

# ARTICLE 1

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## Background Provisions

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### **Section 101**            **Short Title**

This Ordinance shall be known and may be cited as the “Drumore Township Zoning Ordinance of 2011.”

### **Section 102**            **Purpose**

This Ordinance is enacted to promote, protect and facilitate the public health, safety, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

This Ordinance also intends to encourage the maintenance and management of forested or wooded open space, and to promote the conduct of forestry as a sound and economically viable use of forested land throughout the Township.

### **Section 103**            **Scope**

As of the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses.

**Section 104 Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

**Section 105 Conflict**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

**Section 106 Validity**

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

**Section 107 Uses Not Provided For**

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception use. "Uses Not Provided For" shall only be located within the Commercial/Industrial Zoning District. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is

in conflict with the general purpose and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and general welfare of the neighborhood.

**Section 108                    Establishment of Zones**

For the purpose of this Ordinance, Drumore Township is hereby divided into zones which shall be designated as follows:

- Agricultural (A)
- Rural Residential (RR)
- Village Residential (VR)
- Village Commercial (VC)
- Commercial/Industrial (C/I)
- Steep Slope Conservation (SC)
- Floodplain (F)

**Section 109                    Zoning Map**

The areas within Drumore Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

**Section 110                    Zone Boundary Lines**

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as shown on the Map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

**Section 111                    Community Development Objectives**

This Ordinance is enacted in accordance with the Solanco Regional Comprehensive Plan, and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the

community development objectives listed in Chapter II of the Solanco Regional Comprehensive Plan, Lancaster, County, PA (August, 2009).

**Section 112            Definitions**

**Interpretation**

Except as otherwise expressly stated in this Ordinance or where the context clearly indicates otherwise, and subject to other provisions of this Section: (i) words and phrases appearing in this Ordinance, which are defined in this Article or other provisions of this Ordinance, shall be construed according to such definitions; and (ii) words and phrases not defined in this Section or other provisions of this Ordinance shall be construed according to their common and approved usage, provided that any such undefined words and phrases, which are technical words and phrases or such others as have acquired a peculiar and appropriate meaning, shall be construed according to such technical and appropriate meaning.

Words used in the present tense include the future. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the neuter. The words “shall” or “must” are mandatory. The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity. The words “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

Any reference in this Ordinance to any ordinance of the Township, to any federal or state law or statute, or to any regulation, study, map or survey issued or prepared by the Board of Supervisors, or any officer or official of the Township, and/or by any federal or state public body, or a public officer or official thereof, shall include such ordinance, law, statute, regulation, study, map, and survey, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, and survey substituted for the same, as in force at the time of application hereunder.

Any reference in this Ordinance to any governmental agency, department, board, commission or other public body or to any public officer or other public official shall include an entity or official which or who succeeds to the same functions as those performed by such public body or official at the time of application hereunder.

**ABANDONMENT** - An intentional and absolute relinquishment and cessation of a use without intention to resume such use, or the voluntary discontinuance of a use for a continuous period of twelve (12) months.

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

ACCESSORY BUILDING (STRUCTURE) - A subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot occupied by the principal use or building.

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT RELATED FACILITY - Any business, club, or other similar operation which permits patrons, clients, visitors, or members to hear, view, read, lease, purchase, trade, or exchange, and/or participate in activities, publications, movies, video tapes, and/or live or televised performances which have as their dominant theme or themes explicit sexual activities and/or the exhibition of portions of the human or animal anatomy which are not normally seen in public or in commercial or other club-type operations, including the genital areas, buttocks, and female breasts, and which operations may or may not exclude minors by virtue of age. Included in the term "Adult Use" are bookstores, movie theaters, restaurants, bars, and any other operation which qualifies for inclusion by virtue of the definition above, regardless of the type of other uses or operations which may also be conducted on or in the property or properties involved.

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

1. Adult Bath House: An establishment or business that provides the services of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practices by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

3. Adult Bookstore: Any establishment that has a substantial or significant portion of its stock in trade:
  - A. Books, films, magazines, or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
  - B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar, or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist or massage therapist who is licensed in accordance with the Pennsylvania Massage Therapy Law (P.L. 1438, No. 118) as amended and the regulations promulgated thereto.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomic areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, that offers accommodation for

less than an overnight stay, and/or provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business that provides an outcall service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specific anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature that regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

- 15. Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

AGRICULTURE – The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes noncommercial greenhouses and mushroom houses, but expressly excludes intensive produce operations, as defined herein, intensive livestock operations, as defined herein, and intensive agriculture, as defined herein.

AGRICULTURE, INTENSIVE – Intensive agriculture shall include, but is not limited to the following activities: intensive livestock operations, as defined herein, intensive produce operations, as defined herein, mushroom houses, agricultural uses employing the application of off-site generated manure and/or the application of off-site generated sewage sludge, and similar agricultural activities. The characteristics of intensive farming shall include the following: relatively small lot areas, strong offensive odors, substantial stormwater runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure and sewage sludge storage and application.

AGRICULTURAL SECURITY AREA – An area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, *as amended*, 3 P.S. §901 *et seq.*

AGRICULTURALLY SUITED SOILS – Soils classified by the United States Department of Agriculture, Natural Resources Conservation Service in the most recent edition of the Soil Survey of Lancaster County. The term, unless otherwise specified, refers to Land Capability Classes I, II and III that are those soils that may be considered prime agricultural soils.

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

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

ALTERNATIVE ENERGY – A source of energy generated from solar, wind, or geothermal sources, which is capable of providing basic utility provisions to a permitted use.

ALTERNATIVE WASTEWATER SYSTEMS – A variety of low-tech methods of sewage disposal geared to serving small communities and permitted by the PA Department of Environmental Protection.

AMBIENT NOISE LEVEL – The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location constituting normal or existing level of environmental noise at a given location without extreme atmospheric conditions – such as wind greater than 5 miles per hour or precipitation – and then adjusting the noise level to eliminate any noise associated with the existing compressor station. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

AMUSEMENT ARCADE – A commercial establishment that provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeetball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL HOSPITAL – Any establishment offering veterinary services by a veterinarian licensed by the Commonwealth of Pennsylvania. Animal hospitals can treat all types of animals and may or may not include indoor or outdoor keeping of animals. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

ANAEROBIC DIGESTER – A facility in which the main purpose is to use anaerobic digestion processes to convert livestock manure and feedstock in to biogas, which is generally burned on-site to produce electricity, heat and water; as well as to manage livestock and poultry manure. Anaerobic digesters may include “co-digestion” in which the livestock and poultry manure may be mixed with other organic materials. Type of anaerobic digesters include covered anaerobic lagoons, plug-flow, and/or complete mix, along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

1. ACCESSORY ANAEROBIC DIGESTER: An anaerobic digester used to convert biogas into electricity, heat, and water and is intended primarily reduce on-site consumption of utility power. A system is considered an accessory anaerobic digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Accessory anaerobic digesters use livestock and poultry manure generated on-site from one (1) farm, and is designed and intended to solely generate power to off-set utility costs.
2. PRINCIPAL ANAEROBIC DIGESTER: An anaerobic digester used to convert biogas into electricity, heat, and water. Principal anaerobic digesters accept both livestock manure and feedstock, generated off-site or from more than one (1) farm.

ANEMOMETER - An instrument for measuring and recording the speed of wind.

ANEMOMETER TOWER - A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which a anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a windmill.

ANTENNA - A device used to collect and/or transmit wireless communications or radio signals, including but not limited to omni-directional antenna (rod or whip), directional antenna (panel), parabolic antenna (dish) and repeaters and radio-domes. This definition shall not include private residence mounted satellite dishes, television antennas or amateur radio equipment including ham or citizen band radio antennas.

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure or the Antenna, whichever is lower, to the top of the antenna support structure or Antenna whichever is higher. If the antenna support structure is on a sloped grade, then the highest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - A monopole structure designed and constructed to support an antenna, utilizing a single integral shaft without guy wires. No other structures shall be permitted.

APARTMENT - See “Dwelling Types”

APPLICANT - A landowner, developer or equitable owner, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPROVED ACCESS - Ingress and egress to a lot that is in compliance with the Township Driveway Ordinance and other applicable provisions of this Ordinance and the Subdivision and Land Development Ordinance and duly approved by the Township and/or ingress and egress to a lot that is in compliance with PennDOT road access requirements and for which a Highway Occupancy Permit has been issued.

AREA - The two-dimensional measurement of space between known lines or boundaries.

Building Area - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

Gross Floor Area - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.

Habitable Floor Area - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas, such as

enclosed porches.

Lot Area - The total surfacial area contained within the property lines of individual parcels, excluding any area within a street right-of-way, but including the area of any easement.

Retail Sales Area - The total area of use that is devoted to the display of goods and/or services, including aisles, to prospective patrons.

ATTIC - That part of a building that is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE AUCTION - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes. This use may include minor incidental repair of motor vehicles if so noted in zone provisions.

AUTOMOBILE PARKING COMPOUND - See definition of "Parking Lot."

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

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

AUTOMOBILE STORAGE COMPOUND - A use whereby passenger vehicles are stored awaiting transport to a different location.

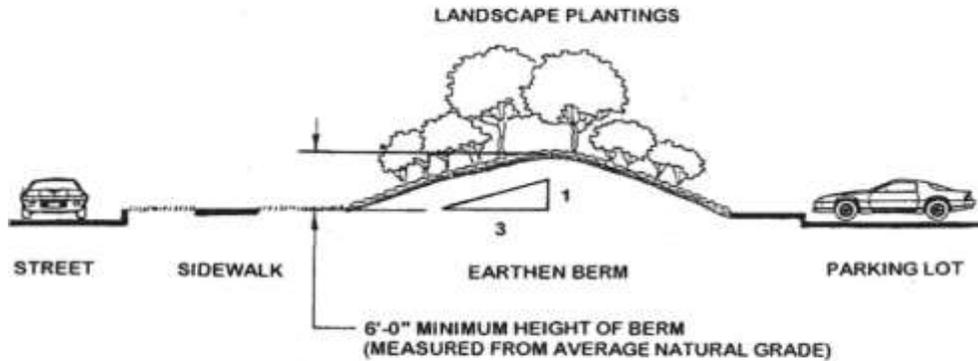
BARN - A structure designed to shelter livestock and store crops.

BASEMENT - An area of a building having its floor below ground level on all sides.

BASEMENT, DAYLIGHT - That portion of a building which is partly or completely above grade and having at least one-half (1/2) its height below grade, measured from the finished floor to the finished ceiling. A daylight basement shall not be considered a story in determining the permissible number of stories.

**BED-AND-BREAKFAST FACILITY** - A single-family detached dwelling, where between one (1) and five (5) rooms are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks.

**BERM** - An earthen structure, a minimum of six (6) feet in height with a 1:3, height to width, slope along its length and at its ends, designed as an integral part of a landscape screen, as illustrated below.



**BILLBOARD** - A sign upon which advertising matter of any character is printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed.

**BLOCK** - An area of land bounded by streets, roads, or other types of rights-of-way.

**BOARDING HOUSE** - A detached building or portion thereof arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

**BOARD OF SUPERVISORS** - The Board of Supervisors of Drumore Township, Lancaster County, Pennsylvania.

**BRIGHTNESS** - A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

**BUFFER (BUFFER AREA, BUFFER YARD)** - A designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use, or intended to protect wildlife.

**BUILDING** - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

Detached: A building that has no party wall.

Semi-detached: A building that has only one (1) party wall in common.

Attached: A building that has two (2) or more party walls in common.

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

BUILDING COVERAGE - The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located or the percentage of the lot area covered by buildings.

BUILDING FOOTPRINT - The calculated square footage of any building or structure as determined by the outside face of the foundation at grade level, and which includes any overhangs that are supported by posts or additional foundation support.

BUILDING HEIGHT - The vertical distance from the grade plane, as defined herein, to the average height of the highest roof surface.

Also see "Basement" and "Daylight Basement". For structures other than buildings, see "Height".

BUILDING AND ZONING PERMIT - A document issued and signed by the Building Code Official authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING, PRINCIPAL - A structure in which the principal use of the lot on which the structure is located is conducted or intended to be conducted or designed to be conducted.

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

BULK - A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

CABIN - A small, seasonal dwelling intended for temporary occupancy and meeting the definition of recreational cabin as defined by the Uniform Construction Code (UCC) Act 45 as amended.

CALIPER - The diameter of a tree, where required to be planted under this Ordinance, measured in inches at six (6) inches from the ground surface.

CARPORT - An unenclosed structure for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts, except that one (1) or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY - That portion of a street or alley right-of-way that is intended for vehicular movement.

CARTWAY, MINOR - A separate and subordinate cartway within the right-of-way of a major street or road which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

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

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

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

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, and church-related educational and/or day-care facilities.

CLEAR-CUTTING - The felling of all trees on a tract of land, or any portion thereof, at one time.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection measured on the centerlines of the streets.

CLUBHOUSE - The building that houses an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which shall not include any vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

CLUSTER DEVELOPMENT - An arrangement of residential structures that allows for grouping of the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

COMMERCIAL - A use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

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

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including, but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, golf courses, miniature golf courses, museums, etc. This does not include amusement arcades.

COMMERCIAL POULTRY FACILITY - The raising of any form of poultry for sale or for profit as the principal use on the lot, but not including the incidental raising of chickens, ducks, turkeys or geese for domestic consumption on the premises as an accessory use to a principal agricultural use.

COMMON AREA - Any area or space designed for joint use of tenants.

COMMON OPEN SPACE OR OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of a development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights of way, yards, required areas for buildings, off-street parking areas or non-common open space functions. Common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses. Common open space may also include stormwater detention or retention facilities provided that the area devoted to such facilities shall not be included as part of the required minimum open space area.

COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT - A principal use that consists of towers, antennas and/or other structures that are used to receive and/or transmit telephone, television, radio, digital, video, or other communication signals.

COMPREHENSIVE PLAN - The Solanco Regional Comprehensive Plan, Lancaster County, Pennsylvania.

CONDITIONAL USE - A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only

when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 804 of this Ordinance.

CONDITIONAL USE DEVELOPMENT PLAN - The written and graphic material as described in Section 804 of this Ordinance.

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

CONSERVATION OR NATURAL AREA - An area owned or managed by a governmental, nonprofit or public utility organization, whether open to the public or not, for the purpose of protecting an identified significant natural resource or resources.

CONSERVATION PLAN - A plan, including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land. Such plan is required for any agricultural, horticultural or forestry-related uses, including timbering, which involve earthmoving activities, and must be approved by the Lancaster County Conservation District.

CONSTRUCTION - Any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush, provided, however that the entering upon the premises for purposes of surveying, staking, or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction".

CONVENIENCE STORE - A business that specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

1. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult-related facilities are expressly prohibited;
2. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 514 of this Ordinance, and provided that rest rooms are made available to the public;
3. Amusement arcades, subject to the requirements of Section 501 of this Ordinance;
4. Automatic bank teller machines;
5. Photomats and film development drop-off sites;

- 6. Laundry, dry cleaning and tailoring drop-off sites, subject to the requirements of Section 515 of this Ordinance;
- 7. Lottery sales counters and machines;
- 8. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
- 9. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 505 of this Ordinance;
- 10. Car washes, subject to the requirements of Section 509 of this Ordinance; and,
- 11. Post offices and other parcel delivery drop-off sites.

CONVERSION - An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. Such conversions may include the creation of two (2) or more dwelling units within an existing single family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities, or the adaptation of one (1) single-family detached dwelling into offices or retail use(s).

COUNTY PLANNING COMMISSION - The Planning Commission of Lancaster County, Pennsylvania.

CUL-DE-SAC - A single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

DATUM - Used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

DAY CARE - The offering of care or supervision of minors, adults or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Principal Day-Care Center: A principal use in which more than eleven (11) individuals are cared for and supervised during any calendar day. A day-care center requires a license by the Commonwealth of Pennsylvania.

Group Day-Care Facility: An accessory use to a detached single-family dwelling in which seven (7) to eleven (11) individuals who are not related to the residents of the principal dwelling are cared for and supervised during any calendar day. Group day-care facilities require a license from the Commonwealth or Pennsylvania.

Family Day-Care Facility: An accessory use to a detached single-family dwelling in which four (4) to six (6) individuals who are not related to the residents of the principal dwelling are cared for and supervised during any calendar day. Family day-care facilities must be registered with the Commonwealth of Pennsylvania.

dB(A) – A weighted noise level measured in decibels. A weighting is a frequency adjustment representing the response of the human ear. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

DBH - The diameter of a tree at breast height measured four (4) feet from the ground surface.

DECIBEL – A unit for measuring the intensity of a sound/noise; equal to ten (10) times the logarithm to the base 10 of the ratio of the measured sound pressure, squared to a reference pressure of twenty (20) micropascals. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

DEMOLITION OR DEMOLISH - The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the façade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

DENSITY, GROSS - The total number of dwelling units existing and/or to be constructed on a lot or tract divided by the total gross area thereof, as defined herein as “Gross Lot Area” or “Gross Tract Area”, expressed in dwelling units per acre.

DENSITY - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, private streets, and areas within the Floodplain Zone as described in Section 207 of this Ordinance

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency thereto.

DETENTION BASIN - A structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion. For the purpose of calculating the net lot or tract area, the area of a detention basin shall be measured as the one hundred year (100 year) flood level plus a fifteen (15) foot perimeter buffer.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission

of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to:

1. The construction or erection of buildings and structures;
2. The placement of manufactured homes;
3. The construction of streets, driveways, access drives, off-street parking lots and loading areas and/or other impervious surfaces;
4. The installation of utilities;
5. Any nonagricultural activity involving grading, filling, excavation, mining, dredging, and/or drilling operations;
6. Any storage of equipment or materials within the Floodplain Zone; and,
7. The subdivision of land.

DIRECT ILLUMINATION - A means of lighting a sign or other object by means of a light source which is located within or directly on the sign or other object to be lit.

DISCONTINUANCE OF USE - See "Abandonment".

DRIP LINE - A generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree's widest branch points.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single-family dwelling unit or a farm. Driveway is also defined to include a shared driveway utilized by two (2) single-family dwelling units.

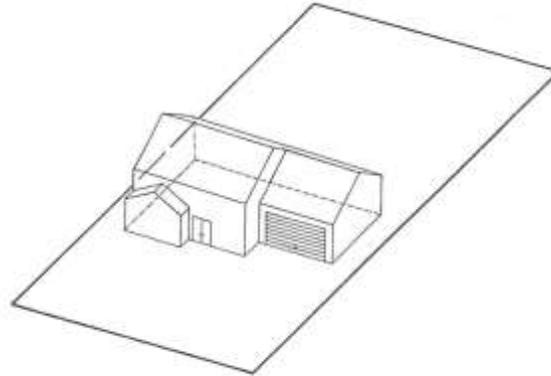
DUMP - Any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. Construction of all dwellings shall be in conformance with the Uniform Construction Code (UCC) Act 45, as amended.

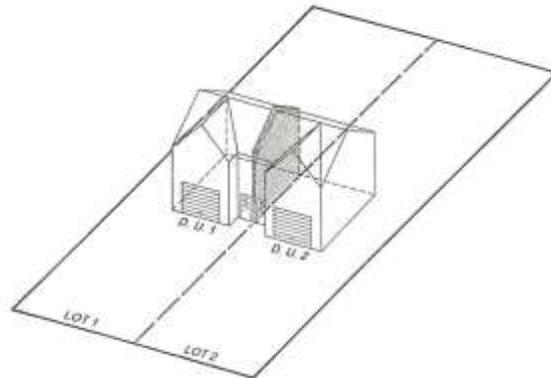
DWELLING TYPES - It is the intention to include within this definition of dwelling types all recognized housing types, architectural types or building types, or combinations thereof, including, but not necessarily limited to, single-family detached, single-family

attached dwellings, duplex dwellings, townhouses, apartments, and the like, whether such dwelling units are for lease or for sale.

- A. Single-Family Detached - A building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling.

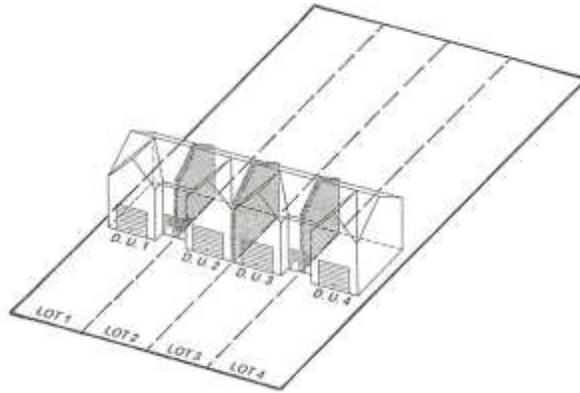


- B. Duplex - A building designed for and occupied as a residence, containing one (1) dwelling unit and having a common or party wall with another building, and having yards on all but one side.



- C. Single-Family Attached - An attached building, arranged, designed and intended for the exclusive occupancy as a residence for one (1) family, each building separated by common, or party, walls which do not provide access

between buildings, and each building having at least one (1) separate entrance from the outside. Each single-family attached building at the end of a building group shall have one (1) side yard in accordance with the applicable district regulations.



- D. Multiple-Family - A building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-unit shall include, but not necessarily be limited to, apartment houses and garden apartments.
- E. Townhouse - A single-family attached dwelling as defined herein.
- F. Garden Apartments - A multiple-family building, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units in which no more than six (6) dwelling units have common hallways and entrances. The term shall not include single family attached dwellings.

DWELLING, MANUFACTURED HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers and travel trailers. For the purpose of this Ordinance, all manufactured homes, except those contained within manufactured home parks (see Manufactured Home Park), shall be governed by all regulations applicable to single-family detached dwellings, and the following:

1. All apparatuses used to tow or transport the manufactured home (including, but not limited to, the towing hitch) shall be removed; and,
2. All manufactured homes shall be installed according to the manufacturer's specifications and the Uniform Construction Code (UCC) Act 45, as amended.

**(Amended by Ordinance 2016-06 adopted April 7, 2016)**

DWELLING UNIT - A room or rooms within a building connected together, including apartments, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking, sleeping and sanitary facilities.

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

EASEMENT - A permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION - A legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

ECHO HOUSING - An accessory use to the primary agricultural use of the property in which an additional temporary and portable dwelling unit is placed on a property for occupancy by up to two (2) elderly, handicapped or disabled persons related by blood, marriage or adoption, to the occupants of the principal dwelling.

EDUCATIONAL USE - Land and/or buildings specifically designed, arranged, and intended for the primary purpose of education, including pre-school, elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

ELECTRIC SUBSTATION/FACILITY - Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

ENGINEER, TOWNSHIP - A professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUITABLE OWNER - A person who holds equitable title to real estate.

EQUITABLE TITLE - Ownership by a person who does not have legal title to real estate; a trustor under a deed of trust.

**EXTENDED FAMILY HOUSING** - An addition to a single-family detached dwelling on a one-time only basis intended to accommodate up to two (2) elderly, handicapped or disabled persons related linearly (ancestors or descendants) by blood, marriage or adoption, to the occupants of the dwelling. Such addition shall be limited to no more than fifty percent (50%) of the square footage of the principal dwelling.

**FAÇADE** - Any exterior face or front of a building.

**FAMILY** - An individual or individuals related by blood, marriage, or adoption that maintain one (1) common household and live within one (1) dwelling unit. Additionally, up to four (4) unrelated individuals who maintain a common household and live within one (1) dwelling unit may be considered a family.

**FARM** - The definition of "Farm", herein, is applicable only for the purpose of calculating density. Any parcel of land created prior to January 1, 2000, with a minimum of ten (10) acres, or any parcel of land created after January 1, 2000, with a minimum of forty (40) acres, both of which are used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

**FARM BUILDING** - Any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

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

**FARMERS AND/OR FLEA MARKET** - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise. This definition shall not include shopping centers as defined herein.

**FARM-RELATED BUSINESS** - A use intended to provide necessary farm-related goods and services to local agriculture which may or may not be conducted on an active farm.

**FEEDLOT** - Any area where agricultural animals are held or maintained for the purpose of feeding or fattening for sale when not incidental to a farm.

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

**FENCE AND WALL** - A freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one half (2½) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, to restrict the movement of persons, animals, property or vehicles,

or to enclose all or part of the property. A freestanding masonry wall is considered a fence. A fence is not deemed herein to be a "structure". This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half ( $\frac{1}{2}$ ) the width and/or depth of the front yard.

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

FIRE LANE EASEMENT - A right-of way for a vehicular access roadway or driveway for the orderly and free passage, in all seasons and under all weather conditions, of fire apparatus and other emergency equipment to all necessary areas around buildings, facilities, developments.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff surface waters from any source.

FLOODPLAIN – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

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

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

FOOT-CANDLE (FC) - A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One lumen per square foot.

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

FORESTRY OPERATOR - An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

GLARE - Brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE – A golf course with a minimum of two thousand, eight hundred (2,800) yards of play in nine (9) holes.

GRADE, EXISTING - The elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - The elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - The elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GRADE PLANE - A reference plane representing the average of the finished grade adjoining a building at the exterior walls. Where the finished grade slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREENWAY - That portion of a lot or tract set aside for the protection of sensitive natural features, farmland, scenic views, and/or other unique features. Greenways may be accessible to the residents of a development and/or the Township, or they may contain areas of conservancy lots that are not accessible to the public.

HAZARDOUS MATERIALS - Materials that have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or Sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included for purposes of the Floodplain Zone are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

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

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

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

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEDGEROW - A linear plant community, either natural or planted, dominated by trees and/or shrubs, and occurring along roads, fence lines, property lines or between fields.

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

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

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit and which exhibits exterior evidence of the business, including the display of goods, on-site sales, use of +delivery trucks or signs, except that a limited business or commercial activity which adheres to the definition of "no-impact home-based business", as defined herein, is permitted by right in any dwelling unit within the (A, RR and VR) Zones.

HOMEOWNERS ASSOCIATION - An association comprised of homeowners or property owners, organized as a profit or nonprofit corporation or as an unincorporated association and operated under approved bylaws, for the purpose of administering the needs of residents through the maintenance of community-owned property.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL, MOTEL AND SIMILAR LODGING FACILITY - A facility that provides lodging to boarders for compensation, contains more than eight (8) rooms, and which may provide meals and other services as a part of the compensation.

HOUSE, ROOMING - A dwelling in which weekly or monthly sleeping accommodations are provided for non-owners for rent to not more than five (5) guests whether or not the serving of meals is included, provided that there shall be at least five (5) off-street parking spaces on the lot of the rooming house.

HUB HEIGHT - The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade or other accessory components are attached.

HUNTING, FISHING, SKIING, OR BOATING LODGE - A facility or premises or buildings for outdoor recreational purposes which are or are not conducted for profit, provided there are not conducted any vending stands, merchandizing or commercial activities, except as required for the patrons of such lodge. Such facility may not offer overnight accommodations or meals. No structure shall be permitted in a floodplain and the facility or premise shall occupy a tract of land of at least one thousand (1,000) acres.

HUNTING PRESERVE - Property and facilities either privately owned or leased for holding, rearing, releasing, or processing captive raised game for the purpose of hunting, for a fee. "Hunting Reserve" shall be used synonymously with "Hunting Preserve".

HYDRIC SOILS - For the purpose of determining compliance with the provisions of this Ordinance, those soil types identified as hydric soils or soils with hydric inclusions, by the U.S. Soil Conservation Service, as mapped for the Soil Survey of Lancaster County, shall be considered hydric soils in Drumore Township.

IDENTIFIED FLOODPLAIN AREA – All of the areas within which the Township has selected to enforce floodplain regulations as defined in the Township Floodplain Management Ordinance. It includes the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

INVASIVE PLANT SPECIES - Plants, not native to the area, including, but not limited to, multi-flora rose, autumn olive, Japanese honeysuckle, oriental bittersweet, Norway maple, mile-a-minute weed and all poisonous plants.

ILLUMINANCE AND ILLUMINATION - Illuminance is the quantity of light measured in foot-candles or lux, and illumination is the density of luminous flux on a surface.

IMPERVIOUS SURFACE - Any surface that does not absorb precipitation or runoff. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and other such areas in concrete or asphalt shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious

cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

**INDIRECT ILLUMINATION** - A means of lighting a sign or other object by means of a light source which is located beyond the sign or other object to be lit but which is directed or reflected upon the sign or other object.

**INDUSTRIAL USE** - Any use permitted in the C/I, Commercial/Industrial Zone that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

**INTENSIVE COMMERCIAL AND INDUSTRIAL USES** - Any commercial or industrial use listed in Section 205 that is characterized by any of the following:

1. A site exceeding two acres in size; or,
2. The use of hazardous materials or generation of hazardous waste on-site.

**INTENSIVE LIVESTOCK OPERATION** - An agricultural use involving the commercial keeping and handling of livestock quantities of an average adult weight of horses, dairies, cattle, and layer chickens, and/or an average market weight of all other livestock of more than 2,000 pounds per acre, based on the following schedule:

<b>Livestock</b>	<b>Animal Size in Pounds</b>
Cattle	
Dairy	150 - 1,500
Beef	400 - 1,400
Veal	100 - 350
Swine	
Pigs	35 - 200
Gestating Sow (limit fed)	275
Sow and 8 Pigs	375
Boar (limit fed)	350
Sheep	100
Horse	1,000
Poultry	
Layer	4
Layer, Heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3 - 4
Pheasant	3
Chukar	1.5
Quail	0.5

Source: PA DEP, *Field Application of Manure, and Poultry Manure Management*.

INTENSIVE PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds lot coverage of ten percent (10%).

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

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, which are being stored awaiting potential reuse or ultimate disposal. In addition, junk shall include three (3) or more unlicensed, wrecked or disabled vehicles, or the major part thereof. (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid, current registration plate, or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

JUNKYARD - An area of land exceeding one hundred (100) square feet (four hundred thirty (430) square feet on a farm), with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same.

KENNEL, BOARDING - Any establishment available to the general public where a dog or dogs are housed for compensation by the day, week or a specified or unspecified time. This term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act." The term shall include any establishment available to the general public that, for consideration, takes control of a dog from the owner for a portion of a day for the purposes of exercise, day care or entertainment of the dog or a not-for-profit animal rescue shelter. For the purposes of this term, each time a dog enters the kennel it shall be counted as one dog. This term does not include an establishment engaged only in dog grooming or dog training. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

KENNEL, BREEDING – A kennel that breeds or whelps dogs and:

- (1) sells or transfers any dog to a dealer or pet shop kennel or
- (2) sells or transfers more than 8 dogs per calendar year.

**(Amended by Ordinance 2015-3 adopted May 7, 2015)**

LABORATORY - A building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LANDFILL - See “Sanitary Landfill”

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

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

LANDSCAPE SCREEN - A visual barrier composed of evergreen shrubs and trees, walls, fences, and earth berms arranged to form both a low-level and a high-level screen between grade, and to a height of six (6) feet.

LANDSCAPING - The planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, other than for agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LAND DISTURBANCE - Any activity that exposes soils, or alters topography and/or vegetation, except for removal of hazardous or invasive alien vegetation (see definition of “Woodland Disturbance”). Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

LEVEL OF SERVICE - A description of traffic conditions along a given roadway or at a particular intersection according to the Highway Capacity Manual, Transportation Research Board, 1994, and as amended thereafter.

LIGHT MANUFACTURING - The production or processing of materials by the employment of machines, soldering irons, stamping machines, kilns, aluminum banding devices and the like. Such activity is not likely to produce noises, odors, or other emissions detectable off the premises by a person having normal senses.

LIGHT TRESPASS - Light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LITTER - Discarded materials scattered about a site or neighborhood that may or may not be normally associated with its particular land use.

LIVESTOCK - Horses, cattle, sheep or other large animals kept or raised on an agricultural property or on any property meeting the provisions of this Ordinance. A large animal is one which stands over thirty (30) inches at the shoulder or weighs over two hundred (200) pounds.

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

**LOFT** - An additional partial story of a dwelling which shall not exceed five hundred and fifty (550) square feet of floor area and shall include no more than one (1) finished bedroom and one (1) bathroom.

**LOGGING PLAN** - A description by means of text and maps of a proposed timber harvesting operation, in compliance with Section 427.2 of this Ordinance, required for a zoning permit to conduct timber harvesting.

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

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

LOT TYPES DIAGRAM



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

**LOT AREA, GROSS** - The area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

**LOT AREA, NET** - The gross lot area excluding the following areas:

1. Any area (i) within a street ultimate right-of-way; or (ii) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.
2. Any area, easement or right-of-way to be used for emergency access.

3. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.
4. Any area comprising a stormwater management basin or drainage easement and/or a sanitary sewer easement.
5. Any area overlain by the Flood Plain District.
6. Any area of prohibitive slope.
7. Any area of wetlands.
8. Any riparian buffer area.

The net lot area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Ordinance. By its nature, the process of determining the net lot area is an iterative process.

LOT, CORNER - A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two (2) front yards, one (1) side, and one (1) rear yard.

LOT, COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

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, FLAG - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage. A flag lot includes a narrow projection or "flagpole" to the public right-of-way, which serves as access to the parcel.

LOT FRONTAGE - The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line.

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

LOT LINE - A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot

as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT - Front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - A line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE, SIDE - Any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on an existing or proposed arterial, collector or local street, and a local street, and with vehicular access solely from the latter.

LOT WIDTH - The horizontal distance measured between side property lines at the street right of way line. On corner lots, lot width shall be measured between the right of way line for the non-address street and the directly opposite property line. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

MANUFACTURED HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in Section 529 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

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, which is leased by the park owner to the occupants of the manufactured home erected on the lot. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more manufactured home lots for the placement thereon of manufactured homes. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

MANUFACTURING - A process whereby substances, raw materials, and/or semi-

finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

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

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

MARSH - A low, constantly wet area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

MEADOW - A plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the North American Vertical Datum of 1988 (NAVD 88).

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

MINIMIZE - To reduce to the smallest amount or extent possible. “Minimize” shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. “Minimize” shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, storm water management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

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

MINOR REPAIR - The replacement of existing work with equivalent materials for the purpose of a structure’s routine maintenance and upkeep.

MITIGATION

1. An action undertaken to accomplish one or more of the following:

- A. Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.
  - B. Rectify the impact by repairing, rehabilitating or restoring the impacted environment.
  - C. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
2. If the impact cannot be minimized in accordance with 1A. through C above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

MUNICIPAL SERVICES - Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but not be limited to:

- 1. Township offices, meeting halls, garages and storage yards;
- 2. Police, fire and ambulance stations;
- 3. Indoor community service uses and activities including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- 4. Outdoor community service facilities and activities including fair grounds, community bulletin boards and other similar uses; and,
- 5. Uses accessory to the above permitted uses including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

MUNICIPAL SOLID WASTE - Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, semi-solid (not greater than twenty percent (20%) liquid), or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding radiological and biological waste.

MUNICIPAL USE – Any use owned, operated, conducted and/or maintained by the Township.

MUNICIPALITIES PLANNING CODE; ACT 247;MPC – The Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., known as the “Pennsylvania Municipalities Planning Code”, together with amendments and

supplements thereto and any new statutes substituted therefor, as in force at the time of application under this Ordinance.

MUSEUM – An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for the delivery of oil and gas to a transmission pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

NATURAL SUCCESSION – The process by which landscapes are transformed, over time, from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

NET AREA/NET ACRE – See "Tract Area, Net" and "Lot Area, Net".

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

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

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

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

NONCOMMERCIAL KEEPING OF LIVESTOCK - The keeping of livestock as an accessory use to a principal non-farm dwelling.

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

NONCONFORMING BUILDING OR OTHER STRUCTURE - A building or other structure or part of a building or other structure manifestly not designed to comply with the applicable area, bulk and dimensional standards of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING SIGN - A sign that does not comply with the applicable sign provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted where such sign was lawfully in existence prior to the enactment of such ordinance, or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE - The use of a building or other structure, that does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE OF LAND - The use of land, exclusive of the use of a building or other structure, that does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

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

NOXIOUS VEGETATION - Plant material that is undesirable or offensive, due to threats to health or prolific and uncontrollable growth. For the purpose of this Ordinance, noxious vegetation shall include but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, tree of heaven, and other invasive plants, as listed by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, and poison ivy.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, (1) which may impede, retard, or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

OFFICIAL MAP - A map adopted by ordinance pursuant to Article IV of the MPC.

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

ON-LOT WATER SYSTEM - The provision of a safe, adequate, and healthful supply of water to a single principal use from a private well.

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

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

OPEN SPACE, COMMON OR PUBLIC - A parcel or parcels of land, an area of water, or a combination of land and water, within a cluster development designed and intended for the use of all residents of the development (common open space) or the general public (public open space), not including streets and walkways, off-street parking areas, areas with no public accessibility, setbacks, and areas at other than ground level. Open space areas may include floodplains, drainage basins, sites for alternative wastewater and community water systems, and spray irrigation fields. Common or public space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public.

OPEN SPACE MANAGEMENT PLAN - A plan which provides for the long-term management over time of private, public, or common open space.

OPERATOR, MANUFACTURED HOME PARK - The owner of a manufactured home park, or his authorized agent, who is duly licensed for maintaining a manufactured home park in the Township. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

OUTDOOR WOOD FIRED BOILER – A free standing fuel burning device designed to (1) to burn clean wood or other approved solid fuel; (2) specifically for outdoor installation or installation in a structure not normally intended for habitation by humans or domestic animals; and (3) to heat building space and/or water via distribution of fluid heated in the device.

PA DEP - Pennsylvania Department of Environmental Protection.

PARKING, OFF-STREET - A parking space or spaces as required by this Ordinance, no part of which shall be located within any public or private street right-of-way.

PARKING LOT - An accessory use in which required, and possibly additional, parking spaces are provided subject to the requirements listed in Section 312 of this Ordinance. Required parking for single-family dwellings shall not be considered to be parking lots.

PARKING SPACE – An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks, and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt bicycle or BMX-bicycle courses and other similar uses;
2. Indoor recreation facilities including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymboreses, game rooms, bowling alleys, skating rinks, locker rooms and other similar uses;
3. Outdoor passive recreation facilities including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters and other similar uses;
4. Indoor community service uses and activities including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
5. Outdoor community service facilities and activities including fair grounds, community bulletin boards and other similar uses.
6. Indoor and outdoor swimming pools including related amenities like bathhouse, wading pools, spas, snack bars and other similar uses; and,
7. Uses accessory to the above permitted uses including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

PASTURE - A plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing.

PennDOT - Pennsylvania Department of Transportation.

PERIMETER BUFFER - An area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

PERSON - An individual, corporation, partnership, incorporator's association, or any other similar entity.

PERSONAL CARE FACILITY - A personal care home, licensed by the Commonwealth of Pennsylvania that provides care to adults who do not require hospitalization or skilled or intermediate nursing care.

PESTICIDE - Any substance or mixture of substances intended for use in preventing,

destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

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

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “shopping center signs” as regulated herein.

PLANNING COMMISSION - The Planning Commission of Drumore Township.

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

PNDI - The Pennsylvania Natural Diversity Inventory

POTENTIAL RARE, THREATENED, ENDANGERED (RTE) SPECIES SITES

1. Sites in which Federally and/or State recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Lancaster County Natural Areas Inventory;
2. Sites which provided suitable habitat for federally and/or State recognized RTE species of fauna.

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

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

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership;

- 2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity; and,
- 3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIME AGRICULTURAL SOILS - See Agriculturally Suited Soils

PRINCIPAL USE - The primary permitted use of a property.

PROFESSIONAL CONSULTING FORESTER - A forester who has obtained a Certified Foresters® certification from the Society of Certified Foresters (SAF), or who is a full member of the Association of Consulting Foresters (ACF). In the alternative, the Board of Supervisors may approve an individual, not meeting the above qualifications, as a Professional Consulting Forester, if such individual petitions the Board, prior to any request for a timber harvesting permit, and submits his or her educational and professional qualifications, samples of previous timber harvesting plans authored, and references from Pennsylvania municipalities. The minimum requirements for consideration as a Professional Consulting Forester are; (1) the individual must have a Bachelor of Science degree in Forestry from a college accredited by the Society of American Foresters; (2) the individual must demonstrate that his or her principle business activity is forestry consulting; (3) the individual must demonstrate that he or she does not have an economic interest in a timber purchasing or procurement entity; and (4) the individual must demonstrate that he or she has prepared a minimum of five (5) timber harvesting plans within the Commonwealth of Pennsylvania.

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

PUBLIC MEETING - A meeting held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, as it may be amended from time to time.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign or signs at conspicuous locations along the

perimeter of the subject property, as deemed appropriate by the body holding the hearing. The sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time and location of the hearing. In the event that the definition and requirements for “public hearing” are changed by amendments to the Act, those amendments shall be incorporated in this definition.

PUBLIC UTILITIES STRUCTURES - Lines, pipes and other structures intended to convey and transport gas, oil, sewage, water, telephone, electricity, and other similar utilities, and which are in possession of a Certificate of Public Convenience from the PA Public Utilities Commission.

PUBLIC UTILITIES STRUCTURES, MINOR - Public or privately owned infrastructure serving a limited area with no on-site personnel. Typical uses include, but are not limited to, telephone exchanges and water and wastewater pumping stations.

PUBLIC UTILITY - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

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

RECREATIONAL VEHICLE - See “Travel Trailer.”

RECYCLING COLLECTION FACILITY - An accessory use whereby recyclables are dropped off by the public for collection by a waste hauler and/or processor.

RECYCLING STATION - A principal use whereby collected recyclables are separated, processed, cut, shredded, cleaned, ground, crushed, bundled, and/or packaged for re-use.

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

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

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

**RETAIL CONVERSIONS** - The establishment of a retail sales or service use that is confined to the first floor of an owner-occupied home that existed on the effective date of this Ordinance.

**RETAIL STORE/SALES AND RENTALS** - Retail stores are those businesses whose primary activities involve the display and retail sales and rentals of goods and products.

**RETENTION BASIN** - A reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by the Subdivision and Land Development Ordinance or the Stormwater Management Ordinance, to detain temporarily additional stormwater runoff and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include manmade ponds and lakes. For the purpose of calculating the net lot or tract area, the area of a retention basin shall be measured as the one hundred year (100 year) flood level plus a fifteen (15) foot perimeter buffer.

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

**RIPARIAN BUFFER AREAS** - Any area of trees or other vegetation adjacent to a watercourse that forms a transition between the aquatic and the terrestrial environment. A riparian buffer separates more intensively developed land uses from sensitive water resources and functions to intercept runoff to mitigate the effects of nutrients, sediment, organic matter, pesticides and other pollutants prior to entering surface water. Riparian buffers are divided into two (2) zones:

1. Zone One Riparian Buffer - Any area within fifty (50) feet of the top of the bank along any perennial stream or other water body as mapped on the U.S. Geological Survey 1:24,000 scale quadrangle maps. Such distance shall be measured horizontally along a line perpendicular to the top of the bank. Where slopes in excess of twenty-five percent (25%) are located within or extend beyond the zone one buffer, the zone one buffer shall extend to include the entirety of the steep slope area up to a maximum of one hundred (100) feet.
2. Zone Two Riparian Buffer - Any additional area extending outward beyond zone one, if any, a distance of one hundred (100) feet from the top of the bank of any perennial stream or other water body.

**RURAL OCCUPATION** - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

**SANITARY LANDFILL** - An engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection. A sanitary landfill shall be owned and/or operated or under the complete control of the Township and/or an authority created by the Township for said purpose of operating said landfill. No other type of landfill, dump or public or private trash collection or transfer area shall be permitted anywhere within the Township.

**SATELLITE DISH ANTENNA** - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

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

1. **Commercial School**: A school that offers a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District;
2. **One Room School**: A private school which provides education to students of all grade levels within one classroom of a building.
3. **Private School**: A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business;
4. **Public School**: A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District;
5. **Vocational and Mechanical Trade School**: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
  - A. Truck driving;
  - B. Engineer repairs;
  - C. Building construction and general contracting;
  - D. Woodworking;
  - E. Masonry;

- F. Plumbing;
- G. Electrical contracting; and,
- H. Other similar trades, as determined by the Conditional Use process pursuant to Section 804 of this Ordinance.

SCREENING - An assemblage of materials that are arranged so as to block at least eight percent (80%) of the ground level views between grade and a height of six feet (6') throughout the year. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

SEASONALLY HIGH WATER TABLE SOILS - Those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year.

SELECTIVE CUTTING - The felling of certain, but not all, trees in an area for the purposes of: (1) removing dead, diseased, damaged, mature or marketable timber; (2) improving the quality of a tree stand or species; or (3) meeting personal domestic needs.

SEPTAGE - Those remnant materials that result from the use of domestic on-site sewage disposal systems that are not released into the ground, but are periodically pumped from the septic tank. Such materials can include solid and semi-solid matter that is often referred to as sludge and scum.

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

Setback, Front - The distance between the street line and the front setback line projected the full width of the lot, commonly called "required front yard."

Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."

Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

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

**SEWAGE FACILITIES** - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

- 1. **INDIVIDUAL SEWAGE SYSTEM** - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal. The term includes:
  - A. **INDIVIDUAL ON-LOT SEWAGE SYSTEM** - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
  - B. **INDIVIDUAL SEWERAGE SYSTEM** - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
  
- 2. **COMMUNITY SEWAGE SYSTEM** - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. The term includes:
  - A. **COMMUNITY ON-LOT SEWAGE SYSTEM** - A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.
  - B. **COMMUNITY SEWERAGE SYSTEM** - A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

**SHOOTING RANGE** - A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development, and training. For the purpose of this Ordinance, a firearm shall include any instrument that uses a propelling charge to move a projectile (e.g., rifle, gun, shotgun, pistol, air gun, or archery). Shooting range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**SHOPPING CENTER** - One store containing more than twenty thousand (20,000) square feet of gross floor area, or two (2) or more stores which are designed to function as a unit, with shared vehicular access, off-street parking and signage.

**SIGN** - A device for visual communication that is used to bring the subject to the

attention of the public. Signs do include lettering, logos, trademarks, or other symbols that are an integral part of the architectural design of a building, that are applied to a building, or that are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects.

Signs do not include architectural features that may be identified with a particular business; backlit awnings that include no lettering, logos, or other symbols; signs within a building that are obviously intended to be seen primarily from within the building; outdoor signs intended for use within a property, such as menu signs by fast food restaurant drive-thru lanes, signs with regulations within a park, and building identification signs within a campus; flags of governments or government agencies; decorative seasonal and holiday banners on residential properties; and displays of merchandise either behind store windows or outdoors.

Billboard: An off-premise, permanent sign that directs attention to a product, service, business, or cause.

Building Sign: A sign attached to or painted on a building that has a use in addition to supporting the sign; this includes wall signs and roof signs.

Business Sign: A sign that directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign".)

Center Sign: A business sign that provides identification at the entrance to a center such as a shopping center, office complex, or industrial park.

Contractor Sign: A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

Development Sign: An identification sign at the entrance to a residential development.

Dynamic Display or Dynamic Display Sign: Any business, commercial or industrial sign and/or billboard or portion of a sign and/or billboard that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components.

This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. This definition shall not include electronic message display signs that repetitively indicate time, temperature and date, to other text or scrolling text message signs and to vehicular service station signs that digitally display current fuel prices. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

**Electronic Message Center Sign:** An electronic business, commercial or industrial sign that displays time, temperature or current sales or events related to the business activity occurring on the premises. Electronic message center signs shall only consist of text-type messages and shall not be permitted to contain graphics, pictures or any other animated displays. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

**Freestanding Sign:** A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.

**Garage/Yard Sale Sign:** A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

**Government Sign:** An off-premise sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign.

**Home Occupation Sign:** A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.

**Identification Sign:** A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign".)

**Incidental Sign:** An informational sign, no more than 2 square feet in size, that carries a message such as "enter", "open", "telephone", "rest rooms", "no parking", "no trespassing", "warning", a listing of hours when open, an on-site direction, or anything similar. Incidental signs may not include any commercial message or logo, except that one "enter" sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word "Enter".

**Issue Sign:** A sign that directs attention to a candidate or candidates for public office or to an opinion of a public or private nature, such as, but not limited to, a community, social, religious, political or ballot issue.

Lot: When used in this Article, the word “lot” shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit (e.g. (1) the area used by a dwelling unit in a townhouse structure or (2) a tenant space in a multiple tenant building).

Non Profit Organization Sign: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.

Off-Premise Sign: A sign that does not apply to the property on which it is displayed.

On-Premise Sign: A sign that applies to the property on which it is displayed.

Open House Sign: A temporary sign that provides information about a real estate open house, including the words “Open House”, the day and time of the open house, and the name of the realtor.

Overhead Sign: A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.

Permanent Sign: A sign intended to be displayed for an unlimited period of time.

Public Use Sign: An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.

Public Utility Sign: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g. an electric company, sewer authority, or telephone company).

Real Estate Sign: A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.

Roof Sign: A sign attached to or painted on a roof.

Sidewalk Sign: A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.

Special Event Sign: A temporary sign that carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund raising event, but not including any business sign, such as a “sale” sign at a store.

Temporary Sign: A sign that is displayed for no more than 3 months in any year, unless stated otherwise in this ordinance.

Wall Sign: A sign attached to or painted on the wall of a building.

Window Display: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE - A lot, tract, or parcel of land, or a contiguous combination thereof, on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

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

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

SLOPE - The ratio of the change in elevation (rise) over the horizontal distance (run) as measured between consecutive contour lines, expressed as a percentage. See "Steep Slope Areas"

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

SOLID WASTE – Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION USE - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3 of this Ordinance.

SPECIES OF SPECIAL CONCERN - Any native plant species or any native non-harvested wildlife species documented by scientific research and inventory to have a naturally restricted range or habitat in the state, to be at a low population level, to be in such high demand by man that it unregulated taking would be detrimental to the conservation of its population or has been extirpated from the state.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point

immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purpose of this Ordinance, this term shall include any of the following:

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

SPECIMEN VEGETATION - A tree or plant that has been bred for unusual or rare characteristics, such as form, leaf color or texture, bloom, bark, being a dwarf variety of a larger tree species, or possessing characteristics different than customary plants of the species. A tree or plant that is at or near its maximum size may be considered specimen vegetation.

1. Any tree in healthy condition, which equals or exceeds the following diameter size:
  - A. Twenty four (24) inch DBH for deciduous trees such as but not limited to oaks, hickories, yellow poplars, and sweet gums.
  - B. Twenty four (24) inch DBH for evergreen trees such but not limited to pines.

- C. Four (4) inch DBH for trees other than deciduous trees and evergreen trees, including but not limited to trees such as dogwoods, hollies, cedars, or ornamentals such as crape myrtle.
2. All specimen trees must also meet all of the following minimum standards:
- A. A life expectancy of greater than 15 years.
  - B. A structurally sound trunk, not hollow and having no extensive decay and less than 20 percent radial trunk dieback.
  - C. No more than one major and several minor dead limbs (hardwoods only).
  - D. No major insect or pathological problems.

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

STEEP SLOPE AREAS - Areas where the slope measured between consecutive contour intervals is greater than or equal to fifteen (15) percent.

STEEP SLOPE, PRECAUTIONARY - Areas of land with a slope between fifteen (15%) percent and twenty-five (25%), as defined in Section 206.3.1.B of this Chapter.

STEEP SLOPE, PROHIBITIVE - Areas of land with a slope greater than twenty-five (25%) percent, as defined in Section 206.3.1.A of this Chapter.

STORAGE FACILITY - A structure or group of structures used for the storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

STORAGE, OUTDOOR - The keeping of new or used materials, merchandise, products, equipment or vehicles for a continuous period greater than eight (8) hours. Excluded from this definition are the following:

- 1. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.
- 2. The loading or unloading of vehicles which are parked against a building so that all activity occurs within the building.

STORMWATER - Any precipitation, but usually rainfall, which is sufficient to flow on any natural or impervious surface, frequently termed "run-off".

STORY - That portion of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent

(75%) or more of its wall area above grade level. A half-story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

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

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

- 1. Arterial - A major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas.

Arterial streets may be either Principal Arterials or Minor Arterials. Principal Arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor Arterials interconnect with and augment the Principal Arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than Principal Arterials.

- 2. Collector - A major street which carries traffic from Local streets to Arterial streets.

Collector streets may be either Major Collectors or Minor Collectors. Major Collectors may provide access to centers of activity, connect with Principal Arterials and allow for more access to adjoining properties than Minor Collectors. Minor Collectors serve more to collect traffic from Local streets and provide access to the smallest of activity centers.

- 3. Local - Every public or private street used for access to abutting properties.

Local streets may be Primary Distributor Roadways, Secondary Distributor Roadways or Local Access Streets. A Primary Distributor Roadway is the highest order Local Street which moves traffic from lower order Local Streets to Collector and Arterial Streets. A Secondary Distributor Roadway is the middle order Local Street which carries traffic from Local Access Streets to Primary Distributor Roadways. A Local Access Street is the lowest order Local Street which serves no through function and provides the greatest degree of access.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

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

STRUCTURE - Any man-made object, including buildings having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory: A structure associated with an accessory use, (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).

Structure, Principal: A structure associated with a primary use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.

STRUCTURE, TEMPORARY - A structure that is designed to be repeatedly erected or inflated, tents and inflatable structures or buildings that are picked up and moved.

SUBDIVISION - The division or re-division of a single lot, tract, or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. The subdivisions 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 dwellings, shall be exempted from this definition.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

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

SUNSHINE ACT - The Act of October 15, 1998, P.L. 729, No. 93, *as amended*, 65 Pa. C.S. §701 *et seq.*

SWIMMING POOL - Any structure, including inflatable devices, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction. **(Amended by Ordinance 2015-3 adopted May 7, 2015)**

TEMPORARY COMMERCIAL RECREATION USE - An accessory use on a farm at which some attraction or amusement is operated seasonally for no more than three (3) days during any calendar year.

TEMPORARY FARM EMPLOYEE HOUSING - An accessory, additional temporary dwelling unit placed on a property for occupancy by a person (and family) engaged in farm work on the subject property.

TIMBER HARVESTING OPERATION - The felling and removal of four (4) trees, of greater than six (6) inches DBH, per acre to be converted to any forest product or for sale to others. The felling and/or removal of diseased or dead trees, or invasive trees or other invasive herbaceous species, or the felling and removal of trees for personal firewood use, or the removal of trees from an orchard, Christmas tree farm or tree nursery, or the clearing of trees in an area in accordance with an approved subdivision or land development plan or building permit or the shall not constitute timber harvesting provided that such activity shall not occur more than once in a three (3) year period. Forestry, as defined in Article II, herein, shall be considered a timber harvesting operation, and shall require a timber harvesting permit.

TOPS - The upper portions of felled trees that, because of small size, taper or defects, have no commercial value.

TOWER - A support structure and the reception and/or transmission antennas upon it intended for the transmission and/or reception of radio, television, telephone or digital communications, including wireless communications.

TOWNSHIP - The Township of Drumore, Lancaster County, Pennsylvania

TOWNSHIP PLANNING COMMISSION - The Planning Commission of the Township

TRACT - One (1) or more contiguous lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA, GROSS - The area of land contained within the property lines of a parcel, lot or tract as described in the deed or as shown on an approved subdivision plan.

TRACT AREA, NET - The gross tract area excluding the following areas:

1. Any area (i) within a street ultimate right-of-way; or (ii) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.
2. Any area, easement or right-of-way to be used for emergency access.
3. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.
4. Any area comprising a stormwater management basin or drainage easement and/or a sanitary sewer easement.
5. Any area overlain by the Floodplain Zone.
6. Any area of prohibitive slope.
7. Any area of wetlands.
8. Any riparian buffer area.

The net tract area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Ordinance. By its nature, the process of determining the net tract area is an iterative process.

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

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

5. The unit contains some identification by the manufacturer as a travel trailer.

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

TRUCK TERMINAL - An area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

TURBINE HEIGHT - The distance measured from the surface of the tower foundations to the lowest and/or highest point of the turbine rotor plane.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two (2) separate dwelling units.

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

Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

Use, Principal: The main or primary use of property or structures.

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

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

VEHICLE AUCTION - An area of land with or without buildings used for temporary storage, display and wholesale sales of operable and licensed used autos, trucks, boats, motorcycles, or recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See "Junkyard" for comparison.

VIEW - The relative ability to see a given object from a designated location. Views shall be further classified as:

1. Unobstructed - The ability to see most or all of an object; specifically where more than eighty-five percent (85%) of the object is visible.
2. Filtered - The ability to see some of the object; specifically where fifteen

percent (15%) to eighty-five percent (85%) of the object is visible.

- 3. Hidden - The ability to see little or none of the object; specifically where less than fifteen percent (15%) of the object is visible.

VILLAGE CLUSTER - A grouping of residences in a compact form using traditional design standards and including the provision of common open space.

WAREHOUSING - The temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

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

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

WATER SUPPLY

- 1. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.
- 2. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:
  - A. Public Water Supply System - A system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.
  - B. Community Water Supply System - A system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards, which are applicable to a community water supply system under or pursuant to the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, No. 43, as amended, 35 P.S. §721.1 et seq., for at least twenty-six (26) dwelling units.

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WETLANDS - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS BUFFER - An area surrounding a wetlands, measured one hundred and fifty (150) feet perpendicular to and from the boundary of a wetlands area, as delineated under the provisions of this Zoning Ordinance.

WETLANDS DELINEATION - The on-site method or process for identifying jurisdictional wetlands which is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WETLANDS DELINEATION REPORT - A document that describes the investigation procedures and findings of a wetlands delineation.

WHOLESALE - A commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

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

WINDMILL - A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle, rotor, tower, transformer pad, blades, spirals, helixes and/or supporting energy apparatus.

WINDMILL, COMMERCIAL - A facility consisting of one or more windmills and associated electrical conversion systems with a rated capacity of more than 20 KW; or that is the primary use of the lot on which it is located. A facility shall be considered commercial if it supplies electrical power primarily for off-site use; or if net revenue is produced by such electrical power.

WINDMILL, NON-COMMERCIAL - A windmill intended for the energy needs of uses on a single lot that may be residential or non-residential and is designed to generate less than 10 KW for residential uses and less than 20 KW for non-residential uses.

WINDMILL TOWER HEIGHT -

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on the horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest

point of the wind turbine generator.

WIRELESS COMMUNICATIONS FACILITY - The antenna, antenna support structure, wireless communications equipment building, and/or other structures and equipment that is licensed by the Federal Communications Commission for the specific purpose of receiving and/or transmitting wireless television, radio, telephone or digital communications. Such use shall not be considered a public utility.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

WOODLANDS - A tree mass or plant community, covering one-quarter (¼) acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Woodlands do not include commercial horticultural enterprises, such as orchards, Christmas tree farms, and commercial nurseries.

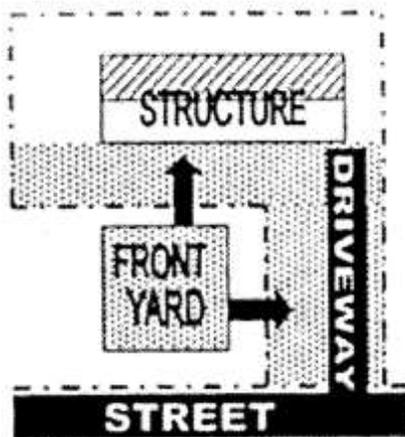
WOODLAND DISTURBANCE

1. Any activity which alters the existing structure of woodlands. Alterations include the felling or removal of canopy trees, sub-canopy trees, under-story shrubs and vines, woody and herbaceous woodland floor species.
2. Any activity which constitutes a land disturbance, as defined in this Zoning Ordinance.
3. Woodland disturbance does not include the selective cutting or removal of invasive trees, shrubs, vines or other herbaceous species.

WOODLAND MANAGEMENT PLAN - A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (1) to protect water quality; (2) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

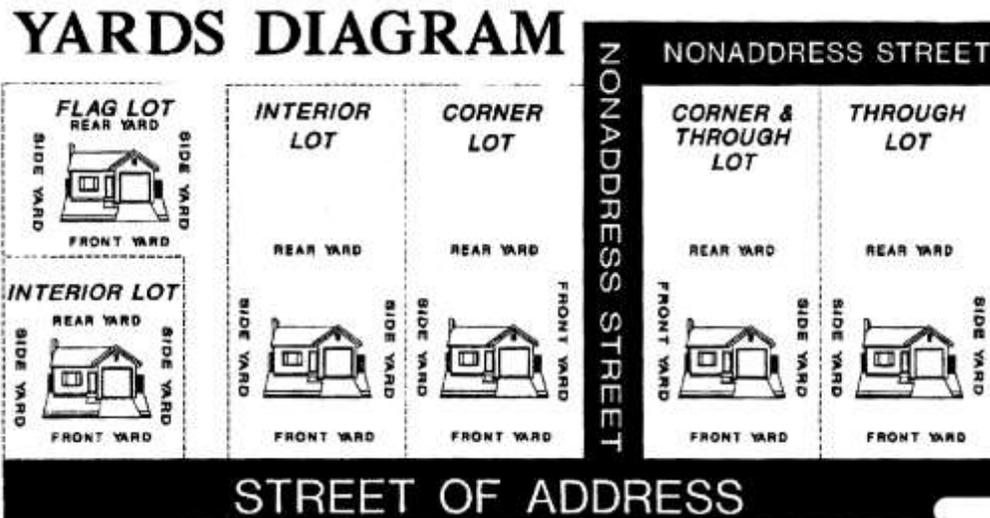
YARD - An area between the permitted structures and the property lines.

Yard, Front - The area contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street (see adjacent diagram).



Yard, Rear - The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.

Yard, Side - The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.



ZONING - The designation of specified districts within the Township, reserving them for

certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD - The Zoning Hearing Board of Drumore Township.

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