

ORDINANCE NO. 881

AN ORDINANCE ESTABLISHING DEFINITIONS OF TERMS TO BE APPLIED IN CONJUNCTION WITH REGULATIONS GOVERNING THE DEVELOPMENT OF PENN TOWNSHIP. UNLESS OTHERWISE SPECIFIED, THE DEFINITIONS CONTAINED IN THIS ORDINANCE, AND SUBSEQUENT ORDINANCES REFERRING HERETO, SHALL APPLY TO: (1) THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, (2) THE ZONING ORDINANCE, AND (3) TO OTHER ORDINANCES WHICH FROM TIME TO TIME SHALL BE ADOPTED MAKING SPECIFIC REFERENCE HERETO.

Section 1 GENERAL INTERPRETATION AND APPLICATION

A. General Definitions: In this Ordinance when not inconsistent with the context:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word “person” includes a partnership or corporation as well as an individual.
5. The term “shall” or “must” is always mandatory.
6. The word “lot” includes the word “plot” or “parcel.”
7. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
8. The word “erected” shall be construed to include the words “constructed, altered or moved.”
9. The word “building” shall include any structure or part thereof.

B. Specific Words and Phrases: The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board.

Section 2 DEFINITIONS

Abandoned Vehicle: Those vehicles without registration and/or inspection and are inoperable, which have been parked on private and/or public property.

Abutting: Having property or zoning district lines in common.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

Access Drive: A private improved surface other than a street or driveway designed and constructed to provide for vehicular movement from a street to a parking area, garage, dwelling, building, or other structure within a lot or a property containing any use other than a single-family dwelling, single-family detached dwelling, single-family attached dwelling, or a farm.

Accessory Agricultural Use: An agricultural use or building that specifically supports the agriculture activity on the same farm or lot.

Accessory Use or Structure: A use or structure on the same lot with, and nature customarily incidental and subordinate to, the principal use or structure.

Accessory Use or Structure, Attached: For the purpose of this Ordinance, an accessory use or structure shall be considered attached if it shares a common wall with the principle structure or use.

Act 537: The Act of January 24, 1966, PL 1535, as amended, and 35 P.S. §750.1 et. Seq., known as the Pennsylvania Sewage Facilities Act.

Active Solar Energy System: A solar energy system that requires external mechanical power to move the collected heat.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Address of Convenience: An accessory use of a residential dwelling for the sole purpose of receiving phone calls, mail, and keeping business records in connection with any profession or occupation. Address of convenience does not involve employees outside of the household residents nor any activity at the premises other than communication by mail or electronic means. Merchandise of any sort cannot be physically located at an address of convenience premises.

For purposes of this Ordinance, merchandise shall have the normal definition of goods that are bought and sold in businesses.

Administrative Cost: The cost incurred by the Township to perform clerical, managerial, and maintenance work. The cost includes postage, hourly wages, returned check charges, and other

miscellaneous costs that can occur from handling an account out of the normal billing cycle.

Adult Regulated Facilities: An adult arcade, adult bookstore, adult novelty store, adult cabaret, adult theater, escort agency, nude model studio, or sexual encounter center.

A. Adult Bookstore or Adult Novelty Store: An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale or rental, any of the following:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM discs or other computer software, DVD blue ray, and other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons.
2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

B. Adult Entertainment:

1. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
2. A live performance, display, or dance of any type, which has as a significant or substantial portion of the performance of any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity.
3. Films, motion pictures, video cassettes, slides, photographic reproductions, DVD blue ray, or visual presentations of any other kind are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

C. Adult Theater: A theater, tavern, banquet hall, party room, conference center, restaurant, night club, hall, auditorium, club, recreation center, indoor amusement center, or similar commercial establishment which, as one of its principal business purposes, offers adult entertainment.

D. Employee: For this portion of the Ordinance, a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or

contract basis, whether or not the person is an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. An employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or the delivery of goods to the premises.

E. Escort: A woman or man who is hired to go with someone to a social event.

F. Escort Agency: A business that supplies people who work as escorts.

G. Establishment: Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of an existing business, whether a sexually oriented business, to any sexually oriented business.
3. The addition or change of any sexually oriented business to any other existing sexually oriented business or a non-sexually oriented business.
4. The relocation of any sexually oriented business.

H. Licensee: A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

I. Nude Model Studio: Any place where a person who appears in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
2. Where to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude model is on the premises at any one time.

- J. Nudity or the State of Nudity: The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- K. Sexual Encounter Center: A business, agency, or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate to engage in specified sexual activities or expose specified anatomical areas as defined herein:
 - 1. Specified Anatomical Areas: Human genitals, pubic region, anus, buttocks, and female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely covered.
- L. Specified Criminal Activity: Any of the following offenses would prohibit the applicant from operating an Adult Regulated Facility:

Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:

- 1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date if the conviction is of a misdemeanor offense;
- 2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date if the conviction is of a felony offense; or
- 3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date if the convictions are of two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four-month period.

The fact that a conviction is being appealed shall not affect the disqualification of the applicant or a person residing with the applicant.

- M. Specified Sexual Activities:

1. The massaging, fondling, or another erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 3. Human genitals in a state of sexual stimulation or arousal.
- N. Transfer of Ownership or Control of a Sexually oriented business includes any of the following:
1. The sale, lease, or sublease of the business;
 2. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 3. The establishment of a trust, gift, or other similar legal advice which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- O. Viewing Booths: Booths, stalls, partitioned portions of a room, cubicles, stalls, compartments, rooms, or other enclosures which are available to members of the public, patrons, or members for viewing films, movies, videos, or visual reproductions of any kind depicting or describing “specified sexual activities” or “specified anatomical areas.” Can also include persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Adult Retirement Community: A planned development that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

Advertising Sign: See *Sign*.

Aerial Map: A map created from a process involving the taking of photographs from the air with predetermined reference points marked on the ground.

Agent: Any person, other than the property owner, who, acting for the property owner submits to the Township a request to obtain approval thereof.

Age-Restricted Community: A facility or community where at least eighty (80) percent of the units have at least one occupant who is fifty-five (55) years of age or older, the facility publishes and adheres to policies and procedures that demonstrate the intent to operate as “55 or older” housing, and the facility or community complies with HUD’s regulatory requirements for age verification of residents.

Agribusiness: Activities including the distribution of farm equipment and supplies and the processing, storage, and distribution of farm commodities. Agribusiness operations do not include the raising of live animals or the display and retail sale of agricultural products.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to persons, including but not limited to; forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry, and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural Products (including sales): The products and related sales of field, pasture, meadow, and garden, including fruits, melons, berries, nuts and vegetables, livestock, poultry and poultry products, dairy products, and all other things commonly known as agricultural products.

Agricultural Purposes: The use of land for farming, dairying, pasturage, agriculture, horticulture, viticulture, or animal or poultry husbandry including the necessary accessory uses for packing, treating, or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

Agricultural Security Districts: An area established by a resolution of the Board of Commissioners in accordance with the Agricultural Area Security Law (3 P.S. § 901-915).

Airport: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Aisle: The traveled way by which vehicles enter and depart parking spaces.

Alley: A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alluvial Soil: Soil formed from the deposit of sediment in flowing water.

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

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

Altitude (solar energy definition): The angular distance from the horizon to the sun.

Alternative Energy Facilities: Renewable energy devices which provide a reduction in energy dependence on fossil fuels.

Americans with Disabilities Act (ADA): Americans with Disabilities Act of 1990, Public Law 101-336.

Animal: A living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli.

Animal Equivalent Unit (AEU): Defined under the Pennsylvania Nutrient Management Act as 1,000 pounds of live weight of any animal.

Animal Feeding Operation (AFO): A facility where animals have been, are, or will be stabled or confined, fed, or maintained for a total of forty-five (45) days or more in any twelve (12) months.

Animal Hospital: A building used for the treatment, housing, or boarding of small domestic animals.

Animal Husbandry: The care, raising, and keeping of livestock (animals such as cattle, sheep, and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products.

Animal Waste Storage Facilities: A detached structure or other improvement built to store manure for future use or disposal.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna: Any arrangement of wires or metal rods used in sending and/or receiving electromagnetic waves.

Antenna Height: The measurement of the overall vertical length of an antenna and its support structure above the average finished grade.

Antenna Support Structures: Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized to support an antenna or antennas.

Apartment: An individual dwelling unit within a multifamily dwelling structure or building.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development. Includes his or her representatives, successors, and assigns.

Application for Development: Every application, whether preliminary or final, required to be filed and approved before the start of construction or development including, but not limited to, an application for a building permit for the approval of a subdivision plot or plan, or the approval of a development plan.

Appointing Authority: The mayor in cities; the board of commissioners in counties; the council of incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

Approval Authority: The regional administrator of the Environmental Protection Agency.

Approximated Flood Plain: Those portions of land subject to inundation by the 100-year flood where a detailed study has not yet been performed, but where a 100-year flood plain boundary has been approximated. Where the specific 100-year flood elevation cannot be determined for this unique area using other sources of data such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. Also, information from other Federal, State, and other acceptable sources shall be used to determine a floodway area, if possible.

Aquifer: A geologic formation that contains a usable supply of water.

Arbor: A fence feature forming a latticework or archway over a gate.

Architectural Control: Regulations governing the appearance or architectural style of buildings or structures.

Area: The total outside surface of anything, as measured in square feet.

- A. Lot Area: The area contained within the property lines of individual parcels of land shown on a subdivision plan.
- B. Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps (gross living area).

Asphalt: A bituminous substance, found in natural beds or obtained as a residue in petroleum refining, used with an aggregate for paving.

At-Grade Intersections: Road intersections built on the ground. (Comment: At-

grade (or grade level) differs from below grade or above grade. All use the existing grade, whether finished or natural, as the reference.)

Auction House: A firm that conducts the public sale of a property in which properties or items of merchandise are sold to the highest bidder. Usually, potential purchasers make a succession of increasing bids or offers until the highest and final bid is accepted by the auctioneer. Prospective buyers are usually allowed to examine auction items before the auction.

Automobile: A motor vehicle designed for the conveyance of persons or property requiring registration under the laws of the Commonwealth of Pennsylvania.

Automobile Body Shop: A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of motor vehicles, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse, and similar articles are stored within a building or enclosed area. Mechanical repairs may be included as an accessory use.

Automobile Repair Garage: A building on a lot used primarily for mechanical repairs, which may or may not include the sale of gasoline or other motor vehicle fuel and accessories, facilities for washing motor vehicles, and motor vehicle rentals, but not including motor vehicle sales nor storage of motor vehicles.

Automobile Sales: A lot and buildings designed and used primarily for the display or sale of new and used motorized vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

Automobile Service Center: An area of land or building(s) on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil, or other fuel; lubricating substances; or sales of motor vehicle accessories.

Automobile Truck Leasing: The leasing (or the use) of a motor vehicle for a fixed period of time at an agreed amount of money for the lease.

Automobile Wrecking: The dismantling or wrecking of used automobiles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

Baffle: A freestanding randomly located structure, fence-like, and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may be utilized for

the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Basement: Any area of the building having a floor below ground level. Also referred to as a cellar.

Bee Keeping: the occupation of owning and breeding bees for their honey.

Beer Distributor: A business licensed and regulated by the Commonwealth of Pennsylvania which offers beer/malt beverages for sale for off-premises consumption.

Bed and Breakfast: An owner-occupied single-family detached dwelling containing not more than three (3) guest rooms all without cooking facilities, which are used by not more than seven (7) guests rented daily for periods not exceeding one week and in which breakfast may be served to the guests by the proprietor of the facility.

Berm: A mound of soil, either natural or manmade, used to obstruct views.

Best Management Practices (BMP Sewer Use): The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsection 403.5 (a) (1) and (b) of Ordinance 683. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Best Management Practice (BMP Stormwater): Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of Penn Township Storm Water Management Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “nonstructural.” In the Stormwater Management Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

Betting Parlor/Establishment: A business establishment for the placing of wagers on athletic competitions and horse or dog races.

Beverage Production:

- A. Micro-Brewery: A facility which produces brewed or malt beverages in a quantity of one thousand (1,000) or fewer barrels (US barrels) per year and which holds a license to manufacture, store, and distribute such beverages, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.
- B. Large Brewery: A facility that produces brewed or malt beverages in a quantity of greater than one thousand (1,000) barrels (US barrels) per year and which holds a license to manufacture, store, and distribute such beverages, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.
- C. Beverage Production, Other:
 - 1. Cidery: Any place or premises wherein cider (alcoholic or non-alcoholic) is manufactured and/or bottled for local, regional, or national distribution as well as package sales.
 - 2. Limited Distillery: An establishment licensed by the Pennsylvania Liquor Control Board to operate a facility used for the commercial distillation of liquor that shall not exceed production of one hundred thousand (100,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.
 - 3. Limited Winery: An establishment licensed by the Pennsylvania Liquor Control Board to operate a facility used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the fermenting of still wine into sparkling wine that shall not exceed production of two hundred thousand (200,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling.

Bikeway: A pathway, often paved and separated from streets and sidewalks, designed to be used by cyclists.

Billboard: See *Sign, Off-Premise*.

Block: A tract of land bounded on one side by a street and the other sides (normally three) by streets/alleys, railroad rights-of-way, waterways, unsubdivided areas, and other definite barriers.

Boarding House: A building used as group living quarters where lodgers rent one or more rooms for one-night, weeks, months, or years. The common parts of the house are maintained. Some meals, as well as laundry service, may be provided.

Board of Commissioners (Board): The elected and appointed members of the Board of Commissioners of Penn Township, York County, PA as now or hereafter constituted, and its duly authorized agents or representatives.

Boarding Stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

Boat/RV Storage: A structure or area used for storing motorized or non-motorized watercraft and/or recreational vehicles.

Borrow Pit: Any place or premises where dirt, soil, sand, and gravel, or other material is removed below the grade of surrounding land for any purpose other than what is necessary and incidental to site grading or building construction.

Bowling alley: A bowling alley is a facility where the sport of bowling is played. Bowling alleys contain long and narrow synthetic or wooden lanes usually contained in a single building

Brew Pub/Tap Room: A portion of an establishment that holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages and/or cider for on-site and/or off-site consumption and which may also offer food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

Buffer Area: A strip of land that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

Buffer Yard: An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher density uses and districts.

Buildable Area: the portion of the established development parcel which can be devoted to buildings and structures.

Building: Any structure on a lot, having a roof supported by columns or walls and designed and/or intended for the shelter, housing, or enclosure of persons, animals, or chattels.

Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, Detached: A building surrounded by open space on the same lot.

Building, Front Line: The line of that face of the building nearest the front line of the lot.

Building Height: The vertical distance measured from the average of the highest and lowest finished grade level to the highest point of the roof.

Building, Main: A building in which is conducted the principal use of the lot on which it is located.

Building Material Yard: An area allocated to the storage of construction supplies whereas portions of space may be indoors and/or outdoors.

Building, Nonconforming: A building so located on a lot that it does not comply with the applicable use or extent of use provisions in a zoning ordinance, where such building lawfully existed prior to the enactment of such ordinance.

Building Permit: A permit that provides formal and legal permission to start a construction project. The issuance of a building permit indicates that plans for a new structure, addition, renovation, foundation, plumbing, air conditioning or heating system, fireplace, prefabricated structure, temporary building, or mobile home have been approved by local government officials and that the plans comply with mandated building codes.

Building, Principal: A structure enclosed within exterior walls built, erected, and framed of structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line (Setback): The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

Bus and Truck Terminal: A freight trucking or passenger station that is central to an area and serves as a junction at any point with other lines. While a bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight, they can also include the dispatch of vehicles or maintenance services.

Business and Office Equipment Sales and Service: Any retail establishment that is engaged in the sale and/or service of business and office equipment - i.e., desks, computers, filing cabinets, etc.

Business Services Establishment: A business establishment whose activities are limited to the service and repair of furniture, office equipment, medical supplies and equipment, and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy; arts, crafts, drafting, and stationery supplies; food catering; interior decorating; taxidermy; upholstering; and laundry and dry-cleaning plants. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service, and repair; mortuaries; crematoriums; warehouses and distribution facilities; and contractor's offices.

Camp: A place with temporary accommodations of huts, tents, or other structures:

A. Type 1 - Any area of land or water of a design or character used for seasonal,

recreational, or similar temporary living purposes which may include any building or group of buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

- B. Type 2 - Any land and buildings thereon, used for any assembly of persons for what is commonly known as “day camp” purposes, whether or not conducted for profit or whether occupied by adults or children, either as individuals, families, or groups.
- C. Type 3 - Migrant Labor Camp: One or more buildings or structures, tents, trailers, or vehicles, together with the land pertaining thereto established, operated, or used as living quarters for seasonal or temporary workers engaged in agricultural activities, food processing, or construction work.

Camper Unit: A tent or camping vehicle that can be temporarily located on a campsite for transient dwelling purposes.

Campground: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, recreational vehicles, or shelters.

Campsite: A plot of ground within a campground intended for occupation by a camper unit.

Canopy: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed to extend outward from the building providing a protective shield for doors, windows, and other openings

Cantilever: A projecting beam or member supported at only one end.

Carport: An accessory building or part of the main structure not totally enclosed and primarily designed or used for parking automobiles.

Cartway: The portion of a street right-of-way that is paved, improved, designated, or intended for vehicular traffic.

Casino: Public room or building where gambling games are played.

Cemetery: A parcel of land used as a burial ground for human or animal remains.

Certificate of Use and Occupancy: The certificate issued by a duly authorized Township Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications, and which certifies compliance with the provisions of law for the use and occupancy of the land and structures, together with any special stipulations or conditions of the building permit.

Change of Use and Occupancy: A statement or permit signed by a duly authorized Township Zoning Officer, setting forth that a building, structure, or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

Child Care Center: A facility in which seven (7) or more children unrelated to the operator receive childcare services. A child day care center must have a certificate of compliance from the Department of Human Services.

Child Care Home Family: A facility in which four, five, or six (4-6) children unrelated to the operator receive childcare services. A family care home must be located in a home and must have a certificate of compliance from the Department of Human Services.

Child Care Home Group: A facility in which seven to twelve children unrelated to the operator receive childcare services. A group home must have a certificate of compliance from the Department of Human Services.

Church: See *Place of Worship*.

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

Clinic: A medical establishment associated with a hospital, medical school, or run by several specialists where medical personnel work together cooperatively dealing chiefly with outpatient services.

Club Room, Clubhouse, or Meeting Room: A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests. Premises or buildings used for social, recreational, and administrative purposes that are not conducted for profit, provided there are not vending stands, merchandising, or commercial activities except as required for the membership or fund-raising of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include “night clubs.” “Clubs” shall not be an adjunct to, operated by, or in connection with a tavern, café, or other public places.

Code Enforcement Officer (CEO): An authorized agent of the Township to administer and enforce Township Ordinances.

Collector Street: A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts that is the main means of access to the major street system.

Collocated: To set or place together, especially side by side. to arrange in proper order: to collocate events.

Commercial Recreation or Entertainment Facility: Any indoor or outdoor commercial-use facility operated as a gainful business open to the public for leisure-time activities, public recreation, or entertainment.

Commercial User, Establishment, Or Account: Any improved property used wholly or in part for the sale and distribution of any product, commodity, article, or service.

Commercial Vehicle: A motor vehicle with a gross vehicle weight (GVW) exceeding 8,500 pounds or dual rear axles.

Commission: See *Planning Agency*.

Commission Staff: See *Planning Agency, Staff*.

Commissioners: See *Board of Commissioners*.

Common Area: That area in a subdivision including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents.

Common Elements: Means and includes:

- A. The land on which a building is located and portions of the building that are not included in a unit.
- B. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, and entrances and exits of a building.
- C. The yards, parking area, and driveways.
- D. Portions of land and building used exclusively for the management, operation, or maintenance of the common elements.
- E. Installation of all central services and utilities.
- F. All other elements of a building necessary or convenient to its existence, management, operation, maintenance, and safety.
- G. Such other facilities are designated as common elements.

Common Facilities: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, storm water management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land, and shall not include a playground, athletic field, or other open space areas of any schools or churches to be included within the proposed development.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Communication Facilities (Non-Publicly Regulated): Including telephone or telegraph exchanges and communications antenna that is not regulated by the Pennsylvania Utilities Commission (PUC).

Communication Facilities (Publicly Regulated): Including telephone or telegraph exchanges and communications antennas that are regulated by the Pennsylvania Utilities Commission (PUC).

Communications Tower: A structure other than a building such as a monopole or self-supporting or guyed tower designed and used to support a communications antenna.

Communications Transmitting and Receiving Facility: A communications tower or other facility that transmits or receives a radio, television, or other communication signals.

Community Supported Agriculture: A system that connects the producer and consumer by allowing the consumer to subscribe to the harvest of a certain farm or group of farms. Delivery/pickup sites may be located on the lot where the agricultural products were harvested or at a different location.

Comprehensive Plan: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of Penn Township, as amended from time to time.

Composting: The mixing of decomposing refuse matter to create fertilizer material.

Concept Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion and classification.

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation with more than one thousand (1000) animal units that are confined for over forty-five (45) days a year. An animal unit is defined as the equivalent of one thousand (1000) pounds of live animal weight. A thousand animal units equate to one thousand (1000) head of beef cattle, seven hundred (700) dairy cows, two thousand five hundred (2500) swine weighing more than fifty-five (55) lbs., one hundred twenty-five thousand (125,000) chickens, or eighty-two thousand (82,000) laying hens or pullets. Source: nrcs.usda.gov

Concentrated Animal Operation: An agricultural enterprise where animals are kept and raised in confined situations. The feed is brought to the animals rather than the animals grazing or seeking feed in pastures or fields.

Concrete Mixing Plant: Area designated for the mixing of concrete as well as the associated storage of material and affiliated equipment.

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

Connection Fee: The fee collected by the Township to cover the cost of the installation of the service connection from the sewer main to the property line or curb stop of the property, or the fee collected to inspect the construction.

Conservation Areas: Undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use and retention of open space and undeveloped floodplain areas, and to provide areas of wildlife habitat.

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

Contractor's Office or Shop: Offices and shops for tradesmen, such as building, concrete, electrical, masonry, painting, and roofing contractors.

Contractor or Farm Equipment, Sales and Service Facility: The sale and service of contracting and/or farm-related equipment.

Contractor's Yard: A tract of land where a "dealer" stores new and/or used material, machinery, equipment, and other supplies for use by builders, developers, erectors, excavators, and other artisans. Such material, machinery, equipment, and other supplies may be made available for wholesale or retail purposes.

Convenience Store: A retail store that primarily sells routine household goods, groceries, and prepared ready-to-eat foods, and similar miscellaneous items to the general public.

Conventional Development: Development other than planned development.

Conventional Energy System: Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, that uses source(s) of energy other than solar energy. These sources include, but are not limited to, gas, oil, coal, and nuclear materials.

Corner Lot: See *Lot, Corner*.

County: The County of York, Pennsylvania.

Court, Inner: An open, unoccupied space surrounded on all sides by walls, or by walls and a lot line.

Coverage: That portion or percentage of the plot or lot covered by the building area.

Crematorium: An establishment containing a furnace used to reduce the deceased to ashes by burning.

Crop Farming: The raising, keeping, and sale of field and tree crops.

Crosswalk: A right-of-way, municipally or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-de-Sac: A local street with only one outlet and having the other end for the reversal of traffic movement. (Figure 4)

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

Culvert: A structure designed to convey a watercourse not incorporated in a closed drainage system under a road or pedestrian walk.

Curb: The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

Curb Level: The officially established grade of the curb in front of the mid-point of the lot.

Curb Line: The outside edge of the cartway.

Customer Facilities Fee: The fee collected by the Township to cover the installation costs of building sewer or to inspect the construction.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also refers to the material removed in the excavation.

Dairy: A building room or establishment for the storage processing, and distribution of milk and milk products.

DCED: The Department of Community Economic Development of the Commonwealth of Pennsylvania.

Deck: An above-ground platform made of wood or composite that is not covered by a roof or permanent awning and is designed, intended, or used for outdoor living purposes as an accessory use to a structure.

Density: The total number of dwelling units per gross area of the proposed development.

Density Zoning: A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes or dwelling types.

Designated Growth Area: A region within a municipality described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough, or village and within which residential and mixed-use development is permitted or institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development or submits a development plan under the terms of this Ordinance.

Development: Any man-made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alternation 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 Regulation: Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Diameter at Breast Height (DBH): The diameter of each tree is measured at “breast height”, defined as 4.5 feet up from the highest point of ground at the tree’s base.

Distance between Buildings: The required distance between facings or building walls is measured at the narrowest point.

District Zone: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

Domesticated Animal: A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

Dog Kennel: The keeping of four (4) or more dogs that are more than six (6) months old.

Domestic Hot Water Heating: A heat transfer process that uses an energy source to heat water above its initial temperature. Typical domestic uses of hot water include cooking, cleaning, bathing, and space heating.

Domiciliary Care Unit: An existing building or structure designed for a dwelling unit for one family which provides 24-hour supervised living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally, or who are aged persons.

Dormitory: A building used as group living quarters for a student body, religious order, or other groups as an associated use to a college, university, boarding school, or orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

Downzoning: A change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multi-family to single-family or from commercial or industrial to residential.

Drive-In Establishment: Any commercial business, including an eating establishment, offering refreshments, entertainment, or services to patrons, who purchase and/or consume such refreshments, entertainment, or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

Drive-Through Facilities: The use of land and structures in which goods or services are dispensed directly to the patron in a motor vehicle by any means which eliminates the necessity for the patron to exit the motor vehicle.

Drive-In Stand: A building no larger than four hundred (400) square feet used for the sale of farm, nursery, or greenhouse products produced on the premises and offered for sale.

Driveway: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Drug Store: A retail store where medicines, prescriptions, and miscellaneous articles such as food and cosmetics are sold.

Dwelling: A separate and self-contained living space composed of one or more rooms used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, its own sanitation facilities with bath and toilet fixtures and separate access to the outside or to a common passageway.

Dwelling, Conversion: A building originally designed and built as a single detached dwelling unit that has been converted into two or more dwelling units.

Dwelling, Multi-Family: A building containing three (3) or more dwelling units located on a single lot.

Dwelling, Single Family Attached: A portion of a building containing one (1) dwelling unit and having two (2) party walls. Each dwelling unit is located on a separate lot. End units that have one (1) party wall in common are included and are subject to the lot area requirements for other single-family attached units but must meet setback requirements on the open side.

Dwelling, Single-Family Detached: A freestanding building containing one (1) dwelling unit located on a single lot.

Dwelling, Single-Family Semi-Detached: A portion of a building containing one (1) dwelling unit and having one (1) party wall in common which are included and are subject to the lot area requirements for other single-family attached units but must meet setback requirements on the open side.

Dwelling, Two-family (Duplex): A building containing two (2) dwelling units located on the same lot.

Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities and toilet and bathroom facilities and arranged for occupancy by one (1) or more individuals living as a single housekeeping unit.

Easement: A right of limited use granted on private property by the owner for public use or private use by another party. The owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Eating Establishment: A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption or carryout service.

Edge of Roof: The lowest portion on the outside parameter of a roof.

Elderly Cottage Housing Opportunity (ECHO): are small, self-contained modular homes that are temporarily placed on a single-family property, allowing seniors to “age in place” and delay or avoid entering long-term care facilities.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed to switch or modify its characteristics to meet the needs of the public.

Electronic and Satellite Dish Antenna: Any structure or device used to collect or transmit electromagnetic waves.

Emergency Medical Treatment Facility: Any building or group of buildings occupied by medical practitioners and related services to provide emergency health service to people on an outpatient basis.

Employer: An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency, or other entity employing one or more persons on a salary, wage, commission, or another compensation basis, including a self-employed person.

Energy Storage Facility: Equipment consisting of containers, heat exchanges, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for storing energy for later use.

Engineer: See *Professional Engineer*.

Engineer, Registered: See *Professional Engineer*.

Engineer, Township: A professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township of Penn.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Environmentally Sensitive Area: An area with one or more of the following environmental characteristics, including:

- A. Severe slope
- B. Floodplain area
- C. Wetlands

Essential Services: Any service or occupation that the governing body deems essential for the life of the general population.

Exclusionary Zoning: Zoning which has the effect of excluding from the community certain people or groups for social or economic reasons, or in some cases, an additional population of any kind.

Extractive Operations: Open excavations that include operations such as quarries, strip mines, and borrow pits.

Facility: A building, room, or structure that allows or makes possible some type of activity.

Family: A group of individuals related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm: Any parcel of land which is used for financial gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use.

Farm Business, Supplemental: An auxiliary use to the primary agricultural use of a property in which residents engage in a commercial activity that is secondary to the primary agricultural activity on the farm. Such businesses may include uses such as farm stands, farm cafes, and farm camps. The auxiliary use may not change the primary agricultural characteristics of the property or neighborhood.

Farm Cafe: An eating establishment that prepares and serves food grown on-site.

Farm Camp: The hosting of day and overnight events for students and or guests for farm education.

Farm Market: The seasonal offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of the enclosed and open-air facility.

Farm Stand: A stand accessory to a farm that sells agricultural produce grown on-site and/or value-added agricultural products produced on-site.

Farm Structures: Buildings and facilities, such as barns and silos, that are typically used for farm-related activity and typically found on land designated for farm-related activity.

Fences: Any freestanding and uninhabitable device constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination. The use of rope, taped wire, electrified wire, or barbed wire is allowed only in conjunction with a use approved for agricultural, livestock, or dairy production.

Fence (Open): A fence, including gates, which has, for each one (1)-foot wide segment extending over the entire length and height of the fence, fifty (50) percent or more of the surface area in open spaces which afford a direct view through the fence.

Filling Station: Any area of land, including structures thereon that is used or designed to be used for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles.

Financial Institution: A company engaged in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange.

Fire Code Enforcement Officer (FCEO): The Fire Chief of the Township of Penn or his designated representative.

Fish Hatchery: a place for artificial breeding, hatching, and rearing through the early life stages of animals—finfish and shellfish in particular.

Flea Market: a market, typically outdoors, selling secondhand goods.

Floating Zone: A zoning district whose requirements are fully described in the text of the ordinance, but which is unmapped.

Floor Area of a Building: The sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between the exterior faces of walls.

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

Floor Area Ratio: The ratio of the floor area of a building to its lot area. When a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of ten thousand (10,000) square feet is limited to a maximum of four thousand (4,000) square feet. When numbers of stories are optional, the building area may be four thousand (4,000) square feet for one story, two thousand (2,000) square feet for two stories and so forth.

Floor Area Retail, Net: All that space relegated to use by the customer and the retail employee to consummate retail sales, and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space, and other general administrative areas.

Florist: One who sells or grows for sale flowers and ornamental plants.

Food Truck: A large-wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared.

Forestry: Managing and using for human benefit forestlands and natural resources that occur on and in association with forestlands including trees, other plants, animals, soil, and water. This term includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees for commercial purposes that does not involve any land development.

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

Fuel Station: Any area of land, including structures that are used for the sale and dispensing of gasoline, or any other motor vehicle fuel. This type of facility is activated by a key or card

and does not have an attendant present. This facility does not include the sale of oil, and other lubricating substances, including the sales of motor vehicle accessories, vehicle repairing, body and fender work, painting, vehicular sales, rental, or vehicle washing facilities.

Funeral Home or Mortuary: A business establishment approved by the state Board of Funeral Directors and operated by a licensed funeral director that provides services for the preparing the deceased humans or animals for burial or cremation and which may include rooms for the viewings and ceremonies.

Garage, Private: An accessory use which is attached to or an integral part of a residential building or dwelling unit, or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the resident of the residential building or dwelling unit.

Garage, Public: A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for repair or maintenance.

Garden Apartment: A two (2) story multi-family structure, containing one (1) story dwelling unit under one ownership. Also, see *Dwelling, Multi-Family*.

Garden Pool: Any structure containing water with a maximum depth of less than twenty-four (24) inches for ornamental or landscaping purposes.

Garden Structures: Any accessory structure that may be used or occupied other than sleeping or general grounds keeping purposes.

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

Gazebo: A freestanding roofed structure open on the sides. Also see *Structure, Accessory*.

Golf Course: An area of land laid out for golf with a series of nine (9) or eighteen (18) holes each including tee, fairway, and putting green and often with one or more natural or artificial hazards.

Golf Course, Executive: A golf course that is much shorter and has a much lower par than a regular golf course; Designed to be played quickly and is comprised of many par-3's plus a small number of par-4 and par-5 courses.

Golf Course, Miniature: An indoor/outdoor course manufactured or constructed to allow the putting of a ball through miniaturized fairways.

Golf Course, Pitch & Putt: Of or relating to a small-scale golf course, five (5) to twenty (20) acres, and usually having nine (9) holes of fifty (50) yards in length from tee to cup.

Governing Body: The Board of Commissioners of the Township of Penn, York County, Pennsylvania.

Grade: The slope expressed in a percentage that indicates the rate of change of elevation in feet per hundred feet.

Grade Level: Related to the height; the lowest point on the exterior of the structure.

Grade, Established: The elevation of the centerline of the streets as officially established by the municipality.

Grade, Finished: The completed surfaces of a project where the soil has been removed and replaced.

Green Space: an area of grass trees or other vegetation set apart for recreational or aesthetic purposes.

Greenways: A linear area maintained as open space to conserve natural and cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Gross Building Area: The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings, as well as dimension requirements.

Gross Residential Density: The number of dwelling units divided by the land area proposed to be used for residential purposes, excluding interior or exterior rights-of-way and lands intended for commercial or other nonresidential uses, including interior parking areas, sidewalks, parks, playgrounds, and common open space.

Ground Floor: The floor of a building nearest to the front grade of the building.

Group Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors. Residents, because of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, may require a minimal level of supervision but do not require medical or nursing care. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Health or other designated state agency having such authority or responsibility.

Group Home: A facility in which up to eight (8) people who are not a family reside.

Halfway House: A dwelling for the transitional institutionalized supervision of individuals who have violated the law and who are sent to a halfway house upon release from, or instead of being sent to, a penal institution.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

Height Development Regulations: Zoning regulations that limit the maximum height of buildings within zones.

Heliport: An area, either at ground level or elevated on a structure, licensed by the Federal government or an appropriate State agency, approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Helistop: Same as a heliport, but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Historic Site: A structure or place of historical significance. May be designated as such by local, State, or Federal government.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. 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.
- C. Individually listed on a state inventory of historic places in communities with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior.
 2. Directly by the Secretary of the Interior in states without approved programs.

Holding Tank Waste: Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Home Based Business: A business activity that is conducted as an accessory use in a principal unit incidental and secondary to the residential living use. The occupation shall be conducted entirely within a dwelling and carried on by no more than two (2) inhabitants residing therein.

The exterior of the building is to be maintained in its original character as a residential dwelling and no goods are to be publicly displayed on the premises other than a sign as provided herein. A home occupation shall specifically exclude photo studios, music schools, dance schools, business schools, or schools of any kind with organized classes, day care, or pre-and post-school care for children.

Home-Based Business, No-Impact: A business or commercial activity administered or conducted as an accessory use which is 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, above those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

Hospital: An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in current state licensure requirements.

Hotel: A facility offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities

Illumination: The constant supply of light that allows a sign to be visible in dim or dark conditions.

Impervious Surface: A surface that does not absorb precipitation. Areas including but not limited to parking areas, driveways, roads, sidewalks, patios, and any similar areas of concrete, brick, stone, or asphalt shall be considered impervious surfaces also, all buildings and structures shall be considered impervious surfaces.

Importing Distributor: As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

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

Incinerator: An approved device in which combustible material is burned to ashes.

Individual: Any person, male, or female, engaged in any occupation, trade, or profession within the corporate limits of a political subdivision.

Indoor Recreation Facility: A use or activity operated as a gainful business, operated as a gainful business open to the public, for leisure-time activities, public recreation, or entertainment, including but not limited to an arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health club, miniature golf course, skating rink, swimming pool, tennis court, theater, etc., when operated within a completely enclosed building.

Industrial Park: A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of these industries, with separate buildings designed and arranged to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

Industry: The manufacturing, compounding, processing, assembling, or treatment of materials, articles, or merchandise.

Inoperable Motor Vehicle: A vehicle intended to be self-propelled that shall not be operable under its power for any reason, or a vehicle that shall be without a valid current registration plate, valid certificate of inspection, or any vehicle in a major or severe state of disrepair.

Institutional Facility: A public or private establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged, or infirmed persons; or members of a religious community.

Interior Lot: See *Lot, Interior*

Joint Comprehensive Plan: A plan developed and adopted by any number of contiguous municipalities that meets the following criteria:

- A. Contain basic plan elements set forth in Section 301(a) of the MPC.

- B. Contain a plan for reliable supply of water, considering current and future water resources availability.
- C. Be reviewed every ten (10) years.
- D. Identify those areas where growth and development will occur so that a full range of public infrastructure – including sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate growth.

Junk: Any discarded materials, machinery, scrap metals, appliances, articles, or objects possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motor, bodies of motor vehicles, and vehicles that are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste or farm machinery provided said farm machinery is used in connection with a bona fide farming/agricultural operation.

Junkyard: Any place within the Township where junk as herein defined is stored, disposed of, accumulated, or maintained. Any premises having more than one (1) used, unlicensed, and/or inoperable automobiles or other vehicles thereon shall, in any event, be deemed a “junkyard”; provided, however, that any used automobile dealer or any automobile or truck dealer who is licensed or franchised as such a dealer may store on the premises, for a period not to exceed thirty (30) days, any one (1) junked automobile, with no more than three (3) junked automobiles at any one time ever on such premises. Should such used automobile dealer or any licensed or franchised automobile or truck dealer have a junked automobile upon the premises for more than thirty (30) days or over the permitted number of junked automobiles, the premises of the used automobile dealer or the licensed or franchised truck or automobile dealer shall be a “junkyard” under the terms of this Ordinance.

Junked Motor Vehicle: A motor vehicle from which parts or accessories have been removed or that shall be inoperable because of damage thereto.

Kennel: An establishment for the sheltering of four (4) or more dogs, that are more than six (6) months old.

Land Development: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any other purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively,

between or among two or more existing or prospective occupants utilizing streets, common areas, leaseholds, condominiums, building groups, or other features; or

B. A subdivision of land.

C. Provisions for the exclusion of certain land development when such land development involves the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building. Also, see Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Landfill: See *Solid Waste Landfill*

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscaping Operation: A business that engages in lawn mowing, mulching, planting and any other type of outdoor property maintenance.

Land-use Controls: A term generally referring to the use of police power techniques to control and guide land use and development.

Launderette: A business premises equipped with individual clothes washing machines for use by retail customers.

Laundry and Dry-Cleaning Establishments: A business premises equipped with individual clothes washing equipment for use by retail customers or the drop-off and pick-up of clothing for dry-cleaning by retail customers.

Library: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

Light Truck: A motor vehicle on a truck chassis with a gross motor vehicle weight rating (GVWR) of 8,500 pounds or less.

Livestock: Any wild or domestic animal of the bovine, equine, porcine, deer, elk, or sheep family, including confined pigeon (Columbidae Family), chicken (Phasianidae Family), or rabbit (Lagomorpha Family).

Loading Space: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

- A. Lot, Area: The area contained within the property lines of a lot as shown on a plan or plot.
- B. Lot, Corner: A lot with two (2) adjacent sides abutting streets that have an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on 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 one hundred thirty-five (135) degrees.
- C. Lot, Flag: A large lot not meeting minimum frontage requirements with access to the public road is by a narrow private right-of-way or driveway.
- D. Lot, Interior: A lot other than a corner lot.
- E. Lot, Minimum Width: The minimum lot width at the building setback line.
- F. Lot, Nonconforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- G. Lot, Reverse Frontage: A lot extending between, and having frontage on both an arterial street and minor street, with vehicular access permitted solely from the latter.
- H. Lot, Through/Double Frontage: A lot with front and rear street frontage.

Lot Coverage: The total of impervious areas including building area divided by lot area.

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 Lines: The boundary lines of a lot as defined herein:

- A. Rear Lot Line: Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the front wall of the house will determine the rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.
- B. Side Lot Line: Any lot line that is not a street line or a rear lot line.

- C. **Street Line:** A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the “street right-of-way line.”

Lot of Record: A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.

Lot Width: The minimum required continuous distance measured between the side lot lines.

Lowest Floor: The lowest floor of the lowest fully enclosed area.

Machine, Fabricating, or Welding Shop: A business that fabricates or sculpts in a process to join materials by causing fusion or the production of metalwork, associated materials for construction, and/or the maintenance of such material.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is permanently attached to a foundation.

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

Manufactured Home Park or Subdivision: A parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

Manufacturing: The processing and/or converting of raw unfinished and/or finished materials or products into articles or substances of different character or for a different purpose. This term includes, but is not limited to food and pharmaceutical processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; stone and clay processing; printing polishing, photography, and related industries; instrument, tool and die, and wood fabrication; metal welding; assembly of electronics; plastic goods manufacturing and molding; and other related industries.

Manure: The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding, or litter.

Manure Storage Facilities: A structure to contain manure for some time before its ultimate utilization, usually classified by the type and form of manure stored.

Marquee: A permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against the weather.

Massage Therapy: An establishment whose business emphasis is the administration of non-sexually oriented massage to patrons by employees.

Medical and Dental Clinics and Laboratories: A use involving the treatment and examination of patients by state-licensed physicians, dentists, or other health care professionals, including mental health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the laboratory testing of tissue, blood, or other human materials for medical or dental purposes.

Medical Marijuana: Marijuana for certified medical use in the commonwealth of Pennsylvania as set forth in Act 16 of 2016.

Medical Marijuana Dispensary: Facility where medical marijuana is purchased with a doctor's recommendation.

Medical Marijuana Grower/Processor: The use of the premise holding a permit from the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana, with all growing and processing activity to be conducted indoors.

Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Membership Club: An area of land or building used by a recreational, civic, social, fraternal, religious, and political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, but not including members of the public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests.

Mill: Where grain, lumber, and similar products are stored and processed as a gainful business.

Mineral Extraction: A lot of lands or part thereof used to extract coal, stone, sand, clay, gravel, or topsoil for sale, and exclude the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Mini-Storage Warehouses: A facility providing for the enclosed storage of household items or recreational equipment where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility. Storage units must be less than eighty (80) square feet in size.

Minor Repair: The replacement of existing work with equivalent materials for 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 exit way requirements; nor shall minor repairs include an 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.

Minor Subdivision: The subdivision of a single lot, tract, or parcel of land into five (5) or fewer lots or parcels of land, for the purpose, whether immediate or future of transferring ownership or of building development, provided lots, tracts or parcels of land thereby created have frontage on an improved public street or streets and provided further that there is not created by said subdivision any new street, streets easement, easements of access or need.

Mixed Occupancy: Occupancy of a building or lot for more than one use.

Mixed-Use: A tract of land, building, or structure that contains a variety of complementary and integrated uses that are permitted in the applicable base or overlay zoning district in which the building is located and arranged in a compact urban form. Typically, mixed-use includes a combination of residential and commercial/office/civic uses arranged vertically (in multiple stories of a single building) or horizontally (in adjacent buildings).

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

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupant(s) of the mobile home erected on the lot.

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

Mobile Home Sales Lot: An open lot for the outdoor display of new or used mobile homes.

Mobile Home Stand or Pad: That part of an individual mobile home space that has been reserved for the placement of a mobile home and appurtenant structures and connections.

Mobile Home Subdivision: A group of mobile homes whose lots on which these mobile homes are located is owned separately by the owner of each mobile home.

Model Home: A residential structure constructed of similar materials and appearing similar to other structures located within the same residential development. A model home shall not be used for residential purposes when it is used to “model” the type(s) of residential structures being offered for sale by the developer. The purpose of a “model home” is to display the exterior and interior of a typical residential structure, and to display the developer’s/builder’s

options offered in the residential structures to be built in the same residential development/subdivision as the model home.

Modular Home: A type of dwelling that meets a definition of single-family detached dwelling, single-family semi-detached dwelling, single-family attached, two-family detached, two-family semi-detached, and multi-family that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of a mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with all applicable building codes. A modular home also shall not include a building that includes only one substantial piece before delivery on the site.

Motel: A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges, and similar establishments.

Motor Freight Terminal: A terminal that is primarily centered on the storage and distribution of motor freight.

Municipalities Planning Code (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

Municipality: The Township of Penn, York County, Pennsylvania.

Natural Feature: A component of a landscape existing or maintained as part of the natural environment and having an ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property, or the natural environment.

Natural Production Uses: A lot or parcel of land or part thereof used to extract stone, sand, clay, gravel, or topsoil for the sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Newspaper and Printing Establishments: Any establishment that is engaged in the printing of newspapers or similar material regularly.

Nightclub: Any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment can be offered. For this definition, “live entertainment” is meant to also include the use of disc jockeys to supply 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. “Nightclub” includes an “Under 21” club that features entertainment. The business may not involve any illegal activity.

Nonconformity, Dimensional: Any aspect of 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 Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

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

Nonconforming Sign: A sign that does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location because of annexation.

Nursery/Garden Center: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

Nursing or Convalescent Home: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care, and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Human Services for such use. Accommodations are provided for the full-time care of aged, disabled, or infirm persons.

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

Occupation: Any trade, profession, business, or undertaking of any type, kind, or character, including services, domestic or other, earned or performed within the corporate limits of the political subdivision for which compensation is charged or received, whether utilizing salary, wages, commission, or fees for services rendered.

Occupied Building: Each single dwelling unit, household unit, flat, apartment unit, store, shop, office, business, or industrial unit or family unit contained within any structure erected within one hundred fifty (150) feet of the sewer system and intended for continuous or periodic habitation, occupancy, or use by human beings or animals, and from which structure sanitary sewage is or may be discharged.

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Off-Street Parking: Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use to serve the parking requirements and needs of the principal use.

Off-Street Parking Space: A parking space provided in a parking lot, parking structure, or private driveway.

Off-Tract: Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

Offices, Contractors: Refers to an office or shop with an accessory storage yard of a building, electrical, or mechanical contractor.

Offices, Corporate: Refers to the executive and administrative offices of business firms.

Office Building: A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling.

Office Center: A group of offices planned and designed to function as a unit for the lot(s) on which it is located with off-street parking provided as an integral part of the unit.

Official Map: A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

On-Site: Located on the lot in question.

On-Street Parking Space: A parking space that is located on a public street.

Open Pit Mining: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinance: A decree or regulation set forth by the Township of Penn, York County, Pennsylvania.

Outdoor Storage or Display: Storage of materials as a primary use of the land, necessary and incidental to the normal operation of a primary use, provided that no part of the street right-of-way, no sidewalks, or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required setbacks shall be occupied by outside storage or display.

Outside storage and display areas shall be shielded from public view. The storage or display area is limited to the lesser of two hundred (200) square feet or ten (10) percent of the gross floor area of the primary building or structure.

Out-parcel: A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings, and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or any combination of uses thereof.

Overlay Zones: A set of zoning requirements that may be described in the ordinance text, but are mapped, and imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Owner: Any person who alone, jointly, or severally with other persons, has legal title to any premises. This does not include a lessee, sublessee, or another person who merely has the right to occupy or possess a premise.

Owner Occupied: The property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

Parapet: That portion of a building wall or false front that extends above the roofline.

Parcel: A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Park, Outdoor Recreational Facilities, and Other Appurtenant Buildings: A facility or facilities which include parks, recreational facilities such as swimming pools, skating rinks, recreational centers, and other recreational areas and facilities (excluding golf courses). This also includes areas of land suitable for the development of specific active recreation facilities or leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

Parking Area: An area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

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

Parking Lot: Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles.

Parking Space: The area required for parking one automobile.

Passive Solar Energy System: A solar energy system that uses the natural properties of materials and architectural components to collect and store energy without using any external mechanical power.

Patio: An area intended for outdoor use that is paved or covered with brick or similar material and is flush with the ground.

Penn Township: See *Township*.

Pergola: An outdoor feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross beams and a sturdy open lattice, often upon which woody vines are trained.

Permissible Use: A use by a right that is specifically authorized in a zoning district.

Person: Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Services Establishment: An establishment that provides a service oriented to the personal needs of the public and which may involve minimal retail but not wholesale sales or services to businesses. Personal services establishments include, but are not limited to, barber and beauty shops, health spas, tanning salons, optometrists' offices, photography studios, travel agencies, tax preparation services, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult regulated facilities as defined herein.

Personal Use: Not for commercial sale or resale.

Pet Grooming: The cleaning brushing clipping of the fur and nails of small animals kept for pets such as dogs and cats with no overnight boarding.

Place of assembly/ Worship: A facility owned by a not-for-profit entity that is designed for the indoor assembly or meeting of persons for religious, civic, political, educational, or social purposed, where recreation, amusement, or dining may occur as accessory activities. A place of assembly/worship may also include, as accessory uses, administrative offices, day care centers, rooms for training or education, rectories, convents, seminaries, and shrines. Examples of places of assembly include churches, fraternal lodges, ethnic clubs, and labor union halls.

Place of Worship Day Care Center: A use that is carried on within the principal structure of a place of worship for daycare, pre-school, or kindergarten instruction.

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

- A. Plan, Final: A complete and exact plan, prepared for official recording, to define property rights and proposed streets and other improvements.
- B. Plan, Preliminary: A tentative plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration before preparation of a final plan.
- C. Plan, Sketch: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

Planning Agency: The Planning Commission of Penn Township.

Planning Agency Staff: The Township Engineer, Zoning Officer, and/or other personnel retained by the Planning Commission.

Political Subdivision: The area within the boundaries of Penn Township, York County.

Poultry: Any member of the Aves species including any type of domestic or wildfowl, chickens, quail, pheasants, ducks, geese, doves, turkeys, and pigeons.

Power Generation Facility: A facility that generates electric power for transmission of such electricity to other users not located at the site where the electricity is generated.

Premises: The property upon which the activity is conducted as determined by physical facts rather than property lines.

Primary Residence: The premises where a person has legal residency.

Prime Agricultural Land: The United States Department of Agriculture defines prime farmland as the land best suited to food, feed, forage, fiber, and oilseed crops. It also produces the highest yields with minimal energy and economic resources and with the least damage to the environment.

Principal Building or Structure: A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

Printing and Publishing Facility: A facility for the reproduction, collation, and/or binding of printed materials and/or the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, film processing, photocopying, and oversized plotting, screen printing, offset printing, and bookbinding.

Private: Not publicly owned, operated, or controlled.

Private Club: A facility operated for members only, whether for profit or not for profit.

Private Recreational Facility: A privately owned facility for recreational purposes including, but not limited to, such uses as parks, nature trails, and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring, and promotion of motor vehicles.

Private or Non-Public Street: All streets which are not public, including, but not limited to streets maintained by private agreements, by private owners, or for which no municipal maintenance responsibility has been established.

Professional Architect An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

Professional Center: A building or group of buildings designed for use as offices for professional occupations.

Professional Engineer: An individual licensed and registered under the Commonwealth of Pennsylvania to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this ordinance; however, a professional engineer may perform engineering land surveys.

Professional Land Surveyor: An individual licensed and registered under the Commonwealth of Pennsylvania to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

Professional Occupation: The practice of, including but not limited to, a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, or city planner permitted to practice in the Commonwealth of Pennsylvania.

Professional Offices: Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage), and similar office-oriented uses.

Public: Owned, operated, or controlled by a governmental agency (Federal, State, County, or local, including a corporation created by law for the performance of certain specialized governmental functions and the Department of Education).

Public and Other Transmission and Distribution Facilities: Public, semi-public, and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

Public Building (Public Services): See *Public Uses and Buildings*.

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

Public Grounds: Includes:

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

Public Hearing: A formal meeting held pursuant to public notice by the governing body or Planning Agency, intended to inform and obtain public comment, before acting in accordance with this Ordinance.

Public Improvements: An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, flood protection, or recreational facilities or to serve other public requirements in accordance with the Penn Township Subdivision and Land Development Ordinance and the Zoning Ordinance.

Public Notice: Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

Public Owned Treatment Works (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which in this instance, is owned and operated by the Township. This definition includes any devices or systems used in the collection, storage, transportation, treatment, recycling, and reclamation of municipal wastewater or industrial wastes of a liquid nature. It also includes pipes, sewers, pumping stations, and other conveyances that convey wastewater to the Township treatment plant even though those sewers may not have been constructed by the Township, or are not located within the Township boundaries, or are not owned or maintained by the Township. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the treatment facility.

Public Park/Recreation Facility/Grounds: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, rail trail, etc.

Public Street: Any street which is dedicated to the Township or opened to the use of the public.

Public Sewer: A municipal sanitary sewer system, or a comparable common or package sanitary facility approved by the State of Pennsylvania, Department of Environmental Protection.

Public Uses and Buildings: Any civic or service-oriented facility available to the public such as schools (public and private), parks, fire stations, municipal buildings, and municipal garages, etc.

Public Utility Buildings and Structures: Any structure that belongs to a public utility for uses such as electrical, telephone, gas, water, and sewer that are regulated by the Pennsylvania Public Utilities Commission (PUC) or any other governmental agency.

Public Utility Transmission Tower: A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

Quarry, Sand Pit, Gravel Pit, Borrow Pit, Topsoil Stripping: See *Open Pit Mining*.

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

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

Recreation, Active: Any activity that requires some physical exertion on the part of the participant.

Recreation, Passive: Any activity that requires little or no physical exertion on the part of the participant.

Recreation Area Accessibility: Any area that can be easily approached, entered, and used by the citizens of residential developments.

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

Recreation, Area, Passive: Any area developed in such a manner as to be conducive to those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

Recreation Area Required: The amount of land in any given subdivision that would be dedicated for recreation where the fee instead of land dedication provision is not being utilized.

Recreation, Commercial or Entertainment Facility: A building housing an activity operated as a business, open to the public, in the Commercial District, for public recreation or entertainment, including but not limited to, bowling alleys, theaters, drive-in motion picture facilities, swimming pools, health clubs, museums, etc. This does not include adult-related uses, amusement arcades, nightclubs, or golf courses as defined herein.

Recreation, Outdoor Commercial Establishment: A use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, and golf courses.

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

Recreational Vehicle: A vehicle which is built on a single chassis not more than four hundred (400) square feet, measured at the largest horizontal projections designed to be self-propelled or permanently towable by a non-commercial vehicle not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park or Campground: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping, and travel use, or recreational vehicle campground lots rented for such use.

Recycling Center: An establishment, place of business, facility, or building which is maintained, operated, or used for the storing, keeping, buying, or selling of items not limited to but including newspaper, used food or beverage containers, plastic containers, or ferrous or non-ferrous metals to convert such items into a usable product.

Refuse Hauling Vehicle: Any vehicle used for the collection and/or transport of solid waste.

Regulated Activity: Any earth disturbance activity that involves the alteration or development of land in a manner that may affect stormwater runoff.

Regulated Earth Disturbance Activity: Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.

Representative of the Township: The Manager of the Township, Township Engineer, Code Official, or such other person as shall be appointed by the Township as its representative for any of the purposes herein.

Research, Testing, or Experimental Laboratory: A place equipped for experimental study, testing, and analysis of soils, medicines, new technology, products, and similar items and areas of research.

Residential Accessory Uses: A use conducted on the same lot as, and subordinate to, a principle or adjunct use to which it is related. The use must be clearly incidental to and customarily found in connection with a principal use.

Residential Development: A subdivision or land development as defined in the Pennsylvania Municipalities Planning Code to erect residential dwelling units.

Residential Rental License: A document issued by the FCEO to the owner of a residential rental unit, which is required for the lawful rental and occupancy of any residential rental dwelling, buildings, or structures.

Residential Rental Unit: A rooming or dwelling unit rented under an individual rental agreement with a tenant. These units include, but are not limited to, apartments, single-family, duplex, and multi-family units, boarding homes, hotels, motels, and bed and breakfast establishments.

Resort: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for people on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

Restaurant: A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption or carryout service.

Retail Establishment: Retail business shall include variety stores, apparel stores, florists, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationery, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

Retail Establishments, Agriculture Supported: A commercial enterprise that provides goods and/or services whereas most of the customer-base is non-public agriculture business-to-farm or business-to-business relationships.

Retail Establishments, Value-Added Agriculture: A commercial enterprise that provides goods and/or services whereas most of the customer-base is public as related to farm-to-

business or farm-to-consumer relationships.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

Retention Volume/Removed Runoff: The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event

Retirement Home: A facility licensed by the state designed to serve the housing needs of older persons in a continuum of care environment through facilities that relate both to dependent and independent persons. Such facilities may include independent living units, sheltered care units, nursing care units, and related support services.

Rezoning: An amendment to or change in the Zoning Ordinance. Rezoning can take three forms: (1) A comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Riding Academy or Boarding Stable: An establishment where horses are kept for riding or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use and noted on the plat on which such right-of-way is established.

Right-of-Way, Street: A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane or however designated.

Riparian Buffer: A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

Roadway: See *Cartway*.

Roadside Stand: An accessory use in all zones in which the agricultural products for retail sale have been produced on the property.

Roof: The upper cover of a building or structure.

Roofline: The highest point of a flat, hip, or pitched roof excluding any cupolas, chimneys, or other minor projections.

Rooming House: An existing building containing a single dwelling unit and no more than five (5) guest rooms, where lodging is provided for compensation with or without meals. The use shall not alter the original character of the structure or neighborhood. Also referred to as a boarding house.

Sales Office/Model Home: All units which are used as models, sales offices, or design centers to market a particular real estate development project and the contents therein.

Sanitary Waste Facility or Incinerator: A site utilized for the deposit/disposal/incineration of waste and refuse. Such facility shall be subject to the following conditions:

- A. A lot area of not less than one hundred (100) acres shall be provided.
- B. No sanitary landfilling operation or incineration shall take place within five hundred (500) feet of any street or property line.
- C. The lot shall have direct access to either an arterial or collector highway.
- D. It shall be demonstrated that the use, because of its location and the proposed method of operation, will not harm any surrounding portions of Penn Township.
- E. Such a facility is part of a solid waste plan approved by the County Commissioners and any other pertinent agencies.

Sanitary Landfill: See *Solid Waste Landfill*

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and including its pedestal and other attachments. Such a device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what is commonly referred to as satellite earth stations, television receivers only (TVROs), and satellite microwave antennas.

Sawmill: a place or building in which timber is sawed into planks, boards, etc., by machinery

School: Any place offering instruction in any branch of knowledge as regulated by the Commonwealth of Pennsylvania or a lawfully constituted person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- A. College: An educational institution or establishment, in particular one providing higher education or specialized professional or vocational training which may include junior college, college, or university, and is authorized to grant academic degrees.

- B. School, Elementary: Also called a primary school which is the main point of delivery of primary education for children between the ages of six and eleven (6-11) and coming between pre-kindergarten and secondary education.
- C. School, Private: Schools available at all grade levels of virtually every educational philosophy and religious denomination. Private schools are licensed and regulated by the State Board of Private Academic Schools.
- D. School, Public: A school that is maintained at public expense for the education of the children of a community or district that constitutes a part of a system of free public education commonly including primary and secondary schools.
- E. School, Secondary: A school intermediate between elementary school and college and usually offering general, technical, vocational, or college-preparatory courses.
- F. School, Vocational: A career-focused school that prepares and trains students for specific occupations. Also called trade, technical, or career schools.

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

Service Shop: Any establishment whose primary activity is the provision of assistance, as opposed to products, although products may be sold secondarily to the services provided. Common service establishment examples are, but are not limited to, barbershops, hair salons, shoe repair shops reading rooms, tanning salons, dry cleaners, and tailors/seamstresses..

Service Station: Any area of land, including structures that are used for the sale of gasoline or any other motor vehicle fuel, oil, and other lubricating substances, including the sale of motor vehicle accessories.

Setback (Building Setback Line): The line within a property defining the required minimum distance between any enclosed structure and the ultimate adjacent right-of-way, and the line defining rear, front, and side yards where required.

Setback, Sign: The shortest horizontal distance from the property line or right-of-way to the nearest point of the sign, whichever is nearest to the property line or right-of-way.

Severe Slope: Land with a fifteen (15) foot or greater change in elevation within one hundred (100) feet or less in horizontal distance, or in other terms fifteen (15) percent or greater on average.

Sewer System: The complete sewer system operated by the Township including the existing systems of sewers within the Township and the sewage treatment collection sewers, interceptor

sewers, sewer mains, and force mains, pumping stations, and sewer facilities to be constructed, together with all further improvements extensions and capital additions acquired or constructed by the Township.

Shooting Range: A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, and/or training, usually in a sportsmen's or outdoor club in which skeet shooting, rifle shooting, or archery is practiced.

Shopping Center, Mall, or Plaza: A group of stores planned and designed to function as a unit for the lot(s) on which it is located with adjacent parking provided as an integral part of the unit.

Short-Term Rental: The act of offering temporary living quarters for a period not exceeding thirty (30) days and/or meeting rooms within a dwelling unit by the owner or lessee for a negotiated price to a transient houseguest.

Sidewalk: See *Walkway*

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (Figure 2)

Sign: Any object, display or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious, or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Abandoned: A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for twelve (12) months or more, or any sign which relates to a time, event, or purpose which is past.

Sign, Advertising: A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. Any advertising sign allowed under the Penn Township Sign Ordinance may display either a commercial or noncommercial message.

Sign, Awning: A sign attached to, painted, or printed onto an awning, of the hinged, roll, or folding type.

Sign, Business: A sign directing attention to a business, commodity, or service conducted, sold, or offered upon the same premises as those upon which the sign is maintained. This includes signs that identify or advertise home occupations.

Sign, Canopy: A sign attached to, painted, or printed onto a canopy. The permitted size of a canopy sign shall be calculated based on the size of the building wall parallel, or substantially parallel, to a street. It will, for measuring purposes, be considered a wall sign.

Sign, Construction: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Directional: A sign fronting on a road containing only the name of the principal use, directional arrow, and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory: A sign which identifies the names and locations of occupants or the use of a building or property.

Sign, Flashing: A sign that uses an intermittent or flashing light source or windblown and/or mechanically moved reflective material to attract attention.

Sign, Freestanding: Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such signs may include a ground, pole, or monument sign.

Sign, Government: Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure, or other land use, designed to identify to the public and land use. Examples of government signs include speed limit signs, city limit signs, street name signs, and traffic signs. Conversely, a sign placed on a public building such as a library, school, or public safety building, which identifies said building, shall not be considered a government sign.

Sign, Ground Mounted: Any sign which extends from the ground, or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign.

Sign, Identification: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation, or profession of an occupant or the name of any building on the premises.

Sign, Incidental: A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive-through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted: A sign illuminated by light cast upon the sign from an external light source.

Sign, Logo: A sign used by the Pennsylvania Department of Transportation on limited-access highways to direct motorists to nearby businesses and services. NOTE: Logo signs are replacing billboards on interstate highways.

Sign, Luminous: A sign illuminated using phosphorescent or luminescent paint or materials

Sign, Marquee: Any sign attached to a marquee to identify a movie theater or similar place of entertainment.

Sign, Nonconforming: A sign that does not conform to the regulations of the district in which it is located.

Sign, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located

Sign, On-Premises: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign, Pole: A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted signs. The bottom of such signs shall be greater than three (3) feet from the ground directly beneath the sign.

Sign, Political: Any temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed as or converted to an A or T-frame sign; or umbrellas used for advertising purposes. Such a sign, whether bolted to the ground, shall nonetheless be deemed to be a "portable sign."

Sign, Projecting: Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Sandwich or inverted “V”: A sign designed to advertise specials or sales occurring on the same day as their placement.

Sign, Temporary: A sign intended for short-term use, such as a promotional sign, including signs pertaining to business events, community events, political issues, an individual seeking public office, or a forthcoming public election.

Sign, Vehicular: Signs on parked vehicles visible from any street where the sign on the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. Vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel to or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

Sign, Window: A temporary or permanent sign, which is oriented to the public right-of-way and is located on the inside or outside of a window.

Skilled Health Care Facility: A skilled care facility is any premises in which nursing care and related medical or other health services are provided, for a period exceeding twenty-four (24) hours, for two (2) or more individuals, who are not relatives of the operator and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence, physical, or mental infirmity need such care.

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

Slots: a coin-operated gaming machine that generates random combinations of symbols on a dial, certain combinations winning varying amounts of money for the player.

Solar and Wind Energy Facilities: Any device which converts solar or wind energy into a form of usable energy.

Solar Energy: Radiation from the sun capable of producing heat causing chemical reactions or generating electricity.

Solar Energy System: Any system which is used to collect, store, and distribute energy derived from the sun for heating or cooling the interior spaces of buildings or for heating domestic hot water. Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south-facing double-glazed window walls, attached south-facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south-facing windows.

Solar Skyspace: The space between a solar energy collector and the sun must remain unobstructed such that on any given clear day of the year, not more than ten percent (10%) of the collectible insolation shall be blocked.

Solar Skyspace Easement: A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

Solid Waste: Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

Solid Waste Landfill: A lot, parcel, or tract of land used primarily for the disposal by dumping, burial, burning, of garbage, trash, refuse, sewage, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind; includes solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. It must meet all the requirements of the Pennsylvania Department of Environmental Protection and possesses all necessary permits and authorizations to operate such a facility.

Solid Waste Processing Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated offsite, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel product. The term also includes any facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

Solid Waste Management Act: The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. 6018.101 et seq., as may be amended and supplemented.

Special Event: A temporary event held indoors or outdoors on private or public property such as a concert, festival, carnival, meal, holiday event, or fund-raising event, but not including any recurring event, such as a sporting or social event.

Special Exception: A Special Exception shall be the approval granted by the Zoning Hearing Board in situations where a provision, therefore, is made by the terms of the Zoning Ordinance of Penn Township.

Special Occasion Home: An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences, and similar functions, although not otherwise open to the public. The rental use must be secondary and subordinate to the residential use.

Spot Zoning: The zoning of a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property.

Stable, Private: An accessory building in which horses are kept for the private use of the landowner and not for hire, remuneration, exhibition, or sale.

Stable, Public: A building in which horses are kept for remuneration, hire, or sale.

State: The Commonwealth of Pennsylvania.

Stoop: An uncovered area at the front, side, or rear door with a minimum of four-by-four (4x4) feet or sixteen (16) square feet in area.

Storage Shed: A structure not intended for residential occupancy which is necessary to the principal use of the property as a place to store personal property.

Storage Tank System: An aboveground tank, an underground tank, or a non-stationary tank, and any associated piping, lines, dikes, curbs, transfer stations, and ancillary equipment.

Storm Sewer: A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes, and similar discharges.

Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

Storm Water Detention: A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

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

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

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used, whether public or private, by the general public for vehicular or pedestrian traffic. Streets are classified in accordance with the Penn Township Comprehensive Plan and are defined as follows:

- A. Interstate Highway: Limited access highways designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries, with access limited to interchanges located by the U.S. Department of Transportation.
- B. Freeway: Limited access roads designed for large volumes of traffic between communities of 50,000 or more to major regional traffic generators (such as central business districts, suburban shopping centers, and industrial areas); freeways should be tied directly to arterial roads, with access limited to specific interchanges to avoid the impediment of through traffic.
- C. Major Arterials: A major arterial highway provides land access while retaining a high degree of thru traffic mobility and serves major centers of urban activity and traffic generation. They provide a high-speed, high-volume network for travel between major destinations in both rural and urban areas.
- D. Minor Arterial Highway: A minor arterial highway gives greater emphasis to land access with a lower level of thru traffic mobility than a major arterial and serves larger schools, industries, hospitals, and small commercial areas not incidentally served by the principal arterials.
- E. Collector Highway: A collector highway serves dual functions collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities, and warehouses not served by the principal and minor arterials.
- F. Local Roads: Those that are local in character and serve farms, residences, businesses, neighborhoods, and abutting properties.
- G. Avenue: A broad road in a town or city, typically having trees at regular intervals along its sides.
- H. Boulevard: A wide street in a town or city, typically one lined with trees.
- I. Parkway: A wide road, usually divided, with an area of grass and trees on both sides and in the middle
- J. Lane: A narrow road, especially in a rural area.

- K. Viaduct: A long bridge-like structure, typically a series of arches, carrying a road or railroad across a valley or other low ground.
- L. Road: A wide way leading from one place to another, especially one with a specially prepared surface which vehicles can use.

Street Line: The dividing line between the street and lot, also known as the right-of-way line.

Street Width: The distance between street lines measured at right angles to the centerline of the street.

Strip Zoning: A zone normally consisting of a ribbon of uses fronting both sides of an arterial roadway and extending inward for half a block.

Structure: 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 land or water, whether or not actually affixed to the land.

Structure, Accessory: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot.

Structure Alteration: See *Alterations, Structural*.

Structure, Nonconforming: A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed before the enactment of this Ordinance or amendment or before the application of this Ordinance or amendment to its location because of annexation. Such nonconforming structures include but are not limited to, nonconforming signs.

Structure, Temporary: A tent, construction shanty, or similarly portable or demountable structure not intended for permanent use.

Studio Apartment: A small apartment consisting of a main room, kitchenette, and a bathroom. The minimum habitable floor area for such an apartment is four hundred (400) square feet.

Studio, Dancing or Music: The use of premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time. The term is synonymous with Dancing School, Music School, and other similar expressions.

Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however,

that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subgrade: The natural ground lying beneath a road.

Substantial Additions to Manufactured Home Parks: Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Substantial Damage: Damage sustained by a structure whereby the cost of restoring the structure to its previous condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or another improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred substantial damage (or “repetitive loss” when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not include either:

- A. 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, or:
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Supply Utilities: Include water supply works and storage, electric, gas, or oil substations, excluding business/sales offices and storage yards unless permitted as a principal use within the district located, and provided that all distribution facilities shall be installed in accordance with current Pennsylvania Public Utilities Commission (PUC) regulations.

Supply Yards: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed, grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for stormwater drainage.

Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed, or maintained outside any building. See also *Wading Pool*.

Tasting Room: A room in a winery or distillery for the tasting of wine or distilled liquor and which may include retail sales of related promotional items.

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

Taxidermy: the art of preparing, stuffing, and mounting the skins of animals with lifelike effects.

Television Antenna: An antenna specifically designed for the reception of over-the-air broadcast television signals.

Temporary Portable Storage Unit: Commonly known as “portable on-demand storage” or “PODS™”. Any mobile container, storage unit, shed-like container, or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that is not permanently affixed to the land; is designed for temporary short-term storage; is not intended for human habitation; that can or is used for the storage of personal property of any kind; and which is located for such purposes outside an enclosed building.

Temporary Structure: See *Structure, Temporary*.

Temporary Use: A prospective use, intended for limited duration, to be in a zoning district for such use, and not constituting a nonconforming use or building.

Theater: A commercial use building or part of a building devoted to the showing of motion pictures and live performances, including audience patron participation venues that may contain other performance-related facilities. For the purpose of this Ordinance this definition shall include uses such as cinemas, live theater, and or similar show and audience venues, but not theaters or adult entertainment venues.

Theater, Outdoor Drive-In: An open lot or part thereof, with compartment facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admissions basis, to patrons seated in automobiles, or on outdoor seats.

Through Lot: See *Lot, Through*.

Timbering: See *Timber Harvesting*.

Timber Harvesting: The process of cutting down and removing trees for the primary purpose of sale or processing into commercial wood products.

Townhouse: Single-family attached dwelling units of one or two (1-2) story construction so situated that there are three (3) or more units contiguous to one another with some common walls adjacent parking facilities and common yards or open space provided for all occupants.

Township: The Township of Penn, York County, Pennsylvania, Board of Commissioners (Township Commissioners), its agents or authorized representatives, with administrative offices at 20 Wayne Avenue, Hanover, Pennsylvania.

Township Code: The body of law under which the Municipality operates.

Tract: The minimum amount of land required to be approved or have been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the original tract size.

- A. Access: A tract shall only include areas of land that in the approved preliminary plan included a well-defined internal circulation system, maximum coordination between lots, and carefully limited points of vehicular access onto streets exterior of the tract.
- B. Ownership: At the time of the approval of the preliminary plan, the tract shall have one (1) landowner as defined herein. If more than one person, entity, or corporation is involved as the landowner, such applicant shall provide evidence acceptable to the Township that there is a legally binding commitment between such entities to coordinate the access and development of the tract as shown in the approved preliminary plan.
- C. Contiguous: All land area within a tract shall be contiguous, although the land may be separated by alleys, streets, or waterways.
- D. Municipal Boundaries: Only areas within the Township shall be considered within a tract for the purpose of meeting the minimum tract area.
- E. Measurement: The land area with a tract shall be calculated by totaling the lot area (as defined herein) of each lot within the tract and any land proposed to be dedicated as a common open space.

Transportation (Passenger) Terminal: Land and buildings used as a relay station for the transfer of passengers from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for vehicles and buildings or areas for the repair of vehicles associated with the terminal.

Transformer Substation: An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electric energy in bulk is passed to switch and modify its characteristics to meet the needs of the public.

Truck or Motor Freight Terminal: A facility designed primarily to handle, store, and distribute freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair, and storage of vehicles involved in the normal operation.

Undeveloped Land: Any lot, tract, or parcel of land that has not been graded or in any other manner prepared for the construction of a building.

Unit: A part of the property, structure, or building designed or intended for any type of independent use, which has a direct exit to a public street or way or to an easement or right of way leading to a public street or way and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure, or building.

Up Zoning: Changing the zoning designation of an area to allow so-called less restrictive uses, e.g., from residential to commercial, or allowing higher densities.

Urban Agriculture: Small-scale agricultural activities including the keeping and raising of animals conducted on a lot or site in conjunction with an authorized principal use.

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

- A. Use, Accessory: A use customarily incidental and subordinate to the principal use, building, or structure, and located on the same lot with this principal use, building, or structure.
- B. Use, Principal: The main or primary use of property, buildings, or structures. Only one (1) use permitted by right or by Special Exception shall be permitted as a principal use on an individual lot.

Utility, Public: A business organization regulated by the PUC performing a public service.

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

Utility, Tower-based Aerial: A public utility utilizing tower structure(s) for support and/or storage of equipment and conveyance of said service where said utility is a principal use of the lot.

Utility, Subterranean: A public utility utilizing underground structures for storage and/or conveyance of said service where said utility may be a principal or accessory use of the lot.

Utility, Supplemental Aerial: A utility utilizing tower structure(s) for support and/or storage of equipment and conveyance of said service where said utility is a principal use of the lot.

Utility, Supplemental Non-tower-based: A utility utilizing surface mounted, non-tower structures for support and/or storage of equipment and conveyance of said service where said utility is an accessory use of the lot.

Utility, Supplemental Underground: A utility utilizing underground structures for support and/or storage of equipment and conveyance of said service where said utility is an accessory use of the lot.

Variance: Permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for an adjustment to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

Vehicle Washing Facility: A facility, whether automatic, semiautomatic, or manual, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services as set forth herein for Automobile Service Stations.

Veterinarian: A qualified professional trained in the care and treatment of animals, in particular domestic animals.

Viewshed: That portion of the landscape that can be readily viewed by the observer from one (1) or more vantage points. The extent of the area that can be viewed is commonly delineated by landform, vegetation, and/or distance.

Wading Pool: A portable or permanent structure designed to hold water for wading purposes not to exceed twenty-four (24) inches in depth and may be located above or recessed below ground level.

Walkway: An area designed for pedestrians constructed to the standards set forth in the Penn Township Subdivision and Land Development Ordinance.

Wall: An upright structure of wood, stone, brick, etc. serving to enclose, divide, support, or protect.

Warehouse or Distribution Center: A building or group of buildings primarily used for the storage, transfer, and distribution of products and materials.

Wharf: A construction designed and placed at the water's edge along which boats and other watercraft can be brought to be docked, landed, moored, loaded, or unloaded of its contents.

Wholesale: The business of buying large quantities of goods from various producers or vendors, warehousing them, and reselling them to retail establishments.

Wholesale Establishment: A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods, and nonperishable items.

Wind Energy System (Windmill): A device that converts wind energy to mechanical or electrical energy.

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.

Window, Bay: A window whose casement may not extend beyond the foundation wall by more than eighteen (18) inches.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Communications Facility (WCF): The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used to transmit, receive, distributing, providing, or accommodating wireless communications services.

Wireless Communications Facility Applicant (WCF Applicant): Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public right-of-way or other Township-owned land or property.

Wireless Support Structure: A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

Yard: A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure.

- A. **Yard, Buffer:** A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard, and side yards.
- B. **Yard, Exterior:** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.
- C. **Yard, Front:** A yard on the same lot with the main building extending the full width of the lot, exclusive of any buffer yards, and situated between the street line

or rear line of a buffer yard and the required front building line projected to the sidelines of the lot.

- D. Yard, Interior: An open, unoccupied space between the buildings of a dwelling or its accessory buildings; not a front, side, or rear yard.
- E. Yard, Rear: A yard on the same lot with the main building extending the full width of the lot, exclusive of any buffer yards, and situated between the rear line of the lot or buffer yard or if none from the conjunction of the two lot sidelines and the required rear building lines projected to the sidelines of the lot. On a corner lot, the rear yard should be the yard area opposite the street of the address.
- F. Yard, Side: A yard on the same lot as the main building situated between the required setback line and the sideline of the lot or rear yard. Any lot line, not a rear line or a front line shall be deemed a sideline. On a corner lot, there should only be one side yard.

Zoning: A police power measure, enacted primarily by general-purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

Zoning District: A section of a municipality designated in the zoning ordinance text and usually delineated on the zoning map, in which requirements for the use of land, buildings, and development standards are prescribed.

Zoning Envelope (Building Envelope): The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable.

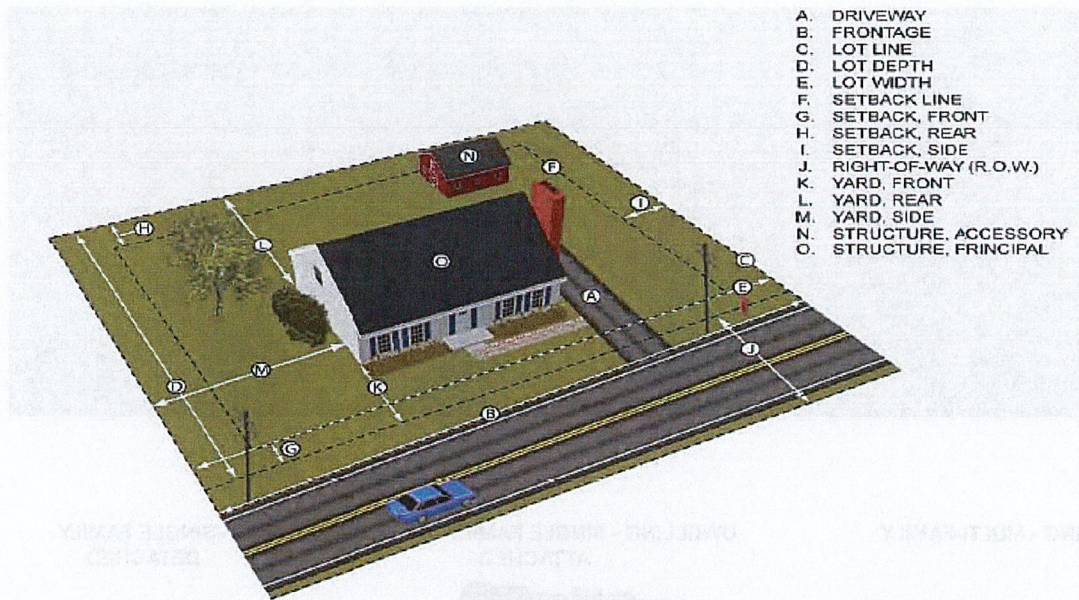
Zoning Hearing Board: The Penn Township Zoning Hearing Board.

Zoning Map: The map delineating the boundaries of districts that, along with the zoning text, comprises the zoning ordinance.

Zoning Officer: The administrative officer designated to administer the zoning ordinance and issue zoning permits.

Zoning Permit: A document signed by a Zoning Officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

Section 3 DIAGRAMS



* - RIGHT OF WAYS, SETBACKS, AND OTHER LINES NOT DRAWN TO SCALE

Figure 1

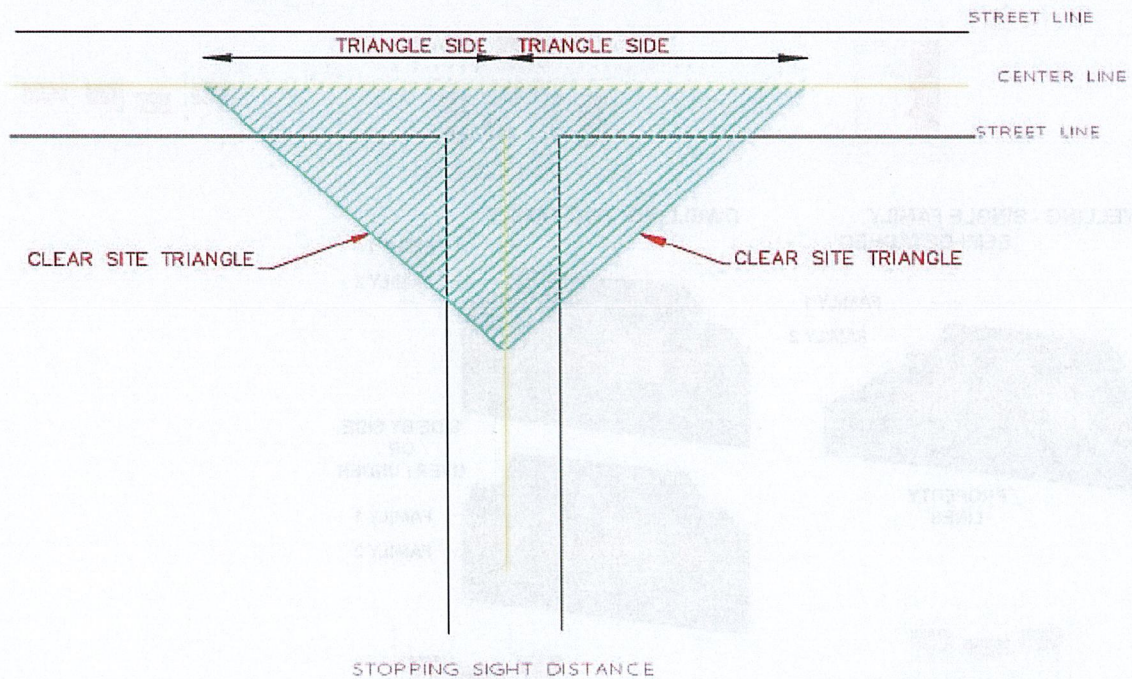
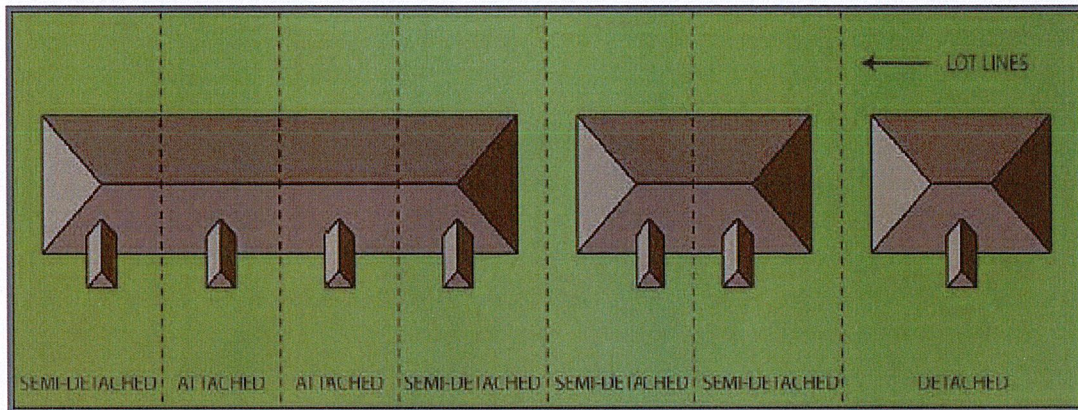
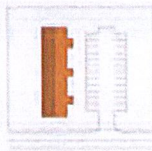
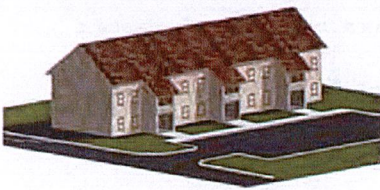


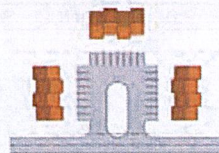
Figure 2



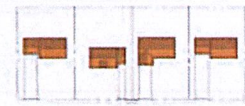
DWELLING - MULTI-FAMILY



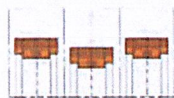
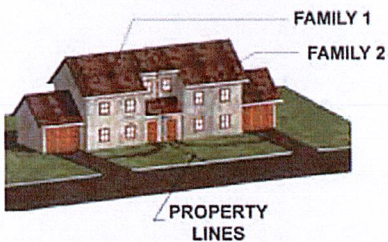
DWELLING - SINGLE FAMILY ATTACHED



DWELLING - SINGLE FAMILY DETACHED



DWELLING - SINGLE FAMILY SEMI-DETACHED



DWELLING TWO FAMILY

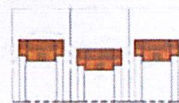
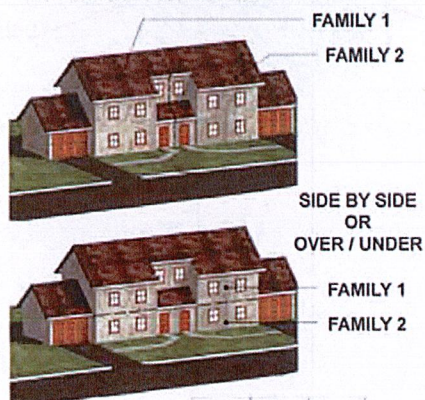


Figure 3

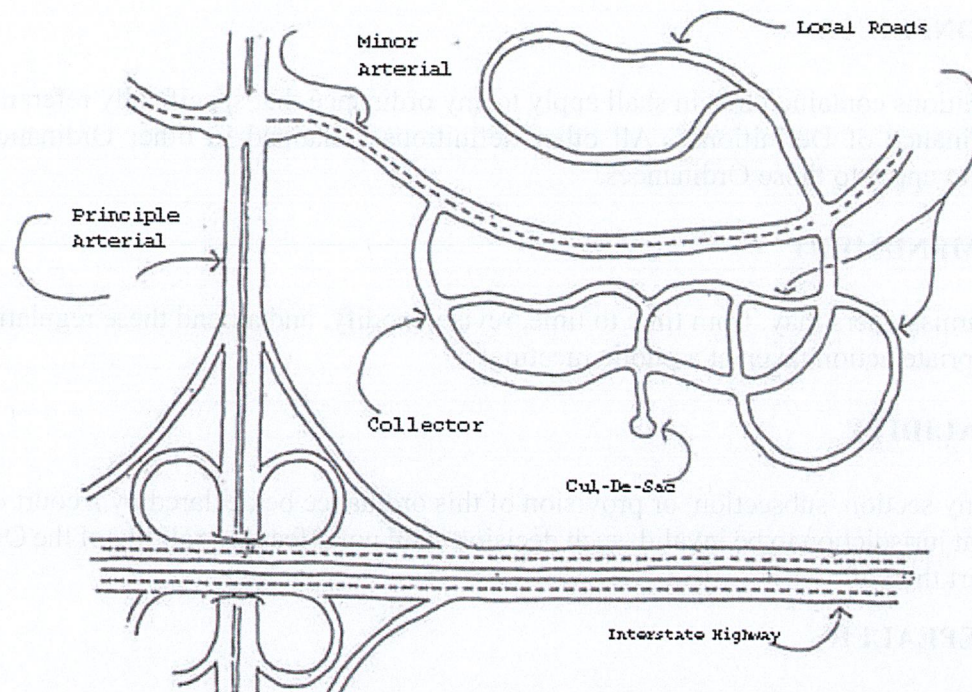


Figure 4

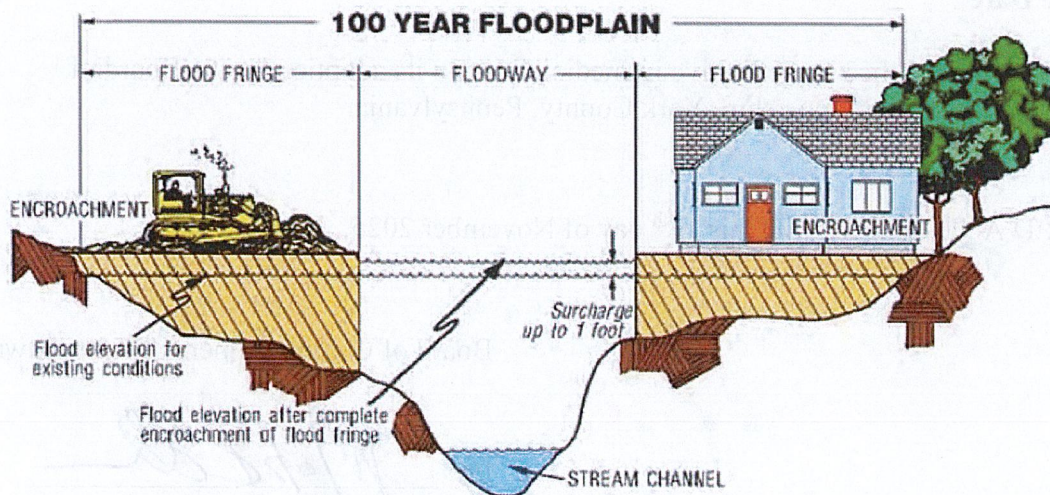


Figure 5

Section 4 CONFLICTS

The definitions contained herein shall apply to any ordinance that specifically references the "Ordinance of Definitions." All other definitions contained in other Ordinances shall continue to apply to those Ordinances.

Section 5 AMENDMENT

The Commissioners may, from time to time, revise, modify, and amend these regulations by appropriate action taken at a public meeting.

Section 6 VALIDITY

Should any section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance or any part thereof.

Section 7 REPEALER

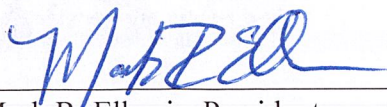
Ordinance Number 727 is hereby repealed.

Effective Date

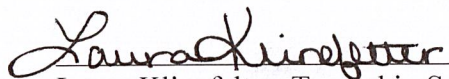
This Ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Penn Township, York County, Pennsylvania.

ENACTED AND ORDAINED this 17th day of November 2025.

Board of Commissioners of Penn Township

By: 
Mark R. Elksnis, President

Attest:


Laura Klinefelter, Township Secretary