incidental accessory uses and structures.

**GOVERNING BODY**

See MPC. (The council in cities, boroughs and incorporated towns; the Board of Commissioners in townships of the first class; the Board of Supervisors in townships of the second class; the Board of Commissioners in counties of the second class through eighth class, or as may be designated in the law providing for the form of government.) See also Board of Supervisors.

**GOVERNMENT FACILITY OTHER THAN MUNICIPAL-OWNED USE**

Any establishment, use, facility, and/or structure owned and/or operated by a government, government agency or government authority for valid public health, public safety, public welfare, or similar governmental purpose other than the Township of Fairview, its municipal authorities, and/or authorized agents. This term shall not include permitted uses defined, listed, and/or regulated separately elsewhere in this chapter.

**GREENHOUSE**

A building, structure, or establishment whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUND COVER**

A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

**GROUP CARE**

An establishment providing shelter, counseling, and other rehabilitative services in a family-like environment for at least nine but fewer than 15 residents, plus such

minimum supervisory personnel as may be required to meet licensing standards of the Commonwealth of Pennsylvania, specifically the Pennsylvania Department of Public Welfare. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision.

#### **GROUP HOME**

A dwelling inhabited by not more than eight handicapped persons, as identified and provided for by the Fair Housing Act, Americans with Disabilities Act, and this chapter. This definition does not include persons occupying a hotel, motel, bed-and-breakfast, halfway house, boarding house, treatment center or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed in an institution because of physical, mental, or developmental disability, or old age, or individuals who meet the definition of "handicap," as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act [ADA] to address certain situations related to substance abuse treatment.) For the purposes of this chapter, group homes shall be permitted and regulated as single-family detached dwellings.

#### **HAZARDOUS MATERIAL**

Materials which are classified by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (DEP), or the Township of Fairview as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers, located in flood-prone areas.

#### **HAZARDOUS WASTE**

See Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards. [Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities or any combination of the above (but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharge which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended [86 Stat. 880], or source, special nuclear or by-product material as defined by the United States Atomic Energy Act of 1954, as amended [68 Stat. 923]), which because of its quantity, concentration or physical, chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in

morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The definition of "hazardous waste" set forth in the Solid Waste Management Act is Incorporated by reference (35 P.S. § 6018.103).]

**HEAVY EQUIPMENT, BOAT, MOBILE/MANUFACTURED HOME, RECREATIONAL VEHICLE, TRUCK AND OTHER SIMILAR LARGE OR HEAVY-DUTY MOTOR VEHICLE RENTAL/SALES, REPAIR/SERVICE, WASHING, AND/OR FUEL/GAS SALES**

An establishment involving the indoor and/or outdoor display, sale, or rental of new and used heavy equipment, boats, mobile/manufactured homes, recreational vehicles, truck, and other similar large or heavy-duty motor vehicles, and which may include:

- A. Washing and polishing of vehicles;
- B. Major and minor mechanical repairs and body work;
- C. State inspections;
- D. Oil changes and lubrications; and
- E. Tune-ups;

conducted within a completely enclosed building or structure.  
Additionally, this use includes:

- F. The dispensing or sales of fuel/gas for motor vehicles; and
- G. The sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**HELIPORT**

See Chapter 113 relating to code enforcement, Uniform Construction Code. (An area of land or water or structural surface that is used, or intended for the use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport building or other heliport facilities.) Heliports shall be licensed by the FAA and/or PennDOT.

**HOME IMPROVEMENT CENTER, LUMBER SALES and BUILDING MATERIALS SALES**

An establishment providing for the sale of materials, products, and supplies for home improvement, lawn, and garden, lumber, and other similar building materials and products, including hardware stores.

**HOME OCCUPATION**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling.

**HOOP HOUSE**

A structure made of piping or other material covered with translucent plastic, constructed in a "half-round" or hoop shape.

**HOSPITAL**

See Chapter **113** relating to code enforcement, Uniform Construction Code. (Buildings or portions thereof used on a twenty-four-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.) A hospital shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania. The term "hospital" shall not include any facility which houses the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

**HOTEL**

An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access to a common interior corridor and which may provide additional supporting services such as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor.

**HOUSEHOLD**

Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and facilities for the preparation and storage of food within the dwelling unit.

**HUNTING CLUB**

An establishment or accommodating a hunting or other similar recreational organization catering exclusively to members and their guests engaged in hunting or similar outdoor activity purposes which are not conducted for profit.

**IMPERVIOUS LOT COVERAGE**

See "lot coverage."

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)**

See Chapter **260** relating to subdivision and land development. (A surface that generally prevents the infiltration of water into the ground.)

**IMPOUNDMENT**

A body of water, such as a lake or pond, confined by a dam, dike, floodgate, or other barrier.

**IMPROVEMENTS**

See Chapter **260** relating to subdivision and land development. (A surface that generally prevents the infiltration of water into the ground.)

**INDUSTRIAL USES****A. GENERAL INDUSTRIAL**

An establishment primarily:

- (1) Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; or
- (2) Engaged in the storage, manufacturing processes, or shipping of flammable or explosive materials; or
- (3)

Engaged in the storage of, manufacturing processes, or shipping or materials or products that potentially involve hazardous or commonly offensive conditions; and

- (4) Due to the more intensive nature of the processes, materials, products, etc., such uses that may disturb and/or endanger neighboring properties.

**B. LIGHT INDUSTRIAL**

An establishment primarily:

- (1) Involving the manufacturing, predominately from previously prepared semi-finished or finished materials, products, or parts of finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution, as well as the repair of such finished products; but
- (2) Excluding the processing of extracted, raw, and/or recycled materials; and
- (3) Due to the lower-intensity nature of such processes, materials, or products, produces no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.
- (4) Involved in the production and/or repair services of large-major appliances; electrical instruments; office and vending machines; precision instruments; electronic devices; timepieces; jewelry; musical instruments; novelties; mass-produced personal and office furniture and equipment; wood products such as cabinetry; printed materials including all forms of media and signs; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods, medical supplies, optical goods, and related equipment and appliances; and food products and frozen food lockers; taxidermy, but not animal slaughtering or curing nor rendering of fats, when such facilities are in a completely enclosed building and/or structure.

**INDUSTRY**

The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

**JUNK**

See Chapter 172 relating to licenses, permits and general regulations, junkyards and scrap yards. [Discarded materials, articles or things, or materials, articles or things which were purchased for salvage or scrap value, or which were collected or obtained at no charge or which were collected or obtained for a fee by the prior owner for the purpose of disposal or recycling including, but not limited to, metal, paper (including newspaper), rags, glass, plastic, rubber, fibers, fabric, rope, cans, bottles, cardboard, lumber, wood, building materials, inoperable motor vehicles, motor vehicle parts, trailers, machinery and equipment, household appliances or parts of any of the above, held by a person for resale and/or reuse.]

**JUNKYARD**

See Chapter **172** relating to licenses, permits and general regulations, junkyards and scrap yards. (Any place or establishment where junk, as herein defined, is stored, kept, accumulated or disposed of or upon which one or more acts of buying, selling, offering for sale, salvaging, storing, dismantling or processing of junk occurs, whether or not such operations are conducted for profit, or any premises having two or more unlicensed or inoperable motor vehicles or such vehicles that do not have current and valid inspection stickers as required by the motor vehicle laws of the Commonwealth of Pennsylvania. The term "junkyard" shall not include premises operated as garages, service stations or repair facilities where not more than two inoperable, unlicensed or uninspected vehicles are stored at one time, where no one vehicle is stored for more than 30 days, where the total storage time for all such vehicles does not exceed 120 days per year and where such vehicles are not being stored for salvage purposes.)

**KENNEL, COMMERCIAL**

An establishment in which three or more pets or domesticated animals (such as dogs and cats, but not including livestock, horses, poultry, or wild animals) are kept, boarded, raised, bred, treated, or sold as a gainful business whether or not licensed through the Department of Agriculture, in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised. For the purpose of this definition, the production of more than two litters in any calendar year shall be considered a commercial kennel business. This use shall also include an establishment providing obedience training, behavior modification training, and/or specialized skill training services to animals, dogs, and their owners or handlers.

**LAKE or POND**

A body of inland water other than a stream.

**LAND DEVELOPMENT**

See Chapter **260** relating to subdivision and land development. (Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or amount two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land development" does not include development which involves:
  - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
  - (3)

The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.)

**LANDOWNER**

See MPC. [The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.] Also referred to as "owner."

**LANDSCAPING SERVICE**

An establishment engaged in providing off-site landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures and may involve seasonal snow plowing, including the buildings, structures, offices, and equipment and material storage customarily incidental and accessory to the principal use.

**LAUNDRY AND DRY CLEANING (INDUSTRIAL)**

An establishment engaged in supplying, on a rental or contract basis, of laundered items such as:

- A. Table and bed linens; towels; diapers; and uniforms, gowns, or coats of the type used by doctors, nurses, barbers, beauticians, and waitresses; and/or
- B. Industrial work uniforms and related work clothing, such as protective apparel (flame- and heat-resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.

**LAUNDRY AND DRY CLEANING (PERSONAL)**

An establishment engaging in one or more of the following:

- A. Dry-cleaning services;
- B. Laundering services;
- C. Dropoff and pickup sites for laundries and/or dry cleaners; and/or
- D. Specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows.

These establishments may provide all, a combination of, or none of the cleaning services on the premises.

**LEASE**

A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.



**LIBRARY**

An establishment in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use, but generally not for sale.

**LIQUOR STORE**

Defined by the Liquor Code, 47 P.S. § 1-101 et seq.

**LIVESTOCK**

Large animals and/or farm animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine but also including poultry. For the purposes of this chapter, livestock shall not be considered domestic pets.

**LOADING SPACE**

Except as otherwise provided in Article VIII of this chapter relating to loading standards, an off-street loading space upon an area of land, open or enclosed, other than a street right-of-way (excluding alleys), used primarily for the standing, loading or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets (excluding alleys).

**LONG-TERM-CARE NURSING**

See Chapter 113 relating to code enforcement, Uniform Construction Code ("nursing home"). (Nursing homes are long-term care facilities on a twenty-four-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five person and any of the persons are incapable of self-preservation.) A long-term nursing home shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania.

**LOT**

See Chapter 260 relating to subdivision and land development. (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.) Also referred to as "parcel."

**LOT, CORNER**

A lot at the junction of and abutting on two intersecting streets (excluding alleys) or at the point of abrupt change of a single street, where the interior angle is less than 135° or the radius of the street line is less than 10 feet. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley. See Figure 2.7, Typical Lots.

**LOT, DOUBLE FRONTAGE**

See Chapter 260 relating to subdivision and land development. (An interior lot having frontage on two streets.) See Figure 2.7, Typical Lots.

**LOT, FLAG**

A lot with two distinct parts: the flag, which is the only building site for a primary structure and is located behind another lot; and the pole, which connects the flag to the street which provides the only street frontage for the lot and at any point is less than the minimum lot width requirements. A flag lot shall have the building setbacks and yards measured from the property lines of the flag portion of the lot only.

[Added 10-30-2017 by Ord. No. 2017-3]

#### **LOT, INTERIOR**

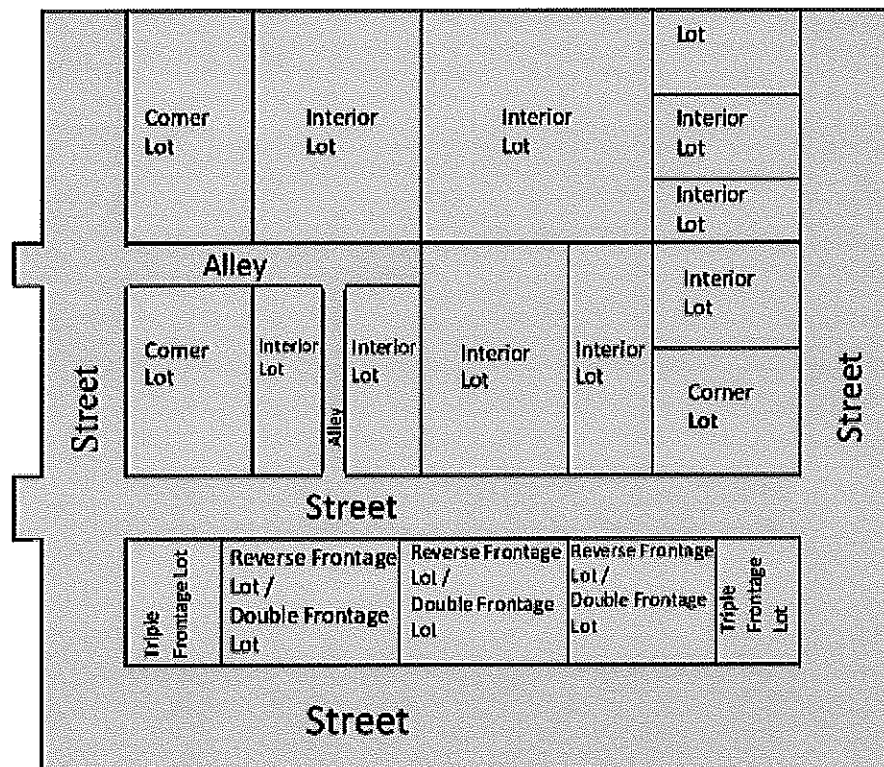
A lot whose side lot lines do not abut upon any street (excluding alleys); a lot other than a corner lot. Lots abutting and bounded by one street, two alleys, and one other lot shall be considered interior lots. See Figure 2.7, Typical Lots.

#### **LOT, REVERSE FRONTAGE**

See Chapter 260 relating to subdivision and land development. (An interior lot having frontage on two streets.) See Figure 2.7, Typical Lots.

#### **LOT, TRIPLE FRONTAGE**

A lot having frontage on three streets (excluding alleys). A triple frontage lot shall have two front lot lines and two side lot lines, except that one of the side lot lines coincides with the lot line abutting the street, and which shall have a buffer yard and planting screen easement. See Figure 2.7, Typical Lots.



**Figure 2.7**

**Typical Lots**

#### **LOT ACCESS**

A way or means of approach to provide vehicular access to a property.

#### **LOT AREA, NET**

The area contained within the property lines of the individual parcel of land, excluding space within the street right-of-way. The lot area includes the area of any utility easement or stormwater management facility.

#### **LOT COVERAGE**

That portion or percentage of the lot area covered by impervious surface.

**LOT FRONTAGE**

That portion of a lot abutting on the street right-of-way (excluding alleys) and regarded as the front of the lot.

**LOT LINE**

See Chapter **260** relating to subdivision and land development. (A line that separates a lot from another lot or from a street or any other public or private space.)

**LOT LINE, FRONT**

The lot line separating a lot from the ultimate street right-of-way (excluding alleys). In the case of a corner lot abutting a street right-of-way on more than one side, there shall be two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

**LOT LINE, REAR**

The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

**LOT LINE, SIDE**

Any lot line other than a front or rear lot line. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley.

**LOT OF RECORD**

See Chapter **260** relating to subdivision and land development. (A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.)

**LOT WIDTH**

The horizontal distance between the side lines of a lot measured at the front lot line (street right-of-way).

**MANICURED LANDSCAPING**

Grassy lawns, yards, and/or hedges that require regular mowing, trimming, and care to maintain a neat and orderly appearance, as opposed to a more natural rural appearance.

**MANUFACTURING**

A function involving either the processing, conversion or production of materials, goods, or products.

**MARQUEE**

See Chapter **113** relating to code enforcement, Uniform Construction Code. (A permanent roofed structure attached to and supported by the building and that projects into the public right-of-way.)

**MASSAGE**

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance,

with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

**MINERALS**

See MPC. (Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.)

**MINERAL EXTRACTION**

The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**MINI-STORAGE WAREHOUSE**

See Chapter 113 relating to code enforcement, Uniform Construction Code ("self-service storage facility"). (Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.)

**MIXED USE**

Occupancy of a structure or land by more than one use, generally permitted nonresidential and permitted residential uses (as permitted in the applicable zoning district).

**MIXED USE DEVELOPMENT**

The development of a tract of land, or building with a variety of complementary and integrated uses.

**MOBILE/MANUFACTURED HOME**

See Chapter 260 relating to subdivision and land development ("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 and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.) Except "mobile home" shall be considered "mobile/manufactured home." See also Chapter 113 relating to code enforcement, Uniform Construction Code ("manufactured housing"). [Housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P.S. §§ 1656.1-1656.9), certifying that it conforms to federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 through 5426).] Except "manufactured housing" shall be considered "mobile/manufactured home."

**MOBILE/MANUFACTURED HOME PARK**

See Chapter 260 relating to subdivision and land development ("mobile home park"). (A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.) Except "mobile home" shall be considered "mobile/manufactured home."

**MOBILE/MANUFACTURED HOME STAND OR PAD**

That part of an individual mobile/manufactured home space that has been reserved for the placement of a mobile/manufactured home and appurtenant structures and connections.

**MOTEL**

An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities, and living quarters for a resident manager or proprietor.

**MOTOR VEHICLE AUCTION**

An establishment where new and used automobiles, trailers, boats, heavy equipment, recreational vehicles, trucks, other similar private passenger, recreation and commercial motor vehicles, and mobile homes, are stored, readied, and displayed on a recurring scheduled basis primarily for wholesale, but may also include retail sales.

**MOTOR VEHICLE WASHING**

An establishment containing facilities for washing motor vehicles and which may include automatic and/or semiautomatic application of cleaner, brushes, rinse water, and/or heat for drying.

**MPC**

The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted,<sup>[6]</sup> also referred to as the "Municipalities Planning Code," "PA MPC," and/or "MPC" in this chapter.

**MUNICIPAL AUTHORITY**

See Chapter **260** relating to subdivision and land development. [A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."<sup>[6]</sup>]

**MUNICIPAL-OWNED USE**

Any establishment, use, facility, and/or structure that is owned and/or operated by the Township of Fairview, its municipal authorities, and/or authorized agents.

**MUSEUM**

An establishment where objects of artistic, historical, or scientific importance are kept, studied, and displayed.

**NATURE PRESERVE AND WILDLIFE SANCTUARY**

An area restricted to and maintained in a natural state for the protection and/or preservation of animal and plant wildlife and other important natural resources native to Pennsylvania.

**NEW USE**

Any new activity or use of land, structure, or building on a lot or parcel that was not occurring as of the effective date of this chapter.

**NIGHTCLUB**

An establishment that may offer the on-site consumption of alcoholic or nonalcoholic beverages and where music, dancing, and/or live entertainment as part of its the operations. For the purposes of this definition, "live entertainment" is also meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs offering the sale of alcohol shall be considered a bar/tavern and shall comply with all provisions and standards for bars/taverns as defined and regulated in this chapter. "Nightclub" includes an "Under 21" club which features entertainment. Nightclubs shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**NO-IMPACT HOME OCCUPATION**

See MPC, "no-impact home-based business."

**NONCOMMERCIAL KEEPING OF LIVESTOCK**

An accessory use which is clearly secondary to the use as a residential dwelling in which livestock are kept exclusively by the residents of the site, and which is not contained upon a farm nor part of an agricultural operation.

**NONCONFORMING LOT**

See MPC. (A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.)

**NONCONFORMING STRUCTURE**

See MPC. (a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed 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. Such nonconforming structures include, but are not limited to, nonconforming signs.)

**NONCONFORMING USE**

See MPC. (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.)

**NON-PHASE 2 OUTDOOR FURNACE**

An outdoor furnace that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly.

**OFF-TRACK BETTING PARLOR**

A commercial use at which persons can visit to wager upon and observe by remote television the outcomes of events that are taking place elsewhere.

**OFFICE, PROFESSIONAL AND BUSINESS**

An establishment in which one or more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, nonprofit or charitable organizations, but also

includes contractors, real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergy, teachers, architects, engineers, landscape architects, planners, interior designers, insurance agents, and similar office-oriented uses.

**OFFICE, MEDICAL**

An establishment where patients are admitted on an outpatient basis for examination and treatment by not more than two full-time-equivalent licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations. Such an establishment shall not have overnight accommodations or a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and X-ray, provided that such uses have access only from the interior of the building or structure.

**OFF-STREET PARKING**

A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

**ON-STREET PARKING**

A temporary storage (surface) for a motor vehicle within a dedicated right-of-way (excluding alleys).

**OPACITY**

Not transparent or translucent; impenetrable to light; not allowing light to pass through, measured by the observation of any two square-yard area lying between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen, if otherwise not specified, shall be six feet. See Figure 2.8, Typical Opacity Example.

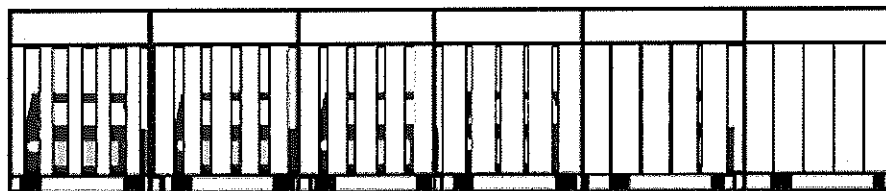


Figure 2.8

Typical Opacity Example

**OPEN SPACE**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**OUTDOOR CAFE/DINING**

A portion of an establishment which includes an exterior seating area associated with a food services, restaurant, tavern/bar, or other similar establishment.

**OUTDOOR SHOOTING RANGE**

An establishment where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof.

Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**OUTDOOR STORAGE**

The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**OUTDOOR FURNACE**

A. A fuel-burning device:

- (1) Designed to burn clean wood, coal, natural gas, kerosene, propane, or domestic heating oil, provided that such fuels comply with all applicable sulfur limits and are used as starters or supplemental fuel for dual-fired outdoor furnaces, and other types of fuel approved in writing by DEP upon receipt of a written request;
- (2) That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
- (3) Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

B. For the purposes of this chapter, the term shall also include outdoor wood-fired boilers, outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc.

**OUTSIDE DISPLAY AND SALES**

The display and sales of products and goods primarily outside of an enclosed building or a structure.

**OVERLAY ZONING DISTRICT**

A zoning district that encompasses one or more underlying or base zoning districts and that imposes additional or supplemental requirements and standards other than those which are required by the underlying or base zoning district(s).

**PARK, PLAYGROUND, AND OTHER NONCOMMERCIAL OUTDOOR RECREATIONAL USES**

A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship, or exercise, commonly involving a sporting activity, hiking, jogging, bicycling, swimming, picnicking, and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, rest rooms, picnic tables, cooking grills, and similar facilities. For purposes of this chapter, parks shall not include improvements for or permit uses that are considered to be commercial recreational uses.

**PARKING, SHARED**

Joint use of a parking compound by more than one use and/or owner.



**PARKING LOT**

Any area of a lot used for off-street parking facilities, providing for the transient storage of automobiles, and other motorized and nonmotorized vehicles.

**PARKING SPACE**

Except as otherwise permitted in Article VIII of this chapter, either a covered garage space or uncovered, improved and stabilized space located outside of the public street right-of-way for the transient storage of automobiles, and other similar motor vehicles.

**PARKING STRUCTURE**

A building or structure where passenger vehicles may be stored for temporary off-street parking, including decks and buildings.

**PATIO**

See "terrace."

**PARTY WALL**

A common shared wall between two separate structures, buildings, or dwelling units.

**PEDESTRIAN WALKWAY**

A specified easement, walkway, path, sidewalk, or other reservation which is designed for and used exclusively by pedestrians.

**PERMITTED-BY-RIGHT USE**

A use that is allowed and in which case zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this chapter.

**PERSON**

See Chapter 260 relating to subdivision and land development. (Any individual, firm, trust, partnership, public or private association or corporation, or other entity.)

**PERSONAL CARE**

An establishment defined and licensed by the Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care facility is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, and who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration. A "halfway house" shall not be considered a personal care facility.

**PERSONAL CARE CENTER**

See "assisted living."

**PERSONAL SERVICE**

An establishment where service-oriented activities for personal needs are provided to the general public, but which do not primarily involve retail sales of goods nor professional advisory services. Such activities shall include and be similar to barbershops and beauty shops/salons; health spas; photographic

studios; small home appliance repair including radios and televisions; repair shops for tools, bicycles, guns, locks, shoes and watches; tailor, dressmaking, and upholstering shops; tutoring, individualized tutoring and teaching, and pet/small animal grooming/washing with no overnight boarding. Personal service establishments shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**PERVIOUS SURFACE (PERVIOUS AREA)**

See Chapter **260** relating to subdivision and land development. (A surface that generally permits the infiltration of water into the ground.)

**PETS, KEEPING OF**

The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops, but shall not include livestock or other farm animals, horses, or any animal or bird for which a permit is required under the Pennsylvania Game and Wildlife Code, 34 Pa.C.S.A. § 101 et seq., or the regulations of the Pennsylvania Game Commission. See Chapter **84** relating to animals.

**PHASE 2 OUTDOOR FURNACE**

An outdoor furnace that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor furnace models will be identified with a white hang tag.

**PLACE OF WORSHIP**

An establishment wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all buildings, structures, and uses customarily associated with such primary purpose including but not limited to rectories, convents, schools, day-care facilities, meeting and food service facilities, cemeteries, columbariums, mausoleums, etc. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**PLANT NURSERY (RETAIL)**

An establishment primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, mulch, and sod, that are predominantly grown off the premises, but such an establishment may sell a limited amount of a product grown on the premise.

**PLAT**

See Chapter **260** relating to subdivision and land development. (The map or plan of a subdivision or land development plan, whether preliminary or final.)

**PORCH**

A roofed (covered) open area, other than a stoop, providing shelter and shade, attached to or part of and with direct access to or from a building, which creates space for a sociable transition from the public sidewalk/street or adjacent property, to the building to which it is attached.

**PORTICO**

A covered porch or walkway, supported by columns, usually extending out from a building; a classical architectural form of a covered colonnade or ambulatory at the entrance of a building.

**POST OFFICE**

An establishment operated by the U.S. Postal Service, where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

**PRE-COMMERCIAL TIMBER STAND IMPROVEMENT**

A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand, but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

**PRIVATE**

Not publicly owned, operated, or controlled.

**PROCESSING**

A function that involves only the cleaning, sorting, sizing packaging or any combination thereof, of products.

**PUBLIC GROUNDS**

See Chapter **260** relating to subdivision and land development. (Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.)

**PUBLIC HEARING**

See Chapter **260** relating to subdivision and land development. (A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.)

**PUBLIC LAND**

Owned, operated or controlled by a government agency (federal, state, county, and local), including its authorized agent or corporation created by law for the performance of certain specialized governmental functions or any public school district.

**PUBLIC MEETING**

See Chapter **260** relating to subdivision and land development. (A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.)

**PUBLIC NOTICE**

See Chapter **260** relating to subdivision and land development. (Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 days from the date of the hearing.)

**PUBLIC STREET/ROAD**

See Chapter **260** relating to subdivision and land development. (A street, including the entire public right-of-way, that has been dedicated to and accepted by the Township or state or that has been devoted to public use by legal mapping, use or other means.)

**PUBLIC/PRIVATE WORKS**

An establishment involving the erection, construction, alteration, operation or maintenance of buildings; power plants; towers; substations; water treatment plants; sewage treatment and/or disposal plants; public transportation; maintenance facilities; and other similar public service structures and uses by a utility, whether publicly or privately owned, or by government agency other than the Township of Fairview, its authorities, or its authorized agents.

**RECREATION**

Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- A. Sports (individual, dual, team, coed recreational, and combative), athletics; both land- and water-based.
- B. Arts and crafts, spectating, picnicking, nature study, and board games.
- C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields,

**RECREATION, OPEN SPACE**

The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

**RECREATION AREA, ACTIVE**

Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION AREA, PASSIVE**

Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas,

craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

#### **RECREATIONAL VEHICLE**

A motor vehicle that is self-propelled or towed and that is designed to be transported along public streets to serve as a mobile temporary residence. For the purposes of this chapter, the term shall also include towable utility and cargo trailers.

##### **A. CLASS I RECREATIONAL VEHICLES**

Recreational vehicles, campers, travel trailers, RVs boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess less than or equal to 200 square feet, as measured to the vehicle's outermost edges, and does not exceed a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

##### **B. CLASS II RECREATIONAL VEHICLES**

Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess more than 200 square feet, as measured to the vehicle's outermost edges, or exceeds a height of 10 feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

#### **REDEVELOPMENT**

Public and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures to accommodate new development within the context of existing streets.

#### **REPLACEMENT**

Remodeling or reusing an existing building or structure for new development.

#### **RESEARCH AND DEVELOPMENT**

An establishment which carries on investigations, testing, and experimentation in the natural, physical, technical, or social sciences, or engineering and development as an extension of such investigation with the objective of creating end products.

#### **RESTAURANT**

An establishment that provides food and drink to patrons and that routinely involves the consumption of at least a portion of such food and drink on the premises. A restaurant may include the accessory sale of alcoholic beverages, and carry-out and delivery services.

#### **RETAIL BUSINESS**

An establishment which sells goods or merchandise to the general public for personal and household consumption and provides accessory repair services for goods or merchandise that is similar to that which is sold on the premises and

render services incidental to the sale of such goods. Retail businesses shall not be construed to be a sexually oriented business as defined in this Article II of this chapter.

**RETAINING WALL**

Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials, or in combination, erected between lands of different elevations to protect structures and/or prevent erosion.

**RIDING SCHOOL AND BOARDING STABLE**

An establishment where horses are boarded and cared for, or where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

**RIGHT-OF-WAY**

See Chapter **260** relating to subdivision and land development. (The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.)

**RIPARIAN CORRIDOR**

An area of land adjacent to a perennial or intermittent stream that is intended to maintain the integrity of stream channels and to reduce stream impacts from upland sources.

**RIVER-ORIENTED USE**

A facility or use which by its nature is required to be on or adjacent to a river.

**ROAD**

See "street."

**ROADSIDE STAND**

An accessory structure which primarily involves the retail sale of agricultural and/or garden products such as fresh fruits, vegetables, herbs, flowers or plants produced on site or on property contiguous to the property on which they are offered for sale, during the harvesting season.

**ROCK OUTCROPPING**

Any rock exposed at or above the ground surface which is attached to the underlying bedrock formation.

**ROOF PITCH/ROOF SLOPE**

The amount of vertical rise a roof has compared to the horizontal run measurement of the roof.

**RURAL OCCUPATION**

A business activity administered or that is clearly conducted as a customary, incidental, and accessory use to a single-family detached dwelling, within an accessory structure.

**SATELLITE DISH ANTENNA**

A concave, parabolic or dish-shaped antenna, or any other apparatus or device that is designed for the purpose of receiving electromagnetic, digital, or other type of signal including video programming signals from direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS).

**SAWMILL**

An establishment where timber is cut, sawed, or planed, either into finished lumber, or as an intermediary step, and that may include facilities for the kiln drying of lumber or the distribution of such products on a wholesale or retail basis.

**SCHOOL**

An establishment offering education or instruction in any branch of knowledge.

**SCHOOL, COMMERCIAL**

Any school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, and other similar type low impact uses conducted within a completely enclosed building.

**SCHOOL, PUBLIC OR PRIVATE**

Any public, sectarian, or private nonprofit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for state-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

**SCHOOL, VOCATIONAL**

Same as a public or private school, except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

**SCREEN**

To inhibit view of or from.

**SCREENING**

A barrier between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as airborne particles, glare, and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**SCREEN PLANTING**

A vegetative material of sufficient height and density to conceal from view uses and/or structures on the premises on which the screen planting is located, from occupants on abutting or adjacent properties.

**SETBACK**

The required horizontal distance between a required setback line and an abutting lot line or street right-of-way line, as applicable.

**A. SETBACK, FRONT**

The distance between the street right-of-way line and the required front setback line. Corner lots shall have two front setbacks. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

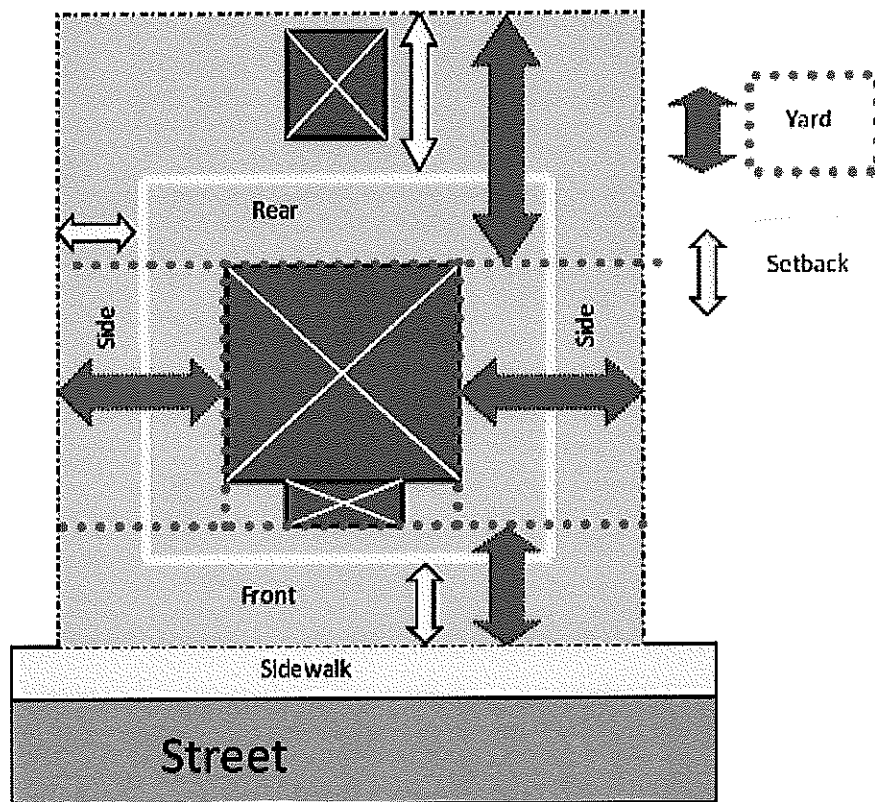
**B. SETBACK, REAR**

The distance between the rear lot line and the required rear setback line. Corner lots shall have no rear setbacks. See Figure 2.9, Typical Setbacks

and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

**C. SETBACK, SIDE**

The distance between the side lot line and the required side setback line. Corner lots shall have two side setbacks. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.



**Figure 2.9**  
**Typical Setbacks and Yards, Interior Lot**



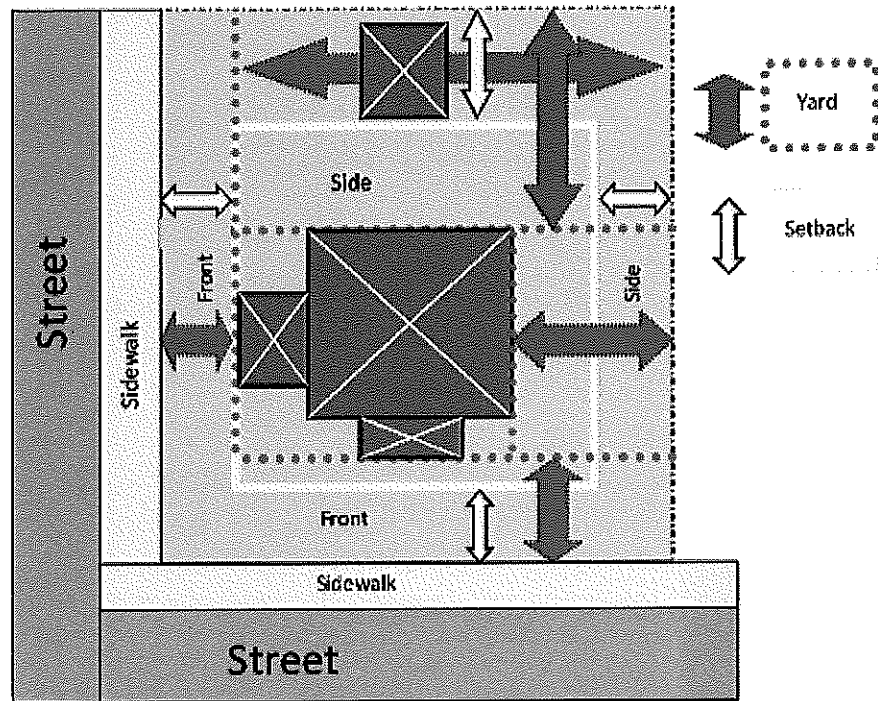


Figure 2.10

Typical Setbacks and Yards, Corner Lot

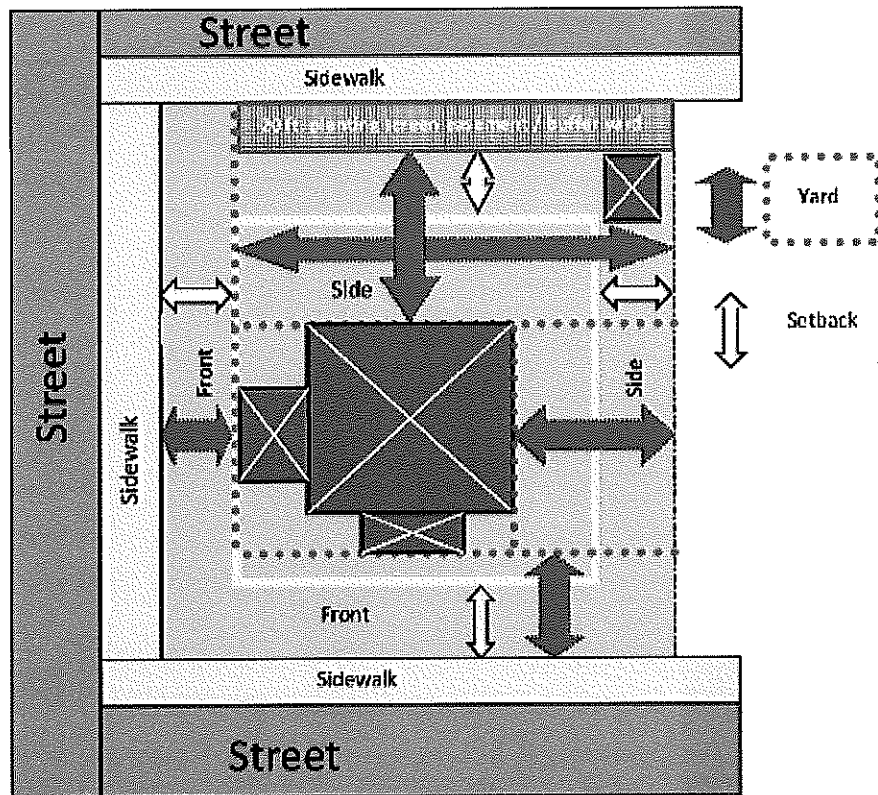


Figure 2.11

Setbacks and Yards, Triple Frontage Lot

SETBACK LINE

The line within a property that shall define the required distance between a use, structure, and/or building and the abutting right-of-way line, or front, rear, and side lot lines and that establishes the area in which said use, structure, or building shall be established, erected, and/or placed. In the case of lot where a front and/or rear lot line does not coincide with a recorded right-of-way (e.g., land-locked lots, lots with substandard access easements, etc.), the setback line(s) shall be measured from the applicable property line(s) closest to the associated recorded right-of-way or ultimate right-of-way.

#### **SEXUALLY ORIENTED BUSINESS AND/OR RELATED USE TERMS AND PHRASES**

Unless specifically defined elsewhere in this Article II of this chapter or in the Code of the Township of Fairview, the following words and phrases, when used in this chapter, relating to the "sexually oriented businesses and/or related uses" shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

**A. ADULT CABARET**

An establishment regularly featuring dancing and other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on exhibiting specific sexual activities or specified anatomical areas for observation by patrons therein.

**B. ADULT MEDIA**

Magazines, books, videotapes, movies, slides, CD-ROMs, DVDs, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.

**C. ADULT MEDIA STORE**

An establishment that rents and/or sells media, and that meets any of the following three criteria:

- (1) Forty percent or more of the net retail floor area is devoted to adult media.
- (2) Forty percent or more of the stock-in-trade consists of adult media.
- (3) It advertises or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

**D. ADULT MOTION PICTURE THEATER**

An establishment emphasizing or predominantly showing sexually oriented movies.

**E. DISPLAY PUBLICLY**

The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, alley, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

**F. EXPLICIT SEXUAL MATERIAL**

Any hardcore material.

**G. HARDCORE MATERIAL**

Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**H. LINGERIE MODELING STUDIO**

An establishment that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

**I. MEDIA**

Anything printed or written or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but is not limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, DVDs, other magnetic media and undeveloped pictures.

**J. MEDIA SHOP**

A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media stores. In that context, "media shop" means a retail outlet offering media for sale or rent, for consumption off-premises, provided that any outlet meeting the definition of "adult media store" shall be treated as an adult media store.

**K. OTHER SEXUALLY ORIENTED ESTABLISHMENT**

An establishment that offers its patrons, services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities.

**L. PRIMARY LIVE ENTERTAINMENT**

On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**M. SADOMASOCHISTIC PRACTICES**

Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

**N. SEX SHOP**

An establishment offering goods for sale or rent and that meets any of the following criteria:

- (1) The establishment offers for sale items for any two of the following categories:
  - (a) Adult media;
  - (b) Lingerie; and/or
  - (c) Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such

items constitutes more than 10% of its stock-in-trade or occupies more than 10% of its net retail floor area.

- (2) More than 5% of its stock-in-trade consists of sexually oriented toys or novelties.
- (3) More than 5% of its net retail floor area is devoted to the display of sexually oriented toys or novelties.

**O. SEXUALLY ORIENTED BUSINESS**

An inclusive term used to describe collectively: adult cabaret; adult media store; adult motion-picture theater; sex shop; and/or other sexually oriented establishment.

**P. SEXUALLY ORIENTED TOYS AND NOVELTIES**

Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

**Q. SPECIFIED ANATOMICAL AREAS**

Includes but are not limited to:

- (1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**R. SPECIFIED SEXUAL ACTIVITIES**

Includes but are not limited to:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**S. VIDEO VIEWING BOOTH OR ARCADE BOOTH**

Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, CD-ROM, DVD, books, magazines, or periodicals) for observation by patrons therein. A video viewing booth shall not mean theater indoor commercial recreation, or a room or enclosure or portion thereof that contains more than 600 square feet.

**SHED**

An enclosed structure not intended for residential occupancy which is accessory to the principal use of the property and is typically used to store personal and household property.

**SHOPPING CENTER**

A retail establishment, or any combination of retail and other similar and related establishments, in a single building or in separate buildings that are planned,

constructed and managed as a total entity with total combined gross building square footage of 10,000 square feet to less than 25,000 square feet of gross square floor area. All shopping centers shall be located in a complex that is planned, designed, developed, owned or managed as a single unit with internal vehicle circulation (public or private) off-street parking and loading provided on the property. Provisions for goods delivery separated from customer access, pedestrian access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved land development plan complying with Township ordinances.

#### **SHOPPING CENTER, LARGE**

A retail establishment, or any combination of retail and other similar and related establishments, in a single building or in separate buildings, or a theater or an indoor recreational facility, occupying 25,000 or more square feet of gross square floor area. All large shopping centers shall be located in a complex that is planned, designed, developed, owned or managed as a single unit with internal vehicle circulation (public or private) off-street parking and loading provided on the property. Provisions for goods delivery separated from customer access, pedestrian access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved land development plan complying with Township ordinances.

#### **SIDEWALK**

A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

#### **SIDEWALK AREA**

That portion of the right-of-way that lies between the edge of the right-of-way line and curbline, regardless of whether the sidewalk exists.

#### **SIGHT DISTANCE**

The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

#### **SIGN TERMS AND PHRASES**

Unless specifically defined elsewhere in this Article II of this chapter, the following words and phrases when used in Article IX of this chapter relating to exterior signs and outdoor display structures shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

##### **A. AREA or SURFACE AREA, SIGN**

An area measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, excluding the supporting structures which do not form part of the sign proper or the display. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. The area of three-dimensional signs shall be determined by adding the areas of the sides of the smallest polyhedron that will encompass the sign, regardless of whether it contains copy or not.

##### **B. BILLBOARD, POSTER PANEL or OUTDOOR ADVERTISING STRUCTURE**

A board, panel or tablet used for the display of printed or painted advertising matter containing advertising copy for a product, service, cause, event, or facility not on the premises.

**C. DIGITAL OR ELECTRONIC BILLBOARD SIGN**

A billboard or off-premises sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Digital or electronic billboard signs shall include computer-programmable, microprocessor-controlled electronic or digital displays. Digital or electronic billboard signs include projected images or messages with these characteristics onto buildings or other objects.

**D. GROUND SIGN or FREESTANDING SIGN**

A sign supported by uprights, poles, or braces in or upon the ground surface and not attached to or part of a building. Any sign which is so constructed or mounted as to facilitate moving from place to place shall also be considered a "ground sign" or "freestanding" sign.

**E. IDENTIFICATION SIGN**

Any sign which carries only the name of the person, the occupation or principal product offered for sale on the premises, or a combination of these descriptions or the name of the building upon which the sign is placed.

**F. ILLUMINATED SIGN**

A sign that provides artificial light directly, or through any transparent or translucent material, from a source connected with such sign or a sign illuminated by a light focused on or chiefly directed at the surface of the sign.

**G. LOCATION, SIGN**

A lot, premises, building, structure, wall or any place whatsoever upon which a sign is located.

**H. MARQUEE SIGN**

A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line.

**I. MOVABLE SIGN**

A sign which is so constructed or mounted as to facilitate moving from place to place.

**J. OPEN SIGN**

A sign in which at least 50% of the enclosed area is uncovered or open to the transmission of wind.

**K. OUTDOOR ADVERTISING STRUCTURE**

See "billboard."

**L. POSTER PANEL**

See "billboard."

**M. PROJECTING SIGN**

A sign which is attached directly to the building wall and which extends more than 15 inches from the face of the wall.

**N. PROPERTY**

A parcel or lot and all improvements thereon, held in separate ownership by any person.

**O. ROOF SIGN**

A sign which is erected, constructed and maintained above or on the roof of the building.

**P. SIGN**

Any structure, substance, material, device, light, or natural object, including the ground itself or any part thereof, or any device attached thereto, placed thereon, or painted or represented thereon which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business or which shall display any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from a parking lot.

**Q. TEMPORARY SIGN**

A sign which advertises a product, service, special event, or sale which is located on a site, for a specific time period.

**R. WALL SIGN**

A sign which is painted on or attached directly to the building wall and which extends not more than 15 inches from the face of the wall and does not extend above the roof line. It shall include any sign painted on or attached directly to the outside of a window.

**SITE**

A parcel or tract of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

**SITE INVENTORY PLAN**

A mapped identification of a site's natural and man-made resources.

**SITE/PLOT PLAN**

An accurately scaled development plan that illustrates the existing conditions on a land parcel and depicts details of a proposed development.

**SKILLED OR INTERMEDIATE NURSING CARE**

Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

**SLOPE**

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed by a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**MODERATELY STEEP** — An area of land with natural, cut or filled slopes between 15% and 24.99%.

[Added 1-25-2016 by Ord. No. 2016-1]

**STEEP** — An area of land with natural, cut or filled slopes that are greater than or equal to 25%.

[Added 1-25-2016 by Ord. No. 2016-1]

#### **SOLAR ENERGY PRODUCTION**

A solar energy system that supplies energy primarily for off-site/off-premises use.

#### **SOLAR ENERGY SYSTEM**

An alternative energy system which includes any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

#### **SOLID WASTE TRANSFER**

An establishment where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include an automobile wrecking, junk, and scrap storage and sales establishment; leaf composting; clean fill or septage or sludge application.

#### **SPARK ARRESTER**

A device (located at the top of a chimney) to prevent sparks, embers or other ignited material above a given size from being expelled to the atmosphere.

#### **SPECIAL EXCEPTION USE**

See MPC. (A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX.)

#### **STACKING LANE**

A paved surface designed to accommodate a motor vehicle waiting for entry to any drive-in facility or other similar auto-oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed.

#### **STOOP**

A roofed (covered) or unroofed (uncovered) open area, other than a porch, that is less than or equal to 30 square feet, constructed of concrete or masonry, providing direct access to and from a building.

#### **STORY**

See Chapter 113 relating to code enforcement, Uniform Construction Code. [That portion of a building included between the surface of a floor and the upper surface of the floor or roof next above (also see "basement," "mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tier of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or where there is not a ceiling, to the top of the roof rafters.)

#### **STREAM**

A watercourse, other than a lake or pond, having a source, terminus, banks, and channel through which waters flow at least periodically.



**STREAM, INTERMITTENT**

A stream carrying water during the wet seasons.

**STREAM, PERENNIAL**

A stream that is present during all seasons of the year.

**STREET**

See MPC. (Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.) Streets shall conform to one of the following categories:

**A. ALLEY**

A secondary or service road that is generally parallel to a primary local, collector, or arterial street, and which generally abuts and provides access to the rear of lots. Alleys are generally on the same level as a local street, and are used in cases of narrow lot frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane streets. For purposes of this chapter, the following streets listed in Table 2-1, Alleys, shall be considered alleys:

**Table 2-1****Alleys**

<b>Name</b>	<b>Between Cross Streets</b>
Bruce Alley	Miramar Street and Davis Alley
Charles Alley	Market Street and Ross Avenue
Davis Alley	Ross Avenue and Water Street
Division Alley	Charles Alley and Water Street
Hess Alley	Miramar Street and Radesky Street
Hogan(s) Alley	Ross Avenue and Water Street
Strauss Alley	Ross Avenue and Water Street

**B. ARTERIAL or MAJOR**

See Chapter 260 relating to subdivision and land development. (A street serving large volumes of comparatively high-speed and long distance or through traffic, including those facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.) For a listing of streets identified as arterial or major streets, see the most recent version of the Fairview Township Comprehensive Plan.

**C. COLLECTOR**

See Chapter 260 relating to subdivision and land development. [A street, which in addition to providing access to abutting properties (50 or more), intercepts minor streets and provides access to community facilities and/or other collector or arterial streets.] For a listing of streets identified as collector streets, see the most recent version of the Fairview Township Comprehensive Plan.

**D. LOCAL or MINOR**

See Chapter **260** relating to subdivision and land development. (A street used primarily to provide access to abutting properties.) For a listing of streets identified as local streets, see the most recent version of the Fairview Township Comprehensive Plan. Additionally, local streets shall be all streets and roads not listed as arterials, collectors, or alleys.

**STREET LINE - (RIGHT-OF-WAY LINE)**

A line defining the edge of a street right-of-way and separating the street from an abutting property or lot. The street line shall be the same as the legal right-of-way line, or the ultimate right-of-way line.

**STRUCTURE**

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

**STRUCTURE, ACCESSORY**

A structure customarily incidental and subordinate to and detached from the principal structure on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**STRUCTURE HEIGHT**

The vertical distance above the average existing grade measured to the highest point of the structure.

**STRUCTURE, PRINCIPAL**

The main, primary, or predominant structure on a given lot, tract, or parcel.

**STRUCTURE, TEMPORARY**

A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**STUDENT**

An individual registered for instruction at a public, private or commercial school, within a given calendar year.

**SUBDIVISION**

See Chapter **260** relating to subdivision and land development. (The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.)

**SWIMMING POOL**

See Chapter **113** relating to code enforcement, Uniform Construction Code. [Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.] Ornamental ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction. Furthermore, this definition

includes all above ground and below ground, permanent and temporary/portable types of pools, spas and jacuzzis.

**SWIMMING POOL, PUBLIC**

A swimming pool that is not a residential swimming pool.

**TATTOO PARLOR/BODY-PIERCING BUSINESS**

A licensed establishment whose principal business activity, either in terms of operation or as advertised, is the practice of one or more of the following:

- A. Placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or
- B. Creating an opening in the body of a person for the purpose of inserting jewelry or other decoration; and as licensed to operate as such by applicable entities.

**TAVERN/BAR**

An establishment which serves primarily alcoholic beverages for mostly immediate on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, but may also include the incidental sale of food. Taverns and bars shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**TELECOMMUNICATION**

The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received.

**TELECOMMUNICATION SIGNAL SITE**

A tract or parcel of land that contains a telecommunication antenna, its support structure, accessory building(s), parking, and may include other uses and equipment associated with and ancillary to telecommunication signal transmission or processing.

**TERRACE**

A level, landscaped, and/or surfaced area, also referred to as a "patio," directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

**THEATER, INDOOR**

An establishment with a building or portion thereof devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**THEATER, OUTDOOR AND DRIVE-IN**

An establishment upon an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**THERAPEUTIC MASSAGE**

Defined by the Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs.

**THERAPEUTIC MASSAGE FACILITY**

An establishment where therapeutic massage services are provided by a person having a valid license in accordance with the Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs. Massage therapy establishments shall not be construed to be a sexually oriented business and/or related use as defined in this Article II of this chapter.

**TOWNSHIP ENGINEER**

See Chapter 260 relating to subdivision and land development; "engineer." (A professional engineer licensed to practice in the Commonwealth of Pennsylvania designated as the Engineer for the Township of Fairview.)

**TOWNSHIP SOLICITOR**

The attorney licensed to practice in the Commonwealth of Pennsylvania, designated by the Board of Supervisors of the Township of Fairview to furnish professional legal assistance for the administration of this chapter.

**TRACT AREA, GROSS**

The area of a parcel within the lot lines, established by a plat or otherwise as permitted by law, which is the subject of an application for development.

**TRACT AREA, NET**

The area derived from subtracting the area within street ultimate rights-of-way lines, utility easements, and access strips from the total gross tract area.

**TRAVEL PLAZA**

An establishment where a range of services and goods to professional drivers and the general public are congregated, such as fuel/gas sales, vehicle service, overnight accommodations and restaurants.

**TREATMENT CENTER**

A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as a criminal halfway house;
- B. Current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

**TRUCK DROP LOT**

An establishment providing for the temporary parking and transient storage of trucks and/or related truck-trailers used in cargo and freight transportation.

**TURBINE HEIGHT**

The vertical distance above the average existing grade measured to the highest point of the wind turbine rotor plane.

**UNIFORM CONSTRUCTION CODE (UCC)**

The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Pennsylvania Department of Labor and Industry; applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**UNIT OF OCCUPANCY**

An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

**UNIVERSITY/COLLEGE**

An educational establishment, authorized by the Commonwealth of Pennsylvania as such to award associate, baccalaureate or higher degrees, including, principal uses for classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities as well as ancillary uses, such as research facilities, retail services and businesses that support student, faculty and staff needs.

**USE**

The specific purpose or activity for which land, structures, or buildings are designed, arranged, intended, occupied, and/or maintained.

**USE, ACCESSORY**

A use customarily incidental and subordinate to the principal use or the principal structure and located on the same lot with such principal use or principal structure. If no principal use or principal structure exists on a lot with an accessory use, then such accessory use shall only be considered a principal use.

**USE, PRINCIPAL**

The main, primary, or predominant use of any lot, tract, parcel of land, or structure.

**USE, TEMPORARY**

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**UTILITY LINE**

A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines, and other lines.

**VARIANCE**

See MPC. (Relief granted pursuant to the provisions of Articles VI and IX.)

**VEGETATIVE COVERAGE**

An area covered with a vegetative material including: grass, shrubs, vines, trees, and other landscaping.

**VETERINARIAN**

A qualified professional trained in the care and treatment of animals.

**VETERINARY OFFICE**

An establishment used primarily for the treatment, by a veterinarian, of small household domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor keeping or boarding of animals is permitted.

**WALL**

Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials, or a combination of stated materials, erected to provide screening, divide one property from another property or public street right-of-way; to help assure privacy or protection, to define or mark the property or lot line(s).

**WAREHOUSE**

An establishment used primarily for the indoor storage and handling of products, supplies, or equipment, but not including the maintenance or fueling of commercial vehicles.<sup>[7]</sup>

**WAREHOUSING AND DISTRIBUTION**

An establishment involving, as its primary use, the storage and/or distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create a hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair unless such uses are specifically permitted in that zoning district.

[Added 10-30-2017 by Ord. No. 2017-3]

**WETLANDS**

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

**WHOLESALE**

Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

**WHOLESALE**

An establishment which, in the normal course of business and as a primary use, sells materials, products, supplies and equipment to a limited customer base, such as club members, contractors, restaurant owners/employees, etc. Wholesaling of materials, products, supplies and equipment shall not be open to or accessible by the general public.

[Added 10-30-2017 by Ord. No. 2017-3]

**WIND CHARGER**

A wind energy system direct-current generator used for charging storage batteries.

**WIND ENERGY PRODUCTION**

A wind energy system that supplies energy primarily for off-site/off-premises use.

**WIND ENERGY SYSTEM**

An alternative energy system which includes a wind charger, wind turbine, or other electric-generation facility designed to convert wind power into another form of energy such as electricity or heat, and which consists of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**WINDMILL**

A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE**

A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE TOWER**

The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

**WING WALL**

An extension of a building wall that projects out beyond the building itself. These types of walls are typically associated with adding aesthetics to a building.

**WOODLANDS**

An area of plant material covering one acre or more, and consisting of 30% or more canopy trees having an eight-inch or greater caliper, or more trees having a ten-inch or greater caliper. Trees shall be measured at 4 1/2 feet from ground level.

**YARD**

An unoccupied and unobstructed open space of land between the building line of permitted structure and the adjoining lot line.

**YARD, FRONT**

The yard area extending across the full width of the lot and contained between the building line of the principal structure and the front lot line or street line (excluding alleys), measured perpendicular to the building line of said structure at the closest point to the front lot line. Corner lots shall have two front yards. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

**YARD, REAR**

The yard area extending across the full width of the lot and contained between the building line of the principal structure and the rear lot line, which may include street lines created by alleys, measured perpendicular to the building line of said structure at the closest point to the rear lot line. Corner lots shall have no rear

yards. See Figure 2.9, Typical Setbacks and Yards, Interior Lot, Figure 2.10, Typical Setbacks and Yards, Corner Lot, and Figure 2.11, Setbacks and Yards, Triple Frontage Lot.

**YARD, SIDE**

The yard area(s) extending from the front yard to the rear yard and contained between the building line of the principal structure and any side lot line(s), measured perpendicular to the building line of said structure at the closest point to the nearest side lot line. Corner lots shall have two side yards. See Figure 2.9 Typical Setbacks and Yards, Interior Lot, Figure 2.10 Typical Setbacks and Yards, Corner Lot, and Figure 2.11 Setbacks and Yards, Triple Frontage Lot.

**ZONING DISTRICT**

A section of the Township of Fairview designated in this chapter's text and delineated on the Official Zoning Map, "Township of Fairview, York County, PA: Official Zoning Map" listed in Article III of this chapter relating to zoning districts and map, in which regulations for the use of land, structures, buildings, and development are prescribed.

**ZONING MAP**

The map setting forth the boundaries of the zoning districts of the Township of Fairview which shall be part of this chapter, "Township of Fairview, York County, PA: Official Zoning Map" listed in Article III of this chapter relating to zoning districts and map.

**ZONING OFFICER**

The administrative officer appointed by the Board of Supervisors of the Township of Fairview to administer this chapter and issue zoning permits.

**ZONING PERMIT**

A document signed by a Zoning Officer, as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure, that acknowledges that such use and/or structure complies with the provisions of this chapter or authorized variance therefrom. See "building permit."

- [1] *Editor's Note: See 35 P.S. § 691.1 et seq.*
- [2] *Editor's Note: See 74 Pa.C.S.A. § 5101 et seq.*
- [3] *Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.*
- [4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- [5] *Editor's Note: See 53 P.S. § 10101 et seq.*
- [6] *Editor's Note: Said Act was repealed by 6-19-2001 by Act 22 of 2001. See now Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.*
- [7] *Editor's Note: The former definition of "warehousing, distribution and wholesaling," which immediately followed this definition, was repealed 10-30-2017 by Ord. No. 2017-3. See now the definitions of "warehousing and distribution" and "wholesaling."*