

§ 27-112. Definitions. [Ord. 2011-02, 5/9/2011, § 27-112; as amended by Ord. 2012-03, 4/9/2012, § 1; by Ord. 2012-05, 11/13/2012, § 1; by Ord. 2013-02, 7/22/2013, § 6; by Ord. 2014-03, 4/14/2014, § 5; by Ord. 2014-05, 5/12/2014, § 1; and by Ord. 2015-07, 11/23/2015, § 1]

1. Word Usage. Words not herein defined shall take on the meaning as defined in the latest edition of the Merriam-Webster's Collegiate Dictionary.
2. Language Interpretation. In this chapter, when not inconsistent with the context:
 - A. Words in the present tense imply also the future tense.
 - B. The singular includes the plural.
 - C. The male gender includes the female gender.
 - D. The word "person" includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - E. The term "shall" is always mandatory.
 - F. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.
3. Specific Words and Phrases. The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this chapter:

ACCESS DRIVE — An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or farm.

ACCESSORY USE OR STRUCTURE — A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ACT — The latest version of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq.

ADULT-RELATED FACILITIES — A business or club which engages in one or more of the following areas of sales, services or entertainment:

ADULT BATH HOUSE — An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this chapter, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

ADULT BODY PAINTING STUDIO — Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

ADULT BOOKSTORE — Any establishment which has a substantial or significant portion of its stock in trade.

(a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET — A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT MASSAGE ESTABLISHMENT — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

ADULT MINI-MOTION PICTURE THEATER — An enclosed or unenclosed building with a capacity of more than five, but less than 50, persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MODEL STUDIO — Any place where, for any form of consideration or gratuity, live models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania, Title 24, P.S. and Pa.C.S.A., for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

ADULT MOTEL — A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE — Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER — An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT NEWS RACK — Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

ADULT OUT-CALL SERVICE ACTIVITY — Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

ADULT SEXUAL ENCOUNTER CENTER — Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

ADULT THEATER — A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE — An industry 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 aqua-cultural crops and commodities. The term includes 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. This definition shall include noncommercial greenhouses and mushroom houses, but shall not include breeding or boarding kennels as defined within this ordinance.

AGRITOURISM ENTERPRISE — Activities conducted on and accessory to a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm. This definition does not include other uses specifically defined within this chapter.

ALLEY — A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS — Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use, location, and/or size.

ALTERNATIVE ENERGY SOURCES — See "renewable energy source."

AMUSEMENT ARCADE — A commercial establishment which provides as a principal use amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two or less such devices as an accessory use.

ANAEROBIC DIGESTER — A facility that recovers and/or recycles the nutrients primarily from livestock and poultry manure, but may use other biomass materials as secondary catalysts. The recovery and/or recycling process generally involves the burning of such materials to produce electricity, heat and water, but may produce products on a commercial scale for resale including, but not limited to: electricity, various gasses, fuels, fertilizer, animal feed and bulk minerals.

ANIMAL HOSPITALS — Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development including his 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.

APPURTENANCE — A subordinate component or structural feature attached or affixed to a principal structure or erected on the parcel.

ASSISTED LIVING FACILITY — A facility licensed as a personal care home by the Commonwealth of Pennsylvania in which supervised around-the-clock services and nursing care are provided for four or more individuals who require only intermittent care to maintain the basic needs of daily living.

ATTIC — That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE AUCTION FACILITY — A commercial establishment for the sale at auction of motor vehicles, boats, trailers, and similar equipment on a recurring basis, which shall include accessory uses, such as the storage of vehicles awaiting auction, and reconditioning of such vehicles.

AUTOMOBILE AUCTIONS — A primary business where automobiles are stored, readied, and displayed for wholesale sales. Such uses generally only conduct actual sales on one or several designated days of the week.

AUTOMOBILE COURT — A functionally and visually integrated use that is comprised of no less than three separate automobile (and other vehicles) related sales and service uses.

AUTOMOBILE FILLING STATION — Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales.

AUTOMOBILE PARKING LOT — An accessory use in which required, and possibly additional, parking spaces are provided, subject to the requirements listed in § 27-310 of this chapter.

AUTOMOBILE RECONDITIONING — A commercial business at which any or all of the following services are performed upon passenger vehicles:

- (1) Washing, waxing, buffing, rubbing and/or application of paint sealants to vehicle's exterior.
- (2) Minor touch-up to vehicle's exterior paint and/or application of pin stripes and other similar decorative treatments.
- (3) Cleaning and shampooing of vehicle's interior compartment.
- (4) Replacement of minor decorative automobile parts and trim.
- (5) De-greasing and cleaning of engine compartment.

AUTOMOBILE SALES — Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely enclosed building.

AUTOMOBILE SERVICE — The retail repair, servicing, maintenance, and reconstruction of passenger vehicles, but not including car washes per se.

AUTOMOBILE STORAGE COMPOUND — A primary business where privately-owned passenger vehicles may be stored for short-term, daily, or overnight periods.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST — An owner-occupied single-family detached dwelling, where between one and seven rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BILLBOARD — See "sign, billboard."

BIOMASS — Organic materials, derived from living, or recently living organisms, such as livestock waste, agricultural crops and residue, wood and wood waste, and organic components of municipal and industrial wastes, that may be used as a source of fuel or energy. The term excludes fossil fuels, which have been transformed by geological processes into substances such as coal or petroleum.

BLOCK — An area of land bound by interconnected streets.

BOARD — The Zoning Hearing Board of Penn Township.

BOARDING HOUSE — A detached building, or part thereof, used to provide shelter and/or food for compensation to more than three unrelated individuals, but not more than 10 individuals, who do not constitute a family.

BUFFER AREA — A landscaped area, or an area of preserved vegetation, intended to be used as a means of limiting the potentially adverse effects created by a use, on adjoining properties, streets and uses.

BUILD-TO LINE — The line which defines the required placement of a building facade on a lot, as measured from the street or right-of-way line on which the building fronts. On a corner lot, there shall be a build-to line located along each street.

BUILDING — Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes stated above.

For the purposes of § 27-214, a building shall be a combination of materials to form a permanent structure having walls and a roof, including all manufactured homes and trailers to be used for human habitation and gas or liquid storage tanks.

BUILDING AREA — The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

BUILDING FOOTPRINT — The total horizontal area encompassed by a building's outer walls as measured at ground level.

BUILDING HEIGHT — A building's vertical measurement from the mean level of the ground abutting the building at its corners to the highest point of the roof.

BUILDING SETBACK LINE — The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps. See also "build-to line."

CCRC — See "continuing care retirement community."

CAFE — An outdoor seating area associated with a restaurant or tavern which is under constant supervision by an employee of the business.

CAMPGROUND — A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES — A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CARPORT — An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts, except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY — That portion of a street or alley right-of-way, access drive or driveway that is intended for vehicular movement.

CELLAR — A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 1/2 feet. Within a dwelling unit, a cellar shall not be counted as floor area, nor as a story of permissible building height.

CEMETERY — Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY — A statement signed by a duly authorized Township officer, setting forth that a building, structure or use legally complies with this chapter and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHANNEL — A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CLEAN WOOD — Natural, dry wood that has no paint, stains or other types of coatings and has not been treated with any chemical, including, but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at the intersection of two or more streets, access drives or alleys. It is defined depending on street types by lines of sight between points at a given specific distance from the intersection of the centerlines of both streets. No obstructions lower than seven feet nor higher than 2 1/2 feet as measured from the nearest street are permitted within the designated clear sight triangle.

CLUBHOUSE — A building within which is housed an organization catering principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Clubhouses shall not be used for adult-related uses, off-track betting parlors, nor shooting ranges, as defined herein.

CLUSTER DEVELOPMENT — An alternative to conventional development that permits flexible design, density bonuses, and lot size averaging in order to emphasize consideration of and sensitivity toward natural and cultural resources and provide recreational opportunities in keeping with the comprehensive plan.

COMMERCIAL KEEPING AND HANDLING — Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

COMMERCIAL LIVESTOCK OPERATION — An agricultural use involving more than 50 head of livestock.

COMMERCIAL POULTRY OPERATION — An agricultural use involving more than 500 birds including, but not limited to, chickens and turkeys.

COMMERCIAL RECREATION FACILITY — A business enterprise including, but not limited to, bowling alleys, movie theaters, swimming pools, miniature golf courses or driving ranges, etc., which offers recreational activities to the general public. This does not include adult-related uses or amusement arcades, as defined herein.

COMMON OPEN SPACE — Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of a development or the general public. Common open space shall not include street rights-of-way; dwelling units; residential accessory buildings; off-street parking spaces other than off-street parking spaces required to serve permitted recreational amenities within the common open space; driveways and access drives serving any off-street parking other than off-street parking required to serve recreational amenities within the common open space; required front, side and rear setbacks; and/or required separation distance areas between buildings. Common open space may include floodplains, stormwater management facilities, and required agricultural setbacks and residential buffer strips that extend beyond required front, side and rear setbacks. Common open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by residents of the development or the general public.

COMMUNICATION ANTENNA — Any facility for the transmission, broadcast or reception of radio, television, short wave, electromagnetic, cellular, wireless or other wave band signals of a similar nature, which are designed or used for the purpose of transmitting, broadcasting or receiving visual, audio, electronic or other information or data including, without limitation, such facilities for cellular or other wireless telephones, pagers and beepers. (Such facilities do not include receiving facilities which are for sole use of individual consumers and

which are located on the property in which such individual consumer resides.)

COMMUNICATION TOWER — Any pole, telescoping mast, tower, tripod, equipment shelter, or any other structure which supports a device used in transmitting or receiving cellular telephone, beeper, radio, frequency energy or other frequencies utilized in the communications industry, including, but not limited to, communication antennas and satellite dishes used to transmit and/or receive data.

COMMUNITY OR CULTURAL CENTER — A building and its related facilities used for educational, social, cultural or recreational activities, which includes museums, community centers, and the like.

COMMUNITY FACILITY — A use owned and operated by a government agency, other than Penn Township. For purposes of this definition, transitional housing and public parks shall not be considered a community facility.¹

COMPREHENSIVE PLAN — The official Manheim Central Region Comprehensive Plan, Lancaster County, PA, adopted, and any subsequent amendments.

CONDITIONAL USE — A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with § 27-705 of this chapter.

CONDOMINIUM — A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION PLAN — A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSISTENCY — An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

1. Editor's Note: The former definition of "completely dry space," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

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

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) — A retirement community regulated by the Commonwealth Department of Public Welfare that provides a continuum of care from independent living to assisted living and long term care/skilled nursing facilities.

CONTINUOUS VISUAL BUFFER — A visually impenetrable screen created through the effective use of plant materials, fencing, walls and/or earthen berms in the form of a buffer planting strip.

CONVENIENCE STORE — A retail sales business which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

- (1) The rental of video tapes provided that an adult bookstore is specifically prohibited.
- (2) The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided.
- (3) The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).

Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

CONVENTIONAL DEVELOPMENT — A typical subdivision or land development where:

- (1) The gross tract area is consumed by lots for dwellings, streets, stormwater management facilities, and utility installations (versus public open space for pedestrian gathering areas, plazas, squares, greens, and other civic open space).
- (2) There is a single use, or a single dwelling unit type (versus mixed-use or mixed dwelling unit types).
- (3) There are front yard setbacks deeper than 20 feet (versus build-to lines).

(4) There are cul-de-sacs (versus an interconnected network of streets and alleys).

(5) There is no on-street parking.

DAY CARE FACILITY — A dwelling, building, or portion thereof, where the care, supervision and protection of children or adults is provided, including any outdoor play area. This definition does not include the offering of overnight accommodations.

DAY CARE CENTER — A day care facility that is the principal use of a site, and is licensed by the Commonwealth of Pennsylvania to provide care for seven or more individuals on any calendar day.

DAY CARE, FAMILY — A day care facility that is operated as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than six different persons during any calendar day.

DEED OF TRANSFERABLE DEVELOPMENT RIGHTS — A legal document duly recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania, which grants transfer of ownership or and/or places on record ownership of transferable development rights (TDRs).

DEMOLITION — The dismantling, tearing down or razing of a building or structure, in whole or in part.

DEMOLITION BY NEGLECT — The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

DENSITY — The number of dwelling units in relation to the net acreage of land, whether development area, residential area, or other area as specified within the individual development options.

DENSITY, BASE — The number of dwelling units per acre permitted within a development without the use of any density bonuses or TDR credits.

DENSITY, NET — The number of dwelling units per acre permitted within a development based on the net acreage of the tract.

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

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT TRACT — The land, which may be comprised of one or more lots, which is proposed to be developed as a TND, CCRC, industrial park, cluster development, or nonresidential development as set forth in an application for development.

DEVELOPMENTAL DISABILITY — A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

- (1) Attributable to mental retardation, cerebral palsy, epilepsy or autism.
- (2) Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons, or requires treatment and services similar to those required for such persons.
- (3) Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON — A person with a developmental disability.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter of a tree trunk measured 4 1/2 feet above the adjacent natural grade.

DISTRIBUTION — A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

DRIVE-THROUGH FACILITY — Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY — An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DWELLING — Any building or portion thereof designed and used exclusively for residential occupancy. The word "dwelling" shall not include boarding houses, hotels, motels, trailers or any structure designed or used for transient residence for guests or patients. All dwellings must be affixed to a permanent foundation per the Uniform Construction Code. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical and other utility systems.

ACCESSORY DWELLING UNIT (ADU) — A dwelling unit that is either attached to the principal permitted building or to a permitted accessory building on a lot that has common utilities with the principal permitted building for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

APARTMENT OVER COMMERCIAL — A dwelling unit contained on the upper floors of a commercial building, such as a live-work unit or mixed-use building.

MANOR HOUSE — A building containing between three and six dwelling units, where at least one unit is located above the others.

MOBILE HOME — For the purposes of this chapter, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings. In addition, all apparatuses used to tow or transport the mobile home (including, but not limited to the towing hitch) shall be removed.

MULTIPLE FAMILY — A building containing seven or more dwelling units.

SINGLE-FAMILY DETACHED (SFD) — A freestanding building containing one dwelling unit for one family, and having two side yards, one front yard, and one rear yard; in the case of a corner lot, the building will have two front and one side and rear yards.

SINGLE-FAMILY SEMI-DETACHED — A two-family structure in which the two units are separated by an unpierced wall extending from basement to roof. Each unit has a front yard, one side yard, and rear yard.

TOWNHOUSE/SINGLE-FAMILY ATTACHED — A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

TWO-FAMILY DWELLING — A freestanding building containing two dwelling units for two families, arranged in an over-under configuration.

DWELLING UNIT — A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY — Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. ²

FAMILY — An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, for the purposes of determining eligibility to occupy a dwelling unit, up to three unrelated individuals who maintain a common household and live within one dwelling unit. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM — Any parcel of land with 20 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARM OCCUPATION — An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm.

FARM-RELATED BUSINESS — A principal commercial use intended to meet the needs of the local agricultural community through the provision of services and materials needed to farm, including, but not limited to: sales and maintenance of agricultural equipment; blacksmith shops; butcher shops; feed or grain mills; processing of locally produced agricultural products; veterinary offices treating farm animals; feed supply, fuel and fertilizers distributors; and composting and other farm waste storage facilities.

FARMER'S MARKET — A seasonal selling of fruits, vegetables or produce, orchard products, flowers, and the like in a

2. **Editor's Note: The former definition of "essentially dry space," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.**

predesignated area, where the vendors are typically individuals who have raised, harvested or processed the products.

FEED MILL/GRAIN MILL — A facility involved in the processing and/or storage of feed or grains for human or animal consumption.

FELLING — The act of cutting a standing tree so that it falls to the ground.

FENCE — A structure designed as a barrier to restrict the movement or view of persons, animals, property and/or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than 1/2 the width and/or depth of the front yard.

FILL — Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including, but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION — A bank, savings and loan association, credit union, finance or loan company, etc. ³

FLEA MARKET — A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Flea markets can include indoor and outdoor display or merchandise.

FLOOD — A temporary inundation of normally dry land areas.

FLOODPLAIN OR 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; and/or the identified floodplain area established in Chapter 8 of the Code of Ordinances. ⁴ **[Amended by Ord. 2016-02, 3/14/2016]**

FLOOR AREA, GROSS — The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use, including attics and cellars.

FLOOR AREA, GROSS LEASABLE — The floor area in a shopping center actually leased to tenants, excluding common areas such

3. Editor's Note: The former definition of "five-hundred year flood," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

4. Editor's Note: The former definitions of "floodproof or floodproofing," "floodway," and "flood elevation," which immediately followed this definition, were repealed 3/14/2016 by Ord. 2016-02.

as corridors, hallways, common restroom facilities, common storage facilities and other areas not leased by tenants.

FLOOR AREA, HABITABLE — The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY — The management of forest and timberlands, when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

FORESTRY OPERATOR — A person engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

GARAGE, PRIVATE — An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one commercial vehicle of not more than one-ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area, unless it is constructed or modified into a habitable room by the removal of all vehicular access doors, and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GEOHERMAL HEAT PUMPS — An energy generating system that uses a heat pump in conjunction with the earth's thermal properties to heat and cool buildings. Such systems may be categorized as or include:

BOREHOLES — A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

CLOSED LOOP GEOTHERMAL SYSTEM — A type of geothermal heating and/or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved antifreeze added.

OPEN LOOP GEOTHERMAL SYSTEM — A type of geothermal heating and/or cooling system that utilizes a water pump to deliver water from a well or other source to a heat exchanger. The discharge water from the heat exchanger may be returned to the subsurface through an injection or recharge well or infiltration bed, or may be discharged into a pond, lake, or stream.

GOLF COURSE — A golf course with a minimum of 2,800 yards of play in nine holes.

GREEN — A plaza, square, tot lot, playground, pocket park, public lawn, natural area, or other outdoor space in which features such as gazebos, sitting walls, pergolas, fountains, benches, landscaping, lighting, sculptures and the like are installed and maintained, and in which public seating, gathering, and informal recreation and the like, takes place.

GREEN ROOF — An engineered, multi-layered roofing system sustaining the growth of plants on a rooftop while protecting the integrity of the underlying structure. The components of a green roof consist of a waterproofing membrane, root barrier, drainage and irrigation layer, growing medium and plants.

GROUP HOME — A dwelling unit licensed to provide a supportive living arrangement for unrelated individuals where special care is needed by the individual(s) served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed by an appropriate government agency, and a copy of any such licenses must be submitted to the Township prior to receiving a certificate of use and occupancy. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

HAZARDOUS MATERIAL — Materials which have the potential to damage health, endanger human life or impair safety.

HAZARDOUS WASTE — Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY — Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND FITNESS CLUB — A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT — Vehicles and/or machinery that are larger than that typically stored upon one dwelling lot. Examples include, but are not limited to, commercial trucks, farm equipment, excavation equipment, yachts, buses, etc.

HEIGHT, BUILDING — A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE — A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) — An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT — A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services, such as fueling and maintenance equipment, passenger terminals and storage hangars.

HISTORIC FARMSTEADS — A building or buildings and related structures, objects and landscape features that were formerly supportive of working farmland, with a minimum of one building or structure has been determined to be eligible for listing on the National Register of Historic Places by the National Parks Service or the Pennsylvania Historical and Museum Commission, or the Lancaster County Historic Sites Register maintained by the Historic Preservation Trust of Lancaster County.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register National.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs, which have been approved by the Secretary of the Interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior.
 - (b) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION — A business or commercial activity that is conducted as an accessory use in a detached dwelling unit and is not considered a no-impact home-based business.

HOSPITAL — An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four-hour per day basis;

and, provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

HOTEL — A facility which provides lodging to boarders for compensation, which contains more than eight guest rooms with less than 25% of all rooms having direct access to the outside without the necessity of passing through a common entrance and lobby of the building. A hotel may provide the following: restaurants, lounges, meeting rooms and other common areas; and recreation facilities for use only by registered hotel guests.

HOUSE OF WORSHIP — A building or structure including a church, chapel, cathedral, synagogue, temple, mosque or other facility that is principally used for prayer by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. ⁵

IMPERVIOUS SURFACE — A surface that has been compacted and covered with a layer of material such as stone or gravel, sidewalks, pavement, buildings, and structures so that it is highly resistant to infiltration by water.

IMPORTANT NATURAL HABITAT — Any land area characterized by any or all of the following:

- (1) Wetlands as defined by criteria of the U.S. Department of the Interior, Fish and Wildlife Service.
- (2) Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered.
- (3) PNDI confirmed extant plant and animal species and communities that have a state rank of S1 or S2.

INDEPENDENT LIVING [DWELLING UNIT] — A dwelling unit for residents of a continuing care retirement community designed for not more than two adult individuals that do not require medical care or assistance to perform daily activities. Such unit may take the form of a single-family detached, attached, or apartment unit

5. **Editor's Note: The former definition of "identified floodplain area," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.**

and must contain its own separate bath, and cooking facilities for the occupants of that individual unit.

INDUSTRIAL PARK — A grouping of two or more industrial establishments developed according to a unified plan on a development tract with fully coordinated interior road access, storm water management, landscaping and buffering.

INFILL — The development or redevelopment of a parcel or tract in the T-4 or T-5 District that is surrounded by existing development on at least two sides and comprised of five lots or less.

INTERIOR DRIVE — Any on-site vehicular movement lane(s) that is associated with a use other than a single-family dwelling.

JUNKYARD — An area of land, with or without buildings, used for the storage, outside a completely-enclosed building, of used and discarded materials, including, but not limited to: waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that can not operate under its own power for any reason, or a vehicle that does not have a valid current registration plate or current inspection sticker.)

KENNEL, BREEDING — A structure on any lot or a lot on which animals (except livestock, horses, or poultry) are raised and bred and on which such animals may also be kept, boarded, treated or trained, for a fee, including, but not limited to, dog or cat kennels. For the purpose of this definition, the production of more than two litters in any calendar year shall be considered breeding.

KENNEL, BOARDING — A structure on any lot or a lot without a structure on which animals (except livestock, horses or poultry) are kept, boarded, treated or trained for a fee, including, but not limited to, dog or cat kennels.

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (a) 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.

- (b) The division or allocation of land or space, whether initially or cumulatively, between or among 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.

(2) A subdivision of land.

(3) Land development shall not include:

- (a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be condominiums.
- (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- (c) The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this clause, an amusement park is defined as a tract 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 proper authorities.

LANDING — The place where logs, pulpwood or firewood are assembled for transport to processing facilities.

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

LANDSCAPE SCREEN — A continuous visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen from grade to a height of six feet.

LARGE SCALE FEED OR GRAIN MILL — A facility involved in the processing manufacturing and/or storage of feed, grains and/or related ingredients for human or animal consumption occupying

an area in excess of two acres, including related transloading and shipping operations.

LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) — A green building rating system developed and administered by the U.S. Green Building Council, designed to promote design and construction practices that increase profitability, while reducing the negative environmental impacts of development and improving occupant health and well-being. Current rating systems, address a variety of building projects including New Construction (NC) or Existing Buildings (EB), as well as overall Neighborhood Design (ND).

LEED-ND (NEIGHBORHOOD DEVELOPMENT) — A LEED rating system, developed by the United States Green Building Council (USGBC), Congress for the New Urbanism (CNU) and Natural Resources Defense Council (NRDC), that integrates the principles of smart growth, new urbanism, and green building into the first national standard for neighborhood location and design.

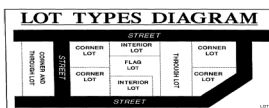
LIVE-WORK UNIT — A commercial use, such as a shop, studio, office, or other place of business in combination with dwelling units located above such place of business. A person or persons other than the proprietor of the business may occupy a livework unit.

LOADING SPACE — An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LONG TERM CARE FACILITY — A structure or structures licensed by the Commonwealth of Pennsylvania Department of Health to provide twenty-four-hour convalescent or chronic care to residents who are unable to care for themselves. Skilled nursing facilities, intermediate nursing facilities, nursing homes and convalescent homes shall be considered long term care facilities.

LOP — The process of cutting treetops and slash into smaller pieces to allow material to settle close to the ground.

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



LOT, CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°. Corner lots shall have two front yards, one side, and one rear yard.

LOT, FLAG — A lot whose frontage does not satisfy the minimum width requirements for the respective district but that does have sufficient lot width away from the lot's frontage.

LOT, INTERIOR — A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH OR REVERSE FRONTAGE — An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA — The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE — A percentage of the total lot area which may be covered with an impervious surface, including buildings, structures, driveways, parking area, sidewalks, and ground-mounted solar systems.

LOT DEPTH — The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH — The horizontal distance measured between side property lines at the minimum front yard setback line. On corner lots, lot width shall be measured between the right-of-way for the non-address street and the directly opposite property line.⁶

MAINTENANCE — Work that does not alter the exterior fabric or features of a building or structure.

MANOR HOUSE — See "dwelling, manor house."

MANUAL OF WRITTEN AND GRAPHIC DESIGN GUIDELINES — A document that provides written and graphic design guidelines for the TND Overlay Districts in accordance with Part 8, the Form Based Code regulations, as enabled by § 708-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10708-A.

6. Editor's Note: The former definition of "lowest flood," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

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

MANUFACTURED HOME — SEE "MOBILE HOME, MANUFACTURED HOME PARK" — a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANURE — The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES — A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, earthen bank, stacking area, and above-ground storage.

MEAN SEA LEVEL — The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL OR DENTAL CLINIC — Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

MINI-WAREHOUSE — A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED-USE — A development which combines residential and nonresidential uses within the same building or on the same

lot, planned and designed as a complex of related structures and circulation (vehicular and pedestrian) patterns and designed, constructed, or managed as a total entity with customer and employee parking provided on-site and with provision for delivery of goods separate from customer access.

MIXED-USE BUILDING — A building with two or more principal uses, where the uses are typically located one over the other, and may include apartments over commercial.

MOBILE HOME — Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in § 27-447 of this chapter. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there-imposed. For the purposes of § 27-214 of this chapter, the term mobile home shall have the same meaning as the term "manufactured home."

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 have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MOTEL — A facility which provides lodging to boarders for compensation, which contains more than eight rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

MUNICIPAL SERVICES — Those permitted and accessory uses and facilities owned and operated by Penn Township or the Northwestern Lancaster County Authority.

NEIGHBORHOOD — Traditional neighborhood development, or TND.

NET ACRE OR NET ACREAGE — The amount of acreage that may be used for building lots after the installation of streets or other existing or proposed improved roadways.

NET METERING — The means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generated alternative energy source when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generated's requirements for electricity. ⁷

NEW DEVELOPMENT — Any new residential development involving in excess of five lots and any nonresidential buildings for which the application for development was submitted on or after the date of this chapter.

NIGHTCLUB — Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an "under 21" club which features entertainment.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

7. Editor's Note: The former definition of "new construction," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage disposal, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT — A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter 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, non-conforming signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter 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.

NONCONFORMITY, DIMENSIONAL — Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this chapter, where such dimensional nonconformity lawfully existed prior to the adoption of this chapter or amendment thereto.

NURSING REST OR RETIREMENT HOMES — Facilities licensed by the Commonwealth of Pennsylvania to provide supervised,

around the clock services and nursing care to residents who require assistance to perform daily tasks.⁸

OFFICE — A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record-keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFFICIAL MAP — An ordinance adopted and amended from time to time pursuant to Article IV of the Municipalities Planning Code, 53 P.S. § 10401 et seq.

ON-SITE SEWER SERVICE — The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-SITE WATER SERVICE — The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.⁹

OPEN HOUSE — An event conducted as part of an attempt to sell or lease a property, whereby the property is open for public inspection. Open houses must always include a paid advertisement in the local media and the on-site supervision by the property owner or his/her agent.

OPEN SPACE — A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

OTHER LAWFUL USE — A use that is neither specifically permitted nor denied in § 27-202.1, which shall be permitted as a conditional use in the T-5C District, in accordance with § 27-450.

OUTDOOR WOOD-FIRED BOILER — A fuel-burning appliance or device, also known as an outdoor hydronic heater, outdoor wood boiler, or outdoor wood heater, that:

8. Editor's Note: The former definition of "obstruction," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

9. Editor's Note: The former definitions of "one-hundred-year flood," "one-hundred-year flood boundary," and "one-hundred-year flood elevation," which immediately followed this definition, were repealed 3/14/2016 by Ord. 2016-02.

- (1) Is designed to burn clean wood or clean wood pellets; home heating oil, natural gas, or propane, or other DEP approved fuel.
- (2) Is specified by the manufacturer for outdoor installation or installation within a structure not normally intended for habitation by humans or domestic animals.
- (3) Produces heat or hot water for a structure or building through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

PA DEP — Pennsylvania Department of Environmental Protection.

PARENT TRACT — When used in determining the permissible number of lots which may be subdivided or dwellings or other principal nonagricultural buildings erected in the T-2 Agricultural District, all contiguous land held in single and separate ownership and classified as Agricultural District on April 1, 1989, or on the date when such land was first included in the Agricultural District after April 1, 1989, regardless of whether:

- (1) Such land is divided into one or more lots, parcels, purparts or tracts.
- (2) Such land was acquired by the landowner at different times or by different deeds, devises, partitions or otherwise.
- (3) Such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on April 1, 1989, or, if such land was not classified as Agricultural District (previously known as the Rural District) on April 1, 1989, which was held by the landowner or his predecessor in title on the date such land was first classified as Agricultural District after April 1, 1989.

PARKING COMPOUND — A primary business where passenger vehicles may be stored for short-term, daily or overnight periods.

PARKING LOT — An accessory use in which required, and possibly additional, parking spaces are provided subject to the requirements listed in § 27-310 of this chapter.

PARKING SPACE — An off-street or on-street space available for the parking of one motor vehicle and having usable access to a street or alley.

PARKING STRUCTURE — A multi-level structure designed to accommodate vehicular off-street parking spaces.

PARK — A tract of land designated, designed and used for active and passive recreational purposes by the general public that are established by a governmental agency or nonprofit organization on a non-commercial basis, including principal and accessory uses. This definition excludes adult-related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks, and shooting ranges.

PEDESTRIAN CONTINUITY — The uninterrupted connection of pedestrian infrastructure, such as sidewalks, crosswalks, walkways, greenways, and the like, that provide a continuous path from one destination to another.

PENNDOT — Pennsylvania Department of Transportation.

PERSON — An individual, partnership, public or private association or corporation, firm, trust estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PESTICIDE — Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT — Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLANNING COMMISSION — The Planning Commission of Penn Township.

PLANNED BUSINESS CENTER — A tract of land that is planned, developed, and managed under common authority and common responsibility, and with a unified design scheme with regards to parking, loading/unloading areas, circulation, utilities, landscaping and aesthetics, and operated as an integrated facility for occupancy by two or more tenants conducting principal permitted uses in the district.

PLAYGROUND — An active recreational area with play equipment or play court areas.

PLAZA — A public gathering place, typically ranging from 1,000 to 3,000 square feet, that is designed and maintained with pavers, benches, plantings, and other landscape features as depicted in the Form Based Code provisions.

POCKET PARK — A small public gathering place, typically ranging from 300 to 1,000 square feet, that is designed and maintained with features such as benches, plantings, and other landscape features as depicted in the Form Based Code provisions.

PORCH — An unenclosed extension of a building typically six feet deep by 12 feet wide, but no less than five feet deep by 10 feet wide.

PORTICO — A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

PRECOMMERCIAL 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, are too small, or are otherwise of limited marketability or value.

PREMISES — The property upon which the activity is conducted as determined by physical facts, rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incidental to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

- (1) Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
- (2) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- (3) Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by

easement or other lesser interest than the premises where the activity is located.

PRIMARY FRONTAGE — The facade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades, one of which shall be designed with a front entrance door.

PROFESSIONAL BIOLOGIST — An individual with at least a bachelor's degree in aquatic and/or terrestrial biology and/or ecology, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning related matters.

PUBLIC MEETING — A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq., as amended.

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 notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign(s) at a conspicuous location(s) along the perimeter of the subject property; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER — A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITY — A use which is operated, owned or maintained by a public utility corporation and regulated by the Pennsylvania Public Utility Commission in accordance with the requirements of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 101 et seq., or which is operated, owned or maintained by a municipality or a municipal authority organized under the laws of the Commonwealth of Pennsylvania to provide public water service, public sewer service, or similar services. A "public utility" shall not include cellular telephone transmission or receiving facilities and similar facilities of entities, which are not

governmentally-owned and operated or are not regulated by the Pennsylvania Public Utility Commission.

PUBLIC WATER — A Township water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

QUARRY — The searching for or removal of rock, soil, or mineral from the earth by excavating, stripping, mining, leveling or any other process but exclusive of excavations or grading involved in the construction of a building. Also includes any processing operations in connection with the activities above. Permitted quarrying operations must comply with all current applicable federal, state and local regulations.

RADIOACTIVE MATERIAL — Any natural or artificially produced substance which emits radiation spontaneously.

RECEIVING AREA — Any area which may be designated by the chapter to permit development beyond that permitted in the applicable base district where transferable development rights (TDRs) are acquired and assigned to the applicable development.

RECREATIONAL RESIDENCE — A dwelling, cabin, lodge or summer house which is intended for occupancy less than 182 days of the year.

RECREATIONAL VEHICLE — A vehicle which is (1) built on a single chassis, (2) not more than 400 square feet, measured at the largest horizontal projections, (3) designed to be self-propelled or permanently towable by a light-duty truck, (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING COLLECTION FACILITY — A facility for the collection and temporary storage of recyclable materials, as defined in Chapter 20.

RECYCLING FACILITY — A facility for reprocessing used materials, including, but not limited to, recyclable materials, as defined in Chapter 20.

REDEVELOPMENT — Any alteration, enlargement or extension of a building, where the value of such alternation, enlargement or extension is equal to or greater than the 25% of the assessed value of the existing building, including the cumulative total of any demolition, new construction, alteration, enlargement or extension of a building approved from the date of adoption of this chapter. ¹⁰

RENEWABLE ENERGY SOURCE — Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RENTAL — A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR — A function involved in correcting deficiencies of products that affect its performance and/or appearance.

RESIDENTIAL DISTRICT/RESIDENTIALLY ZONED — Any parcel located in the T-3, T-4, or T-5R (Residential TND) Districts.

RESTAURANT — An establishment that serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed 5% of the total patron seating area nor 80 square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT, DRIVE-THROUGH OR FAST-FOOD — An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

RETAIL — Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIGHT-OF-WAY — A corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including, but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "street line.")

RIPARIAN BUFFER (RB) — The land which forms a transition zone between aquatic and terrestrial environments.

ROADSIDE STAND — A booth, stall or building located on a farm from which produce, plants, dairy products and farm products grown or produced on the site are sold to the general public.

10. Editor's Note: The former definition of "regulatory flood elevation," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

SATELLITE DISH ANTENNA — A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used only to receive radio or electromagnetic waves. A device which is designed to receive and transmit shall be included within the definition of "communication antenna" and shall not be considered a "satellite dish antenna" for the purpose of this chapter.

SCHOOL — A principal use in which supervised education or instruction is offered according to the following categories:

NURSERY SCHOOL — A school licensed by the Commonwealth of Pennsylvania as a nursery school or kindergarten and provides regular instruction and daytime care for children who are a minimum of two years and seven months old.

ELEMENTARY SCHOOL — A school licensed by the Commonwealth of Pennsylvania which meets the requirements for elementary education.

SECONDARY SCHOOL — A school licensed by the Commonwealth of Pennsylvania which is authorized to provide secondary education and award diplomas for such education.

VOCATIONAL SCHOOL — A secondary or higher educational facility primarily teaching usable skills that prepares students for jobs in a trade and meeting the state requirements as a vocational facility.

SCHOOL SUPPORT FACILITIES — Facilities which are required to maintain efficient operation of a school or school system but which are not directly related to the academic program of study, including, but not limited to, school bus depots, maintenance warehouses, etc.

SENDING AREA — Any area designated by this chapter from which one or more transferable development rights may be severed and conveyed in accordance with the provisions of this chapter, including any lot or lots meeting the sending area qualifications set forth herein.

SETBACK — The required horizontal distance between a setback line and a property or street right-of-way line.

SETBACK, FRONT — The distance between the street line and the front setback line projected the full width of the lot. Commonly called "required front yard."

SETBACK, REAR — The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."

SETBACK, SIDE — The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

SETBACK LINE — A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SEWER AUTHORITY — The Northwestern Lancaster County Municipal Authority, or any entity successor thereto.

SHADE TREE — A deciduous tree that shall have a clear trunk at least five feet above the finished grade.

SHOPPING CENTER — A group of primarily retail, commercial establishments planned, constructed and managed as a total entity, where each establishment has an individual entrance from the parking area or street, and where customer and employee parking is shared and provided on-site.

SIGN — Any structure or device that shall include any letter, word, insignia, three dimensional figure or model, or representation which is designed to advertise, identify, announce, or otherwise visually communicate the interests of any person, group, or business when such is viewed by the general public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right of way or adjoining property, and cornerstones built into or attached to a building wall shall not be considered signs. This definition shall include any sign placed upon a vehicle or trailer when the location of the vehicle or trailer is reasonably construed as being placed for the display of advertising material.

Sign types shall include the following:

BILLBOARD — A principal use comprised of an outdoor sign whether freestanding or attached to a building or other structure, which is used to advertise, identify, or attract attention to products, commodity, service, businesses, persons, events, ideologies, or other messages, that are not principally located on the same premises as the sign.

DOUBLE-SIDED SIGN — A sign consisting of two surfaces that are identical/mirrored images in size and shape.

ELECTRONIC VARIABLE MESSAGING SIGN (EVMS) — A sign or portion thereof where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically without touching or physically altering the primary surface of the sign. Message copy may be changed in the field or from a remote location.

FREESTANDING GROUND SIGN — A freestanding sign supported by footings, pedestal, uprights or braces in which the height of such sign is less than six feet above the ground.

FREESTANDING POLE SIGN — A sign supported by or suspended from a column, pole, pedestal or other support(s) located in or upon the ground surface. Ground signs and pole signs shall be considered freestanding signs.

OFF-PREMISES — A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Off-premises signs shall be considered non-accessory uses.

ON-PREMISES — A sign relating to the permitted use of the premises on which it is located or to products, accommodations, services or activities on the premises.

PROJECTING SIGN — A sign which is mounted perpendicular to the wall of a building or other structure or hung from a canopy or awning, and which may have two advertising surfaces.

ROOF SIGN — Any sign erected, constructed and maintained upon or over the roof of any building with the principal support on the roof structure.

WALL SIGN — A sign which is mounted parallel to a wall or other vertical building surface and having a single advertising surface.

WINDOW SIGN — A temporary or permanent sign which is oriented to the public right-of-way, is located on the inside of a window to direct attention to an activity conducted on the same lot.

SIGN AREA — Construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the "area" shall be considered to be that of the smallest rectangle, circle or square, which encompasses all of the letters and symbols.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this chapter, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

SKIDDING — The dragging of felled trees on the ground from the stump to the landing by any means.

SKILLED NURSING FACILITY — See "long-term care facility."

SLASH — Woody debris left in the woods after logging, including logs, chunks, bark branches, uprooted stumps, and broken or uprooted trees and shrubs.

SOIL SURVEY — The latest published version of the United States Department of Agriculture's Soil Survey for Lancaster County Pennsylvania.

SOLID WASTE — Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLAR ENERGY SYSTEM — An active or passive energy system which converts solar energy into thermal, electrical, or mechanical energy, and consists of a solar energy collector, such as cells,

panels, or arrays, an energy conversion and storage facility, and/or components for the distribution of transformed energy.

SPECIAL EXCEPTION — A use that is generally compatible with a particular district once specified criteria have been met. Special exception uses are listed by district and approved by the Zoning Hearing Board in accordance with § 27-605.C of this chapter. ¹¹

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areola, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — For the purposes of this chapter, this term shall include any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
- (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being.
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

SQUARE — A public gathering place, typically ranging from 1,000 to 3,000 square feet, that is designed and maintained with pavers,

11. Editor's Note: The former definition of "special permit," which immediately followed this definition, was repealed 3/14/2016 by Ord. 2016-02.

benches, plantings, and other landscape features as depicted in the Form Based Code provisions.

STABLE — Any building, structure or portion thereof used for the shelter and care of horses, either permanently or transiently. A commercial stable shall include provisions for riding schools, training, or shows, where services are provided to persons other than an occupant of the property for a fee. Noncommercial stables shall be regulated as "noncommercial keeping of livestock."

STAND — Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPE — A natural geographical area, whether on one or more lots, which has a ratio of vertical distance to horizontal distance of greater than 15%, based on two-foot contour interval, and measured over a minimum of three contours (six feet) and 500 square feet of area.

STEEP SLOPE, MODERATELY — Any area defined as steep slope, where the slope measures from 15% to less than 25%.

STEEP SLOPE, SEVERELY — Any area defined as steep slope, where the slope measures 25% or greater.

STORAGE — A function involving the deposition of materials, goods and/or products for safekeeping.

STORY — That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having 75% or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite exterior walls is not more than two feet above such story.

STREAM — Any natural or man-made channel of conveyance of surface water with a perennial or intermittent flow within a defined bed and bank.

STREET — Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

STREET CENTERLINE — The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be

determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (RIGHT-OF-WAY LINE) — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREET, PRIVATE — A street not accepted for dedication by the Board of Supervisors.

STREET WALL — The physical wall that is formed when building facades and other approved architectural or landscaping elements are located uniformly along a build-to line at the edge of the street right-of-way. The street wall defines the outer boundaries of the streetscape and may be comprised of elements such as walls, fences, or hedges, when an existing building is already set back from the street.

STREET WALL LINE — See "build-to line."

STREETSCAPE — The physical elements within and along the street right-of-way that define its appearance, character, and function, including adjacent buildings and land uses, street lighting and furniture, landscaping, street trees, sidewalks, and on-street parking. Physically, the streetscape is bound by the space between building facades and/or street walls on either side of a street right-of-way.

STRUCTURE —

- (1) An assembly of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including, but not limited to, buildings, sheds, cabins, mobile homes and trailers, fences, dams, culverts roads, railroads, bridges, storage tanks, and signs.
- (2) For the purposes of § 27-214 of this chapter, a structure shall be considered anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
- (3) Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, mailboxes, and any similar nonpermanent improvements.

STRUCTURE, ACCESSORY — A structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).

STRUCTURE, PRINCIPAL — A structure associated with a primary use.

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 and residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWIMMING POOL — Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than two feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TATTOO/BODY PIERCING ESTABLISHMENTS — A use where the work of tattooing and/or body piercing is conducted for a fee.

TDR — A transferable development right.

TAVERN — An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

TEMPORARY RETAIL SALES — The offering of goods for sale to the public for a time period not to exceed 30 consecutive days per year, from a non-permanent structure or from an open air location where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples include the sale of Christmas tree sales, Mother's Day or Easter flowers, but shall not include roadside stands addressed elsewhere in this chapter.

TESTING — A function involving the examination and assessment of qualities, performances and/or capabilities of a product, good or material.

TIMBER HARVESTING OR TREE HARVESTING — A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

TOWNSHIP — Penn Township.

TRACT — A lot or lots owned, used or developed for a single purpose.

TRACT, DEVELOPMENT — See "development tract."

TRACT, PARENT — See "parent tract."

TRACT AREA OR TRACT ACREAGE — The acreage of the entire development tract.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) — A form of land development consistent with TND as per Article VII-A of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10701-A et seq., wherein a TND is defined as follows: An area of land typically developed for a compatible mixture of residential units for various income levels and non residential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and discernible edge. The center of the

neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSECT — A system of categorizing areas of land by its physical characteristics, whether existing or planned, ranging from rural to urban. For the purposes of this chapter, the transect, such as T-1, T-2, T-3, and T-4, provides the organizing theme for the zoning districts and Zoning Map.

TRANSECT VIOLATION — An act, development or activity that is not in compliance with the intended physical character of the Transect Districts ("T Districts") shown on the Penn Township Zoning Map, and with the T District regulations, particularly the Form Based Code regulations contained in Part 8 of this chapter.

TRANSFERABLE DEVELOPMENT RIGHT (TDR) — A completely severable unit of development potential:

- (1) Assigned by § 27-325 of this chapter to lots meeting sending area qualifications set forth therein.
- (2) Which can be severed and conveyed by a deed of transferable development rights.
- (3) Which may, or may not, be used to increase the permitted amount of development in any area which may be designated as a receiving area.
- (4) Which shall include the recordation of a deed of transferable development rights in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania.

TRANSITIONAL HOUSING — Living arrangements for up to five unrelated individuals that do not meet the definition of "family" or "group home," that is provided by a state licensed community-based facility which provides lodging, habilitative services, and/or meals for residents who have completed treatment at a rehabilitation facility or who have recently been released from a county, state, or federal prison, but are not yet ready to return to independent living in the community.

TRAVEL TRAILER — A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. Any of the following attributes are characteristic of a "travel trailer":

- (1) The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway.
- (2) The unit is mounted or designed to be mounted on wheels.
- (3) The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.
- (4) The unit contains, or was designed to contain, temporary storage of water and sewage.
- (5) The unit contains some identification by the manufacturer as a travel trailer.

TREETOP — The upper portion of a felled tree that is not merchantable because of small size, taper or defect.

TWO-FAMILY CONVERSION — The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UNIFORM CONSTRUCTION CODE (UCC) — The Pennsylvania Uniform Construction Code ("UCC") as adopted by the Pennsylvania Department of Labor and Industry and the Township in Chapter 5, Part 1, of the Code of Ordinances. **[Amended by Ord. 2016-02, 3/14/2016]**

USE — The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

USE, ACCESSORY — A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

USE, COMMERCIAL — A use specifically listed under, or of a similar nature to a use listed under the "commercial uses" header in the use table found in § 27-202.

USE, INDUSTRIAL — A use specifically listed under, or of a similar nature to a use listed under the "industrial uses" header in the use table found in § 27-202.

USE, INSTITUTIONAL — A use specifically listed under, or of a similar nature to a use listed under the "institutional uses" header in the use table found in § 27-202.

USE, PRINCIPAL — The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT — A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and this chapter.

VARIANCE — A modification of any provision of this chapter granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S OFFICE — A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

WALKWAY — A paved pedestrian accessway, located in designated open space, in a campus setting, or location other than adjacent to a right-of-way.

WATERCOURSE — A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED — All the land from which water drains into a particular watercourse.

WATER AUTHORITY — Northwestern Lancaster county Authority or, in the portion of the Township governed by the intermunicipal cooperation agreement among Northwestern Lancaster County Authority, Penn Township, Manheim Borough Authority, now known as Manheim Area Water and Sewer Authority, and Manheim Borough, dated April 14, 2003, Manheim Borough Authority when the subject property is located in the service area of Manheim Borough Authority, now known as Manheim Area Water and Sewer Authority, established by such agreement.

WETLAND — Area with the characteristics of wetland, as defined by the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U.S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.

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

WIND ENERGY CONVERSION SYSTEM (WECS) — Any device which converts wind energy to mechanical or electrical energy.

WIND ENERGY CONVERSION SYSTEM (WECS) UNIT — Includes blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WINDOW — An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

YARD — An area between the permitted structures and the property lines.

YARD, FRONT — The area contained between the street right-of-way line and the principal structure.

YARD, REAR — The area contained between the rear property lines and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address.

YARD, SIDE — The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).

YARD, REQUIRED — The area(s) between a street right-of-way line, side lot line, or rear lot lines, and the respective building setback line/build-to line, side setback line, or rear setback line.

ZONING — The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER — The duly constituted municipal official designated to administer and enforce this chapter in accordance with its literal terms.

ZONING PERMIT — Written authorization from the Zoning Officer to alter, improve, construct and/or make use of an area of land as regulated by this chapter.