

## ARTICLE III – DEFINITIONS

### 3.01 Purpose and Interpretation

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in carrying out of duties by appropriate officers and by the Zoning Hearing Board.

The following words and phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context clearly indicates otherwise. Terms not herein defined shall have the meaning customarily assigned to them.

In this Ordinance, when not consistent with the text:

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural, the plural the singular.
- C. The male gender includes the female gender and the neuter.
- D. The word “person” includes “individual”, “group of individuals”, “profit or non-profit corporation”, “organization”, “partnership”, “company”, “unincorporated association”, or other similar entities.
- E. The term “shall” or “must” is always mandatory.
- F. The word “lot” includes the words “plot” and/or “parcel”.
- G. The word “may” is permissive.
- H. The words “used for” includes “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”.
- I. The word “building” includes “structure” “or any part thereof”.
- J. The word “erect” shall mean to “build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs and grading of land.” This shall apply when there is or is going to be new construction to a structure.

### 3.02 Terms

Abandoned: Any property, dwelling, motor vehicle, or item that is apparently and willfully disused, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms, “junked,” “wrecked”, “stripped”, shall have this same definition. An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations and inspections are not maintained for twelve (12) or more consecutive months, and may be deemed to be abandoned by reason of being junked, wrecked, or stripped.

Abandonment: Abandoned by the owner with no intent either of transferring rights to the property to another owner or of resuming the use of the property.

Access Drive: An improved cartway and/or paved surface designed and constructed to provide for vehicular movement between a public or private road and a tract of land containing any use other than one single-family dwelling unit or farm.

Accessory Use: See Use, Accessory

Accessory Structure: A structure subordinate to and detached from the principal structure on the same lot and used for purposes customarily incidental to the principal building.

Adjacent: The state of being side by side, next to, or adjoining one another.

Adult Related Facility:

1. An establishment, having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials which are distinguished or characterized by their emphasis on depicting, describing or displaying sexual activities or conduct or exposed male or female genital areas.
2. An establishment or place of assembly to which the public is permitted or invited:
  - (a) which has all or a substantial or significant portion of its stock in trade consisting of the following items:
    - (i) Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas;
    - (ii) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct;
  - (b) 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, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas;
  - (c) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; and/or
  - (d) which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

Aged: Age 62 or older

Agriculture: The cultivation of the soil and the raising and harvesting of the products of the soil which produce food, fiber and oxygen as listed by the PA Department of Agriculture and the USDA as may be amended from time to time; including, but not limited to, aquaculture, horticulture, forestry, nurseries, silviculture, viticulture, winemaking, and Christmas trees.

Agricultural Operation: An enterprise that is actively engaged in the production and preparation for market of crops, livestock and/or livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities products consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agricultural Process Wastewater: Wastewater from agricultural operations, including spillage or overflow from livestock or poultry watering systems; washing, cleaning or flushing pens, milkhouses, barns, manure pits; direct contact swimming, washing or spray cooling of livestock or poultry; egg washing; or dust control.

Agricultural Use/Structure: A use or structure pertaining to, or dealing with, agriculture, which is a direct result of husbandry or the cultivation of soil, involving the actual application of the art or science of cultivating the ground, including the harvesting of crops, and the science or art of production of plants and animals used by man. It shall not include 1) camping, skiing, show competition or racing animals; 2) the raising, breeding or training of cats, dogs, pets, or exotic animals; or 3) stockyard and slaughterhouse operations.

Agricultural Waste: Includes solid, liquid or gaseous wastes, which are the by-product of agricultural production, such as mushroom compost, but excluding manure used as fertilizer in accordance with approved conservation practices.

Aircraft: Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

Airport: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities, together with all airport buildings and facilities thereon.

Alley: A public thoroughfare other than a minor street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation. In no event shall an alley be used as a sole source of access to any use.

Alterations: Any exterior structural addition or changes to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

Amendment: Revisions to the zoning text and/or the official zoning map by the governing body.

Amusement Arcade: A commercial establishment, which provides as a principal use, amusement devices and/or games of skill or chance (e.g. pinball machines, video games, skeet ball, electronic or water firing ranges and other similar devices). This definition does not include the use of five (5) or less such devices as an accessory use.

Amusement Park: A lot used principally as a location for permanent amusement structures, rides or activities.

Animal Composting: The biological digestion of dead domestic animal, domestic animal part, and/or domestic animal waste. *[Added by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

Animal, Domestic: Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine animal (swine), duck, fish, geese, guinea fowl, pigeon, poultry, or turkey.

Animal Equivalent Units (AEU): One Thousand (1,000) pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

Animal Hospital: Any establishment offering veterinarian services. Animal hospitals treat all types of animals and can include outdoor and overnight boarding of animals.

Antenna: Any system of wire, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building or tower.

Applicant: A landowner or developer who has filed an application for development or a permit, including his heirs, successors and assigns.

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

Area: The extent of surface contained within the boundaries or extensions of any object or use.

Area, Gross: The entire area of a tract of land inclusive of existing public rights-of-way whether interior or exterior and including interior parking areas and access lanes, sidewalks, parks, playgrounds, easements, and common open space.

Area, Lot: The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

Area, Net: The actual area proposed for development exclusive of existing and proposed rights-of-way.

Attic: That part of a building which 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 habitable room by the inclusion of dormer windows, has an average ceiling height of five (5) feet or more, has a permanent interior access stairway to a lower building story, and meets the International Residential Code (IRC) or International Building Code (IBC) requirements for a habitable room.

Automobile Auction: A use whereby vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

Automobile Sales: Any building or land devoted to the retail sales of motor vehicles, including travel trailers and farm machinery, and including accessory service and repair facilities if conducted within a wholly enclosed building.

Automobile Filling/Service Station: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks, or a building or lot which contains facilities for rendering commercial services, such as lubrication, washing, detailing, vehicle repairs and retail sales of motor vehicle accessories. The station may also include the sale of a limited selection of food and common household items as an accessory use, provided that the total parking requirements of this Ordinance are complied with for each use. Commercial services shall be presumed if vehicles, other than those owned by the lot owner, tenant or family are lubricated, washed or repaired on or in the building or lot.

Base Flood: A flood which has a one percent chance of being equaled or exceeded in any given year. Also called the “100-year flood”.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement: Any area of a building having a floor below ground level on one or more than one sides.

Bed and Breakfast Inns: An owner occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than fourteen (14) days. Breakfast may be offered only to registered overnight guests.

Block: An area of land bounded by streets.

Board of Supervisors: The Board of Supervisors of Colerain Township, Lancaster County, Pennsylvania.

Board, Zoning Hearing: The Zoning Hearing Board of Colerain Township, Lancaster County, Pennsylvania.

Boarding Home: A building arranged or used for the lodging, with or without meals or other services for compensation, by either transient or permanent residents of not more than ten (10) individuals. This definition includes rooming houses and lodging houses.

Building: Any structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure or support of individuals, animals or property of any kind including tents, awnings, manufactured housing or vehicles situated on private property and used for purposes stated above.

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

Building, Attached: A non-residential building constructed so that one or more walls attach to another building. A building shall not be considered attached merely because a railing, spouting, or similar structure may incidentally attach two buildings together.

Building, Detached: A non-residential building that does not share a wall with another building. A building shall still be considered a detached building if it is connected with a railing, spouting, or similar structure that may incidentally attach two buildings together.

Building, Agricultural Operation: Buildings principally devoted to agricultural uses, namely barns, poultry and other animal houses, corn cribs, silos, and other similar agricultural structures. The term “agricultural building” shall not include a dwelling.

Building, Principal: A building in or on which is conducted the principal use of the lot on which such building is located. All other buildings on the same lot (incidental or supplemental thereto) shall be considered Accessory Buildings.

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 awnings, terraces, and steps (e.g. top view).

Building Envelope: The area of a lot that has no building or construction restrictions such as, building setback requirements, rights-of-way, easements, floodplains, wetlands, step slopes, or similar restrictions as defined in this Ordinance.

Building Height: See Height, Building.

Building Length: The longest horizontal measurement of a building.

Building Line: A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. The vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Setback Line: The line within a property defining the required minimum distance permitted between any structure and the adjacent rights-of-way, centerline, or property line. This shall include sun parlors, covered porches, whether enclosed or unenclosed, any roof overhangs, but does not include steps.

Campground: A parcel of land used by campers for seasonal, recreational or similar temporary living purposes in buildings of a moveable, temporary or seasonal nature, such as cabins, tents or mobile travel trailers or motor homes.

Campsite: A plot of ground within a campground intended for occupation by a recreational vehicle, tent, yurt, camper, or travel trailer.

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

Cartway: The improved surface of a street, drive, or alley available for vehicular traffic.

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

Centerline: The center of a surveyed street, road lane, alley, alley right-of-way, or where not surveyed, the center of a traveled cartway.

Certificate of Use and Occupancy: A certificate issued by a building code official allowing occupancy and/or use of a building or structure under the Uniform Construction Code.

Church/House of Worship 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, and church related educational and/or day care facilities.

Cinema: Building or part of a building containing a stage and/or screen and seating for meetings, performances, or screening of movies on a paid admission basis.

Class I, Class II, or Class III Agricultural Soils: Soils classified as Class I, Class II, or Class III soils as defined by the United States Department of Agriculture's Agricultural

Land Capability Classification System for Colerain Township soils as delineated by the Soil Survey of Lancaster County, Pennsylvania (1985), as may be amended.

Clear-Sight Triangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points of a given distance from the intersection of the streets centerlines. (See Appendix A)

Club, Private: An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for membership of such club. Clubs shall include, but not be limited to, service clubs, political organizations, labor unions, as well as social and athletic clubs.

Cluster Development: A development design technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

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

Common Wall: A wall used or adopted for joint service between two buildings or parts thereof.

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

Communication Tower: A structure other than a building, such as a monopole, self-supporting or guide tower, designed and used to support communication antenna(s).

Community Center: A building or portion of a building used as a gathering place or meeting area by local residents or the residents of the municipality or development within which it is located.

Community System: A central water or sewerage system, the rates and services of which may be publicly or privately controlled.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Composting: The conversion of organic matter, such as yard or agricultural waste, to fertilizer.

Comprehensive Plan: The Octoraro Region Joint Strategic Comprehensive Plan.

Concentrated Animal Operations (CAO): An agricultural operation with eight or more animal equivalent units (AEUs) where the animal density exceeds two AEUs per acre on an annualized basis. Animal density includes all livestock, including nonproduction animals such as horses used for recreation and transportation. An operation with less than 8 AEUs is not considered to be a CAO regardless of the animal density. The number of AEUs on an agricultural operation is calculated through the use of an established formula set by the State Conservation Commission. The acreage used in the CAO formula to calculate the AEUs per acre includes land suitable for the application of manure, which may include rented or leased land outside the parcel where the agricultural operation is located.

Concentrated Animal Feeding Operation (CAFO): A CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23, as it may be amended.

Conditional Use: A use permitted in a particular zoning district pursuant to when specific conditions and criteria prescribed for such uses have been complied with in accordance with this ordinance. Conditional Use Applications are decided by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: Real estate, portions of which in accordance with the provision of the Pennsylvania Uniform Construction Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Conservation Area, Private: An area of open or forested land and/or water in its natural state owned and operated by a non-profit organization, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

Conservation Area, Public: An area of open or forested land and/or water in its natural state owned and operated by a governmental entity, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

Conservation Plan: A plan including a map(s) and narrative that, at a minimum includes, but is not limited to, an erosion and sedimentation control plan for an identified parcel of land.

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

Contractor's Office or Shop: Offices and shops for tradesmen, such as, but not limited to, building, cement, electrical, masonry, painting, and roofing contractors.

Convenience Store: A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, when no patron seating is provided, and is not primarily a restaurant, and that includes a building with a floor area of less than eight thousand (8,000) square feet. A convenience store shall not have drive-through service; otherwise it shall be considered a restaurant. The rental of video tapes and/or DVDs authorized to be provided by an adult bookstore is specifically prohibited.

Convention Center: An assemblage of uses that provide for a setting where indoor and outdoor exhibits and activities serve various business, entertainment, recreation, and conventions. This use can also include related lodging and dining facilities.

Conversion: To change or adapt land or structures to a different use, occupancy or purpose.

Cottage Industry: A business owned and operated by a resident of the premises as a use which is clearly secondary to a permitted use. Such businesses shall be compatible with the rural character of the region. Cottage Industry is intended to enhance the economy of the municipality by providing an equitable opportunity to land owners to develop light industrial uses without the subdivision and fragmentation of rural land. Such industry may include craftsmanship shop, butcher shop, woodworking and cabinetry shops, metalworking, leatherwork, blacksmith shops, carriage shops, toolmaking, handmade arts and crafts, quilts, and kindred.

County: The County of Lancaster, Commonwealth of Pennsylvania

County Planning Commission: The Lancaster County Planning Commission

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by walls of such building.

Court, Inner: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, not extending to a street, alley, yard of other outer court.

Court, Outer: A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

Curative Amendment: A zoning amendment proposed to the Governing Bodies by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

Day Care: A private residence, enrolling less than six (6) individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged.

Day Care Center: A facility, not in a private residence, enrolling six (6) or more individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged. Such facility shall employ licensed personnel and be licensed by the Commonwealth of Pennsylvania.

Decision: Final adjudication of any board or other body granted jurisdiction under this Ordinance or other applicable land use ordinance or the Municipalities Planning Code (MPC) by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Lancaster County and the applicable judicial district for Colerain Township.

Deed Restriction: Clause included in a deed, which restrict, control or limit the general use of a defined parcel of land.

Density: The number of housing units allocated per acre of land.

Density, Net: The aggregate number of residential units within property lines divided by the total number of acres within the same property lines. Because the land area measured is within the property lines, all other lands such as streets, common open spaces, and utility rights-of-way are excluded from the acreage calculation.

Density, Gross: The average number of housing units allocated per gross acres of land. (The total area within the deeded property lines of the development site without exception and inclusive of street, rights-of-way, etc.)

DEP: Pennsylvania Department of Environmental Protection

Determination: Final action by any officer, body or agency charged with the administration of this Ordinance or its application, except the following:

- A) The Colerain Township Board of Supervisors
- B) The Colerain Township Zoning Hearing Board.
- C) The Colerain Township Planning Commission, in cases where it is charged in the applicable subdivision and land development ordinance with the final decision concerning preliminary or final plans or where it is charged in the applicable ordinance with the final decision for planned residential development provisions.

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 the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities filing, grading and excavation; mining; dredging; drilling operations, storage of equipment or materials; and the subdivision of land.

Development of Regional Significance and Impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, driveways and parking facilities, common open space and public facilities. The phrase “provisions of the development area” when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

Disposal Site: Suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department of Environmental Protection.

Distance Between Buildings: This measurement shall be made at the closest point.

Domestic Pets: See Animal, Domestic.

Drive-Through Establishment: Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transaction; also known as “drive-through facilities”.

Driveway: An improved cartway designed and constructed to provide vehicular movement between a public or private road and serving up to four (4) single family dwelling units.

Dump: A lot of land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof.

Dwelling: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. The word “dwelling” shall not include lodging houses, boarding or rooming

houses, bed and breakfast inns, hotels, motels, tents, trailers or any structure designed or used for transient residence.

Dwelling, Apartment: A dwelling unit within a multi-unit building.

Dwelling, Conversion Apartment: An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, with or without substantially altering the exterior of the building.

Dwelling, Duplex: A freestanding building containing two (2) dwelling units for two (2) families. The dwelling units may be side by side or one above the other.

Dwelling, Single-Family Detached: A dwelling unit designed and occupied exclusively by one (1) family, having no walls in common with any other dwelling unit or building.

Dwelling, Single-Family Semi-Detached: A dwelling designed as two dwelling units separated by and sharing a common vertical lot line wall.

Dwelling, Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained on one (1) unit or two or more units designed to be joined into one (1) integral unit, which may or may not be capable of being separated for repeated towing, and which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation when attached to the required utilities. The term does not include park trailers, travel trailers, recreational and other similar vehicles that are placed on site for more than 180 consecutive days. In no event shall a mobile home be used for any purpose other than a dwelling.

Dwelling, Multifamily: A building designed and occupied as a residence, containing three (3) or more dwelling units.

Dwelling, Townhouses: A building containing between three (3) and eight (8) dwelling units arranged in a side-by-side configuration with two or more common party walls.

Easement: A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. The owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Eating Establishment: Any form of restaurant and/or tavern open to the public, dispensing food and drink.

ECHO Housing: A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling. Caregivers can live in the additional dwelling unit.

Elder Cottage: A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

Environment: Air, water, noise, open space, soil, night sky, and wildlife resources.

Emergency Services Structure: A government owned or a not-for-profit organization such as but not limited to ambulance, fire, police, police sub-station, and emergency operation dwelling.

Essentially dry space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to passage of water.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: Any of the following:

- a. A single individual occupying a dwelling unit.
- b. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- c. Not more than three (3) unrelated person occupying a dwelling unit.
- d. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of the dwelling unit together and who are part of a community based residential home, operated by an individual, group or organization which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public welfare or other appropriate federal or state agency having jurisdiction. This shall include persons occupying the home who are handicapped persons under the terms of the Fair Housing Amendments Act of 1988 and/or developmentally disabled persons and/or persons under supervised care and treatment for substance abuse and/or persons who require special care due to age, emotional, mental or physical handicap, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

Farm: A parcel of land, containing at least ten (10) acres, which is used for land cultivation, livestock, poultry or dairy operation or which is otherwise used for an

agricultural or horticultural use, and provided that the gross income derived from the site is primarily generated from agricultural -related activities.

Farm Related Business: A business owned and operated by a resident of the premises which is a second principal use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the agricultural operation. Such agricultural related businesses may include but are not limited to: agricultural equipment repair; welding; small machine repair; painting service; fencing service; sharpening service; livestock grooming; shearing and/or trimming services; agricultural consulting service; sale of small tools, small parts and/or specialized small agricultural equipment manufactured on the premises; family-scale food processing, preparation, canning and baking; cold storage and mini-warehousing of foods and prepared agricultural products in existing agricultural buildings; and kindred. Agricultural related businesses do not include commercial and industrial uses such as feed, fertilizer and grain mills, large agricultural equipment sales-and-service, canneries, rendering plants, manufacture and assembly or any other use which results in high traffic generation or attraction, noise, glare or noxious elements.

FCC: Federal Communications Commission.

Fence: A barrier designed to restrict the movement of persons, animals and/or vehicles. This definition shall include ornamental fence treatments.

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

Financial Institution: A bank, savings and loan association, credit union, finance or loan company, etc.

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

Flood: A temporary inundation of normally dry land areas.

Flood Elevation, Regulatory: The one hundred (100) year flood elevation plus a free board safety factor of one and one-half (1 ½) feet.

Flood (Five-Hundred Year): A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a one fifth of one percent chance of being equaled or exceeded in any given year). A study by the Federal Emergency Management Agency (FEMA), the United States Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or an experienced professional engineer who is licensed and registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood (One-Hundred Year): A flood which is likely to be equaled or exceeded once every 100 years i.e. that has a one percent chance of being equaled or exceeded in any given year). A study by the Federal Emergency Management Agency (FEMA) the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or an experienced professional engineer who is licensed and registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood Elevation (Five-Hundred Year): The water surface elevation of the 500-Year Flood.

Flood Elevation (One-Hundred Year): The water surface elevations of the 100-year Flood.

Flood Elevation, Maximum: The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the **FP** – Floodplain District.

Flood, Flooded or Flooding: A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map: The official map on which FEMA or FIA has delineated both the areas of special flood hazards and the premium risk zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodplain Area, Identified: The floodplain area specifically identified in the Ordinance as being inundated by the one hundred (100) year flood.

Floodproof , Floodproofed or Floodproofing: Any combination of structural and or nonstructural provisions, additions, changes or adjustment to structure or contents which are designed or adapted primarily to reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred year magnitude.

Floor Area: 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, Lowest: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

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

Funeral Home: A building or part thereof used for human funeral services. Such building may include a funeral chapel and may contain space and facilities for:

- a. Embalming and the performance of other services used in preparation of the dead for burial, and may include facilities for cremation;
- b. The performance of autopsies and other related surgical procedures; and
- c. The storage of caskets, funeral urns, and other related funeral supplies.

Gaming Facility: Any facility or location at which any lawful gambling activity other than, or in addition to, pari-mutual wagering may be conducted under Pennsylvania Law, including any facility in which gambling devices, including but not limited to, slot machines, video poker machines, punch boards and other similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery Law.

Garage, Private: A garage intended and used for the storage of the private motor vehicles of the families residing on the premises.

Garage, Public: A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of motor vehicles.

Governing Body: The Township Supervisors of Colerain Township, Lancaster County, Pennsylvania.

Grade: The level of the ground adjacent to a building, structure, exposed storage, or sign.

Grade, Established: The elevation of the center line of streets, as officially established by the municipal authorities.

Greenhouse: A structure devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting.

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

Hazardous Material: Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acid of 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. In the Floodplain District (FP), floatable materials with the potential to cause physical damage, such as storage tanks, and large containers as defined by Pennsylvania Department of Environmental Protection 25 PA Code Chapter 75.

Hazardous Waste Facility: Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the municipality.

Health and Recreation Facility: A commercial business that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

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

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 for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, barns, spires, towers, silos, and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

Helicopter Pad (Private): An accessory use where no more than one helicopter may land/take-off and be stored.

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

Highway Access Point: The measurement shall be extended from the terminate of one curb cut to the establishment of an adjacent curb cut. In the event that there are no curbs, the measurement shall be from the edge of each cartway.

Historic Structure: Any structure that is:

- A. Listed individually, in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as to contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places

Holding Tank Cleaner: A municipality, county, municipal authority or person, natural or legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

Home Occupation: Any activity conducted entirely within a dwelling or accessory structure which is subordinate to the residential use of the dwelling.

Horticultural Uses/Structures: Activities and necessary accessory structures such as greenhouses and hothouses related to the cultivating or managing of plants and gardens, including the growing of flowers, fruits and vegetables in an intensive manner.

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 person suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

Hotel/Motel: A facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms, and recreational facilities.

Impacts Associated with Normal Agricultural Operation Practices: Including, but not limited to, noise, odors, dust, night, holiday and early morning operation of machinery of

any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil, herbicides, and pesticides.

Impervious Surface Area: The ratio of the area of all portions of the lot covered in any way so as to not allow the ground beneath to absorb water at a natural rate to the total area of the lot, excluding any portions of the lot within the street right-of-way.

Impervious Material: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water.

Improvement: Physical changes to land including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

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

Junk: Any material, machinery, scrap metals, articles or objects possessing value in part, gross, or aggregate, and including but not limited to inoperable vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker. Garbage or other organic waste is not included.

Junk Yard: Any lot, land, parcel, building or structure or part thereof where junk is stored or accumulated; or, where the business of selling, buying, or dealing in junk is conducted; or, where two (2) or more motor vehicles or vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

Kennel: Any establishment wherein dogs or other animals are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show, or any other similar purpose and is so constructed that dogs or other animals cannot stray therefrom.

Land Development: Any of the following activities:

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

- 2) The division or allocation of space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land Development" shall not include

- 1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- 2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- 3) The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling.

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

Laundry Facility: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment dwelling.

Library: An institution using a room or building where a collection of books, tapes and other modes of written and visual information is kept for reading, reference or circulation, and may be borrowed by members. This excludes materials/uses listed under Adult Related Facility.

Lighting, Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The parcel shall contain a sufficient area to meet minimum zoning requirements for use, coverage, and all

other applicable minimum dimensions for yards and other open spaces as are herein or otherwise required.

Lot Area: The area contained within the property lines of individual parcel of land, excluding any area within a street right-of-way. The lot area includes the area of any utility easement or stormwater management facility, but does not include the “flagpole” of a flag lot.

Lot, Corner: A lot adjacent to a street intersection with frontage on two or more streets. Corner lots shall have two front yards.

Lot Coverage: The proportion of a lot which is imperviously surfaced.

Lot Depth: The mean (average) horizontal distance, measured between the street right-of-way or front property line, whichever is less, and the rear property line. Lot depth shall be measured perpendicular or radial to the right-of-way or front property line.

Lot, Flag: A parcel of land created by a subdivision, which includes a narrow projection or “flagpole” to the right-of-way.

Lot, Flagpole: A narrow extension of property on a flag lot from the buildable area of a lot to the right-of-way, and which is not part of the required lot area, but serves as access to the lot or parcel.

Lot Frontage: The lot dimension measure along the right-of-way line of any one street abutting a lot.

Lot, Double Frontage: A lot extending between and having frontage on two (2) streets.

Lot Line: A property line as defined by a sealed survey or legal description for the recorded deed to a lot.

Lot, Nonconforming: See definition for Nonconforming Lot.

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

Lot Width: The length of a straight line, measured at the front building setback line running substantially parallel to the street line, along the full width of the lot.

Manufactured Home: See Mobile Home/Manufactured Home.

Manure Storage Facility: A permanent structure or pond, a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the primary purpose of containing manure or agricultural process wastewater. This includes concrete,

metal or other fabricated tanks and under-building structures, as well as earthen and synthetically-lined manure storage ponds.

Massage Salon: Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

Mature Tree: Any deciduous tree with a DBH (diameter at breast height, 4 ½ feet above the ground) greater than or equal to six inches (6") and any coniferous tree with a height greater than or equal to twelve feet (12').

Mean Sea Level: The average height of the sea for all stages of the tide, using the United States Coastal Geodetic Survey Datum.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement, which the parties themselves create and consider acceptable.

Medical Center: Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

Mineral Extraction: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which requires the removal of the overburden, strata or mineral overlying, above or between, the minerals, rock and other products of the earth or by otherwise exposing and retrieving the minerals of the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

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

Mixed Use: Occupancy of a building or land for more than one (1) use or type of use.

Mobile Home/Manufactured Home: A transportable, single family dwelling intended for permanent occupancy; contained in one (1) unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental

unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation when attached to the required utilities. The term does not include park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than 180 consecutive days. In no event shall a manufactured home be used for any purpose other than a dwelling. The term Mobile Home is interchangeable with Manufactured Home.

Mobile Home/Manufactured Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. The term Mobile Home is interchangeable with Manufactured Home.

Mobile Home/Manufactured Home Park: A parcel or contiguous parcels of land, under single ownership, which has been planned, designed and improved for the placement of two or more manufactured homes for non-transient use. The term Mobile Home is interchangeable with Manufactured Home.

Modular Building/Home: A building which is fabricated and shipped to the erection site. The structure shall meet the requirements of Pa. UCC, and the IBC or IRC.

Motel: See Hotel/Motel.

Motor Home: See Recreational Vehicle.

MPC: Pennsylvania Municipalities Planning Code, Act 247 as amended.

Multi-Generational Housing: Two or more generations of related family members residing in the same structure/house/dwelling unit.

Municipality: Colerain Township

Municipal Engineer: The professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Colerain Township.

NFIP – National Flood Insurance Program.

New Construction: Structures for which the start of construction commenced on or after 12/8/80 (the effective date of the first floodplain management ordinance enacted by Colerain Township for the purpose of complying with the requirements of the National Flood Insurance Program), and including any subsequent improvements thereto.

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 all of the following requirements:

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

Non-Conforming Lot: A lot, the area or dimensions of which was lawful prior to the enactment of this Zoning Ordinance or any amendment hereto, but which fails to conform to the requirements of the Zoning District in which it is located by reason of the enactment of this Ordinance or any amendment hereto.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this or any prior zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or Amendments or prior to the application of such Ordinance or Amendments to its location by reason of annexation. Such structures include, but are not limited to, nonconforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of this or prior zoning ordinance or amendments heretofore or hereafter enacted, where such use lawfully existed prior to the enactment of such Ordinances or Amendments, or prior to the application of such Ordinances or Amendments to its location by reason of annexation.

Noxious Weed: Noxious weeds shall be those listed in Pennsylvania’s “Noxious Weed Control Law”, as it may be amended.

Nursing Facility: A skilled nursing or intermediate care facility, including special rehabilitation and hospital-base facility, that is owned by an individual, partnership, association, or corporation and may be operated on a profit or nonprofit basis.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, other structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

Odor Management Plan: A written site specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located on the site.

Office: A place where the primary use is conducting the affairs of a business, profession, service, or government, 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 Zoning Map – See Zoning Map.

On-Lot Sewer: A single collection and disposal system for waste waters which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

On-Lot Water: A single collection and conveyance system for water supply system which services only one lot.

Open Space: An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and water courses. Open space may also include area used for stormwater facilities; however, no more than 25% of required open space shall be used for stormwater facilities. Open space shall not be deemed to include driveways, parking lots, sidewalks adjacent to streets, or other surfaces designed or intended for vehicular travel or parking.

Other Provisions: All other laws, regulations, legislation, ordinances, controls, conditions, and provisions of this municipality, County, State, Federal, or other governmental entities or instruments (including, but not limited by enumeration to authorities, boards, commissions, committees, agencies, appellate courts of record, etc.) which are or may be applicable to the use, building, or structure, or any activity or happening related thereto, affecting same, or effected thereby.

Parking Lot: Any lot, municipality or privately owned for off-street parking facilities, proving for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

Parking Space: The space within a building, or in a lot or parking lot, for the parking or storage of one (1) vehicle.

Parks, Private: A recreational facility owned or operated by a nonpublic agency and/or conducted as private business. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

Parks, Public: Those facilities designed and used for recreation purposes by the general public that are (1) owned and operating by a government or governmental agency/authority, or (2) are operation on a non-profit basis.

Permit: Any and all grants of authority, permissions, registrations or certifications issued by the Zoning Officer, Sewage Enforcement Officer, Zoning Hearing Board or Board of Supervisors.

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

Personal Care Home: A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, to four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a facility that has held, or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care service, but who are not receiving the services.

Personal Services Facility: A structure or portion thereof in which the services of a person, permitted to practice a specific profession, are offered to the general public. Personal services shall include, but not be limited to, agents, barbers, beauticians, cleaners, doctors, lawyers, optometrists, photographers, post offices, repairing, tailors, funeral directors, utility collection offices, coin operated laundromats, dressmaking, and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.

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

Petroleum Product: Oil or petroleum of any kind and in any form, including crude oil, sludge, oil refuse, and oil or petroleum mixed with other wastes. Petroleum products do not include propane.

Planning Commission: The Planning Commission of Colerain Township, Lancaster County, Pennsylvania.

Plat: The map or plan of subdivision or land development; whether preliminary or final.

Porch: A roofed open-area structure projecting from the front, side, or rear wall of a building.

Premises: Any lot, parcel or tract of land and any structure constructed thereon.

Prime Agricultural Land: Land uses for agricultural purposes that contains Soils classified as Class I, Class II, or Class III soils as defined by the United States Department of Agriculture's Agricultural Land Capability Classification System for Colerain Township soils as delineated by the Soil Survey of Lancaster County, Pennsylvania (1985), as may be amended.

Professional Occupation: The practice of a profession by any professional, including, but not limited to, Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

Public: Owned, operated or controlled by a government agency (federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

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.

Public Meeting: A forum held in conformity with the Act of July 3, 1986 (P. L. 388, No. 84), known as the "Sunshine Act", as amended.

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

Public Road: See Street.

Public Sewer: A system providing sanitary sewage collection and/or disposal for two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public sewer system may be owned and operated by one other than a municipality or a municipal authority, if such system is authorized by the governing body of the municipality and conforms strictly with all other Ordinances and approved and permitted by the Pennsylvania Department of Environmental Protection.

Public Use: A use owned, operated or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions).

Public Utilities: A business enterprise, such as a public service corporation, performing an essential public service and regulated by the federal, state, or local government.

Public or Community Water Supply: A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

Recreational Facility: A recreational use that may include playing fields for baseball, football, lacrosse, rugby, soccer, or similar activities; courts for basketball, tennis, volleyball, or similar activities; skating rinks; skateboarding areas; swimming pools; playground areas suitable for children; or any combination of these uses. Recreational facilities may include ancillary improvements such as off-street parking areas, signage, and lighting, but enclosed structures shall be limited to those accommodating uses clearly accessory to the outdoor recreational function, such as concession stands, storage sheds, locker rooms and shower facilities, first-aid stations, and offices and meeting rooms for the administration of the facility. Recreational facilities may be further classified as described below.

- A. Commercial Recreation Facility: A recreational area operated by a private entity as a commercial, for-profit business that is open to the general public for a fee.
- B. Private Recreational Facility or Club: A privately-owned recreational area or club that has been established as an element of a housing development or group of residences where access is limited to the residents of that development and their guests.
- C. Public Recreational Facility: A recreational area owned by the municipality or some other governmental or public non-profit agency approved by the municipality that is open to the general public. Designation of a recreational area as 'public' shall not stop the operating agency from charging a fee for the

use of facilities to cover administrative, insurance, maintenance, and other operating costs.

- D. Restricted Recreational Facility: A recreational area operated as a membership organization where only members and their guests have access to the facility.

Recreational Vehicle: A vehicle which is

- A. Built on a single chassis
- B. Not more than 400 square feet, measured at the largest horizontal projections
- C. Designed to be self-propelled or permanently towable by a light-duty truck
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repair Services: Not limited to: radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe-repair shops.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time at each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Restaurant: An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out services so long as the area used for carry-out services 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 packages in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

Retail: Those businesses whose principal activities involve the sale of goods and products to the general public. This term shall include internet sales but shall not include adult-related facilities as defined herein.

Retirement and Convalescent Home: A building or group of buildings designed and used specifically for the residence and care of aged or infirm persons, which can include one type of residential facility or a continuum of care; such as retirement communities, assisted care facilities, continuing care facilities, and skilled and intermediate care facilities and Health Care Centers in conjunction with residential facilities.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other public or semi-public similar uses; generally, the right of one to pass over the property of another.

Road: See definition of street.

Roadside Stand: A structure designed or used for the display or sale of agricultural products or other goods produced on the premises upon which such a stand is located.

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

- A. School, Commercial – An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton-twirling, and musical training. Commercial schools are principal uses that are neither home occupations nor day care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance.
- B. School, Private – A school that may offer a wide range of educational or instructional activities (excluding vocation-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.
- C. School, Public – A school licensed by the Department of Education for the purpose of providing elementary, secondary, post-secondary, post-graduate and adult education, and operated by the School District.
- D. School, Vocational-Mechanical Trade – A school that may or may not be operated as a gainful business that principally offers training in any of the following, but not limited to, occupations: truck driving; engine repairs; building construction and general contracting; woodworking; masonry; plumbing; electrical; electronics; computers.

Screening – An assemblage of materials that are arranged so as to block sound, and/or odor, and/or light. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof.

Seasonal Residence – A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eight-two (182) days of the year.

Self-Storage Units – A use of land where secure structures or secure units within a structure are offered for lease to the general public for the storage of customers goods or wares.

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

Setback, Front – The distance between the right-of-way line and the front set back 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 set back line projected the full width of the lot. Commonly called ‘required rear yard’.

Setback, Side – The distance between the side lot line and side set back line projected from the front yard to the rear yard. Commonly called the ‘required side yard’.

Setback Line: A line within a property and parallel to a property or Right-of-way line which delineates the required minimum distance between some particular use of property and that property or street line.

Sewage: Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Stream Law.

Shopping Center: One or more attached buildings devoted to more than one (1) commercial use of the same lot. For the purposes of this definition “attached” shall include buildings that re not physically attached, but share a common parking lot or other common facilities.

Sight Distance – The maximum extent of observed vision (in a vertical or horizontal plane) along a road from a vehicle located at any given point on the road.

Sign – Any structure or device for visual communication which directs attention to a business, commodity, service, or entertainment. The word ‘sign’ does not include the flag, pennant or insignia of any nation, state, city, or other political unit nor public traffic or directional signs.

Sign, Advertising – A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

Sign, Business – A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is located and maintained.

Sign, Identification – A sign or name plate, indicating the name of non-commercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing there.

Sign, Off-Premise – A sign intended for displaying of information not located on or related to the premises on which the sign is situated.

Sign, On-Site – A sign relating in its subject matter to the premises on which it is located.

Sign, Roof – Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

Sign, Temporary – A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

Sign, Wall – A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than eight inches (8”) from such wall.

Sign, Window – A temporary or permanent sign oriented to the right-of-way located either on the inside or outside of a window.

Single and Separate Ownership – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

Soil Survey: The latest published version of the United States Department of Agriculture’s Soil Survey for Lancaster County, Pennsylvania.

Solar Collection System – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy Production Facility, Large – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consists of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant

structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

Solar Energy System, Small – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely 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.

Solar Related Equipment – Item including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

Solid Waste – Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, agricultural and community activities. Solid waste does not include hazardous material as defined herein.

Special Exception: A use permitted in a particular zoning district when granted by the Zoning Hearing Board and pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, as amended.

Storage Facility – Building(s) intended for the lease of storage spaces for the sole purpose of storing household goods, documents, motor vehicles, or recreational equipment. (Also see “Self Storage”.)

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

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, Cul-de-Sac – A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street, Arterial – A street that represents substantial statewide, interstate, or regional travel and movements between major urban areas. [See Section 10.02]

Street, Major Collector – A street that serves primarily intra-county trips and link with arterial streets. [See Section 10.03]

Street, Minor Collector – A Street that accumulates traffic from Local Streets and brings all development area within reasonable distance of collector roads. A minor collector street provides service to small communities. [See Section 10.04]

Street, Local – A Street primarily provides access to adjacent land and serves travel over relatively short distances. Generally interaction with vehicles entering and exiting the highway network is expected. [Section 10.05]

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structure, Principal – A structure or a group of structures where the context so indicates in or on which is conducted the principal use of the lot on which such structure is located.

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

Structure, Garden – Included in this category of structures are; arbors, aviaries, pergolas, trellises, barbecue shelters, and free standing screens or baffles and similar structures as however called. Unscreened, unroofed, un-walled, or unfenced patios, birdbaths, ornamental pools and swimming pools are not considered as garden structures.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: A lot add-on is included in this definition. However, the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street of easement of access of any residential dwelling, shall be exempted.

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

Substantial Improvements: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent 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:

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

Substantially Completed – Where, in the judgment of the municipal engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Swimming Pool – Any structure containing, or normally capable of exceeding 24 inches in water depth. Swimming pools shall be considered accessory structures when located on a lot with a residential dwelling. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose of their construction.

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

Theater – See definition for Cinema.

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

Use – The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term ‘permitted use’ or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory – A use customarily incidental to and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.

Use, By Right – A use permitted in a zoning district without the need for a special exception, variance, or conditional use approval.

Use, Non-Conforming – See definition for Non-Conforming Use.

Use, Principal – The main or primary purpose for which any land, structure, building or use thereof is designed, arranged or intended, or for which they may be occupied, maintained, or utilized under the zoning ordinance. All other structures, building or uses on the same lot, incidental or supplementary thereto and permitted under the zoning ordinance, shall be considered accessory uses.

Use, Temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use And Occupancy Permit – A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the building permit and the zoning ordinance.

Variance: An approved modification of the provisions of this Ordinance for a particular property as granted by the Zoning Hearing Board, and as provided in the Pennsylvania Municipalities Planning Code, Act 247, as may be amended.

Vehicle/Trailer: Every device in, upon or by which any person or property is or could be transported or drawn over land, except devices used exclusively upon rails or tracks.

Vehicular Wash Facility (Car Wash) – A building on a lot, designed and used primarily for the washing, polishing, and/or detailing of automobiles and which may provide accessory services set forth herein for Automobile Filling Service Stations.

Veterinarian's Office – A building used primarily for the treatment and evaluation of animals by a veterinarian. No outdoor boarding of animals is permitted.

Warehouse – A building where wares, goods, or raw materials are stored before distribution to retailers or are kept in reserve.

Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, wetland 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.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytes typically adapted for life in hydric soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any areas designated as wetlands by the United States Army Corps of Engineers, a river basin commission, or the municipality.

Wind Charger - A wind-driven direct-current generator used for charging storage batteries.

Wind Energy Conversion System (WECS) – A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological tower, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Production Facility, Large – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

Wind Energy System, Small - A wind energy conversion system consisting of a wind turbine or windmill, tower and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

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

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

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

Wooded Area: Any area having more than one (1) viable tree (at least six (6) inches in diameter measured one (1) foot above the ground) per two thousand five hundred (2,500) square feet of lot area excluding tree farms, orchards or other horticultural activities.

Yard: The unobstructed open space on a lot around a building. For this Ordinance, porches and car porch shall be considered a part of the building. Normal overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements.

Yard, Front – See Setback, Front.

Yard, Rear – See Setback, Rear.

Yard, Side – See Setback, Side

Zoning – The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Hearing Board: The official municipal body having jurisdiction to render final adjudications in accordance with this Ordinance and the *Pennsylvania Municipalities Planning Code, Act 247*, as may be amended.

Zoning Map: The officially adopted Zoning Map of Colerain Township, together with all amendments thereto subsequently adopted.

Zoning Officer: The duly constituted municipal official or their authorized representative designated to administer and enforce this Ordinance in accordance with its literal terms.

Zoning Ordinance – The Colerain Township Zoning Ordinance.

Zoning Permit: A written statement issued by the Zoning Officer, or authorized representative, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.