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**ORDINANCE NUMBER 2006-178**

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR THEIR PURPOSES; AND FOR THESE PURPOSES ESTABLISHING DISTRICTS AND BOUNDARIES AND DESIGNATING AND REGULATING AGRICULTURAL, RESIDENTIAL; COMMERCIAL AND INDUSTRIAL USES WITHIN SUCH DISTRICTS AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE TOWNSHIP OF CARROLL, IN THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of the Township of Carroll, in the County of York and the Commonwealth of Pennsylvania, that Ordinance No. 2006-178 (The Carroll Township Zoning Ordinance), is as follows:

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# Article 1

## Background Provisions

### Section 101 Short Title

This Ordinance shall be known and may be cited as the Carroll Township Zoning Ordinance.

### Section 102 Purpose

This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, and fire protection.
2. To prevent one or more of the following: overcrowding, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. This Ordinance is enacted as a part of the overall planning program for orderly growth and development of Carroll Township and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

### Section 103 Scope

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

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## **Section 104 Interpretation**

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

## **Section 105 Conflict**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued there under, except as provided, and only to the extent permitted by MPC Section 508(4). Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, except as provided for in Article 4 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation which imposes the greater restriction shall apply.

## **Section 106 Validity**

The provisions of this Ordinance are declared to be severable. Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be illegal, unconstitutional, or otherwise invalid, such decision shall not affect or impair the validity of any other section, subsection, sentence clause, phrase or provision of this Ordinance or of any other part thereof.

## **Section 107 Uses Not Provided For**

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a Landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it (i) is of the same general character as the enumerated permitted uses in the zone; (ii) is in accordance with the intended purpose of the zone; (iii) is not permitted in any other zone by the Ordinance; and (iv) will comply with all performance standards applicable to permitted uses in the zone. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character as the enumerate permitted uses in the zone, is in accordance with the intended purposed of the zone, is compatible with the permitted uses in the zone, is not permitted in any other zone, and will comply with all performance standards applicable to permitted uses in the zone.

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## **Section 108 Establishment of Zones**

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

1. Agricultural-Conservation Zone (AC)
2. Residential Agriculture Zone (RA)
3. Residential Suburban 1 Zone (RS-1)
4. Residential Suburban 2 Zone (RS-2)
5. Residential Suburban 3 Zone (RS-3)
6. Mixed Use 1 Zone (MU-1)
7. Mixed Use 2 Zone (MU-2)
8. Commercial Zone (C)
9. Industrial Zone (I)

## **Section 109 Zoning Map**

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

## **Section 110 Zone Boundary Lines**

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

## **Section 111 Community Development Objectives**

This Ordinance is enacted in accordance with the Northern York County Region Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted to reflect to the community development objectives listed in the Official Comprehensive Plan, Carroll Township, York County, PA.

## **Section 112 Definitions**

### **A. Word Usage**

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.

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**B. Language Interpretation**

In this Ordinance, when not inconsistent with the context:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word person includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
5. The term “*shall*,” “*will*,” or “*must*” is always mandatory.
6. If a word or term is defined in the MPC, then it shall have the meaning defined in the MPC.

**C. Specific Words And Phrases**

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE – An improved surface other than a Street, Shared Driveway, or Driveway, designed and constructed to provide access from a Street to any use other than Agriculture and other than an individual residential dwelling unit, or to a Parking Lot.

ACCESSORY USE OR STRUCTURE – A use or structure closely incidental or subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

ACT – See MPC.

ADJUSTED TRACT AREA – The net buildable land area of a proposed development site, determined by deducting specific percentages of various categories of constrained land from the gross tract area as described in the Carroll Township Subdivision and Land Development Ordinance.

ADJUSTED TRACT AREA APPROACH – One of two methods of determining the maximum number of permitted dwelling units in conservation subdivision where the adjusted tract area of the site equals the gross tract area minus the constrained land on the site. A worksheet for the methodology is provided in Exhibit A of the Carroll Township Zoning Ordinance.

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

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

Adult Body Painting Studio: Any establishment or business, including but not limited to a tattoo parlor, which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

Adult Bookstore: Any establishment which has twenty percent (20%) or more of its stock in trade consisting of:

Books, films, videotapes, video storage media, magazines, or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

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

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

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

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Adult Mini-Motion Picture Theater: An enclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any figure studio or school of art or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized there under, to issue and confer a diploma.

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

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult News Rack: Any card- or coin-operated machine or device which dispenses material which depicts, describes or relates to specified sexual activities or specified anatomical areas.

Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time

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specified anatomical areas are displayed or specified sexual activity occurs.

Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

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

Adult Video Store: Any establishment which has twenty (20%) percent or more of its stock in trade consisting of video tapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction, or description of specified sexual activities or specified anatomical areas.

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

ADVERTISEMENT – The outdoor display of any writing, printing, picture, painting, emblem, drawing, sign or similar device intended to invite or draw the attention of the public to any goods, merchandise, property, business, service, entertainment, amusement or industrial activity or establishment.

ADVERTISING STRUCTURE – Any rigid or semi-rigid material with or without advertisement displayed thereon situated upon or attached to or which is part of real property for the purpose of furnishing a background, base surface or support upon which an advertisement may be posted or displayed outdoors.

AGRICULTURE – The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition includes greenhouses for stock to be distributed wholesale, but excludes greenhouses with retail sales and intensive animal operations as defined herein. Agriculture can involve the incidental slaughter for personal consumption of livestock which have been raised on the site. (See also FARM.)

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market

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or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIRPORT – A place use where aircraft are stored, maintained, repaired, and refueled, and where aircraft take-off and land. Airports may also include other accessory accommodations for aircraft passengers, cargo, or both.

AISLE – The traveled way contiguous to parking spaces by which vehicles enter and depart parking spaces within a parking lot

ALLEY – A minor right-of-way, privately or publicly owned, for secondary access to the rear and/or side of properties.

ALTERATIONS – An action involving any of the following:

- a. A change in the size of a building, structure, or both;
- b. A change in the use of property; or,
- c. A rearrangement or relocation of a building, structure, use, or any combination thereof, upon a property.

AMUSEMENT ARCADE – An indoor commercial establishment which provides as a principal use, amusement devices, games of skill or chance, or both (e.g., pinball machines, video games, electronic or water firing ranges and other similar devices). This definition does not include the use of three (3) or less such devices as an accessory use.

AMUSEMENT PARK – Outdoor paintball, snow tubing, go carts and similar.

ANIMAL HOSPITAL – Any establishment offering veterinary services that includes outdoor and overnight boarding of animals.

APARTMENT – A living unit in a multiple dwelling structure.

APARTMENT CONVERSION – Creation of two or more living units by conversion of an existing structure.

APPLICANT – A landowner or developer or his agent who has filed an application for any permit required by This Ordinance or an application for site development plan review, use by special exception, conditional use, or a variance as allowed by This Ordinance including his heirs, successors and assigns.

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AUCTION HOUSE – A building used for the conduct of public auctions of goods by a licensed auctioneer or apprentice auctioneer. Three types of auction houses are defined:

- (1) Livestock Auction: A building used solely for the conduct of public auctions of livestock.
- (2) Automobile and Truck Auction: A building used solely for the conduct of public auctions of motor vehicles.
- (3) Auction House for Household and Other Goods: A building used solely for the conduct of public auctions of household and other goods, specifically excluding livestock and automobiles and trucks.

AUTOMOBILE BODY SHOP – A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles for conveyance.

AUTOMOBILE FILLING 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.

AUTOMOBILE REPAIR GARAGE – A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

AUTOMOBILE 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 and which may include accessory facilities for rendering services such as lubrication, washing and minor repairs.

BANKS – (See Financial Institution)

BASE FLOOD – The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION – The projected flood height of the base flood.

BASEMENT – any area of the building having its floor below ground level. For the purposes of meeting State and Federal requirements related to the Floodplain Overlay District, the definition is any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST INN – An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided.

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**BEEKEEPING** – An agricultural use or an accessory residential use in which bees are raised, kept, or both.

**BILLBOARDS** – Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

**BOARD** – The Carroll Township Zoning Hearing Board duly appointed by the Township Board of Supervisors

**BOARD OF SUPERVISORS** – The duly elected governing body of the Township of Carroll.

**BOARDING HOUSE** – A dwelling or part thereof where meals and lodgings are provided for compensation for at least two (2) but not more than six (6) persons not transients and no public restaurant is maintained.

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

**BUILDING AREA** – The horizontal area measured around the outside of the foundation walls plus the floors of roofed porches and roofed terraces, and including the area of accessory buildings if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a partial story of height.

**BUILDING HEIGHT** – For all uses other than Single Family Attached dwellings (Townhouses), Building Height shall be the vertical distance from the finished grade at the building's corners to the highest point of the roof, structure, or building. For Single Family Attached dwellings (Townhouses), Building Height shall be the vertical distance from the finished grade at each dwelling unit's corners to the highest point of the roof, structure, or building at each dwelling unit's corners.

**BUSINESS** – Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term business shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

**CAMP** – Any one or more of the following, other than a hospital, place of detention, school offering general instructions, or a trailer camp or trailer court.

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- Type 1 Any area of land or water of a design or character suitable for seasonal, recreational or other similar temporary living purposes; or
- Type 2 Any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters, which are located in a Type 1 camp area; or
- Type 3 Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or by children, either as individuals, families, or groups.

CAR WASH – A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing, vacuuming, or any combination thereof, of vehicles are provided.

CARE BED – Includes licensed bed and/or long term care bed as defined by the Commonwealth of Pennsylvania or other regulatory authority.

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

CARTWAY – The portion of a street right-of-way intended for vehicular travel and parking.

CEMETERY – Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CHURCH AND RELATED USES – A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, church-related schools, church-related day care facilities, or any combination thereof.

COMMERCIAL CONVENIENCE CENTER – A planned center designed and located to primarily serve those employed within the immediate vicinity.

COMMERCIAL TRUCK – A vehicle, other than a recreational vehicle, that exceeds an actual vehicle weight of nine thousand (9,000) pounds.

COMMON OPEN SPACE / REQUIRED OPEN SPACE – Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention

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basins shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings.

COMMUNICATION ANTENNAS – Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. The terms “communication antenna” does not include a receiving facility for the sole use of an individual consumer and located on the property in which such individual consumer resides.

COMMUNICATION TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The terms includes the structure and any support thereto.

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.

COMPREHENSIVE PLAN – The most recently adopted version of the Northern York Region Comprehensive Plan, York County, PA, including any amendments.

CONDITIONAL USE – A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses are satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with this Ordinance.

CONDOMINIUM – A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONTRACTOR’S OFFICE OR SHOP – Offices and shops for tradesmen, such as those contractors engaging in plumbing, welding, heating, air conditioning, electrical, roofing, flooring, glass, and swimming pools and hot tubs, and other structural components of buildings.

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

The rental of video tapes, or video storage media, excluding an adult bookstore;

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The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and,

The use of no more than three (3) amusement devices (e.g., pinball machines, video games, and other similar devices).

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

CONVENTION CENTER – A facility in a completely enclosed building used for civic corporate, trade and professional meetings, seminars training, trade shows and/or exhibition of products and technology and which may include supporting care, dining, lodging, and recreational facilities as accessory uses.

COUNTY COMPREHENSIVE PLAN – A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

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

Commercial Day-Care: A day-care facility that offers care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include group child day-care homes and child day-care centers, as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.

Family Day-Care: A day-care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision are offered to between one (1) and six (6) nonresidents of the site during any calendar day. Family day-care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.

DEVELOPMENT – any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and

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excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

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

Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury, trauma, or any combination thereof.

Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.

Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

DEVELOPMENTALLY DISABLED PERSON – A person with a developmental disability.

DIESEL POWERED MOTOR VEHICLE - A self-propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine. The definition does not include non-road diesel vehicles, but does include construction equipment.

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

DOMESTIC PETS – The noncommercial keeping of no more than six (6) adult animals that are locally available for purchase as pets as an accessory use to a dwelling unit. Domestic pets shall not include farm animals, horses, or any animal or bird for which a permit is required under the Pennsylvania Game and Wildlife Code, 34 Pa. C.S. § 101 et seq., or the regulations of the Pennsylvania Game Commission.

DRIVEWAY – An improved surface other than a Street, Access Drive, or Shared Driveway, designed and constructed to provide vehicular access from a Street to an individual residential dwelling unit or an Agricultural use. A driveway may also be used to provide access from an Access Drive to an individual semi-detached or semi-attached residential dwelling unit.

DWELLING – Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and

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permanently-designed public or on-lot sewer, public or on-lot water, electrical and other utility systems.

Single-Family Attached: A freestanding building containing more than two (2) dwelling units for more than two (2) families, arranged in a side-by-side configuration. If constructed on individual lots each unit shall have one (1) front yard, one (1) side yard, and one (1) rear yard (no yard along the common lot lines). Also commonly known as a Townhouse.

Single-Family Detached (SFD): A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and two (2) rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they are permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

Single-Family Semi-Detached: A freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side configuration. Each unit shall be constructed on individual lots and shall have one (1) front yard, one (1) side yard, and one (1) rear yard (no yard along the common lot line).

Mobile Home: For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings of this Ordinance

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

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies providing gas, electric, telephone, water transmission or distribution, including buildings, enclosures, wells, standpipes and towers, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals and hydrants reasonably necessary for the

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furnishing of adequate service by such public utilities or municipal or other agencies for the public health, safety or general welfare, excluding power generation facilities.

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 the passage of water.

FAMILY – An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit and those individuals residing in a group home.

FAMILY PLOT – A burial plot or family cemetery accessory to a single-family detached dwelling for the burial of deceased individuals who are related by blood, marriage or adoption.

FARM – A parcel or parcels of land which are used for a principal agricultural use, including one single-family detached dwelling and other necessary farm structures, and the use, repair, maintenance, and storage of equipment associated with the principal agricultural use.

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

FILTER STRIP – An area of land abutting a stream where the dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for streambank stabilization and which shall remain in such vegetation unless other development is authorized under this Ordinance.

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

FLOODPLAIN/FLOODPLAIN AREA – An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING – Structural or other changes or adjustments to properties or obstructions for the reduction or elimination of flood damages to such properties and obstructions, or to the contents of any structure.

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FLOODWAY – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude

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

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

FRONT BUILD-TO-LINE – An area establishing the required location for all, or a portion of a building's front facade, as measured from the street line.

FRONTAGE – The continuous linear distance taken along a property's common boundary with an adjoining street right-of-way.

FUNERAL HOME – A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

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

GROUP HOME – A single-family dwelling operated with a program to provide a supportive long term living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap.

HAZARDOUS MATERIAL – A substance or combination of substances that, because of the quantity, concentration, physical, chemical or infectious characteristics, if not properly treated, stored, transported, used, or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous substances include substances regulated under DEP regulations. Also included are floatable materials with the potential to cause physical, or chemical damage such as storage tanks, logs, and the like.

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HAZARDOUS WASTE – Any substance defined as a hazardous waste under the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 et seq., the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. §6020.101 et seq., the Clean Streams Law, 35 P.S. §691.1 et seq., the Federal Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., and the regulations of the PA DEP and the United States Environmental Protection Agency.

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

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

HEAVY DUTY - Any motor vehicle with a gross vehicle weight rating of more than 8,500 pounds, or that has a curb weight of more than 7000 pounds, or that has a passenger carrying capacity of more than 12 persons.

HEAVY EQUIPMENT – Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, yachts, industrial machinery, etc.

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

HISTORIC STRUCTURE – Any structure that is:

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;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Listed in the Northern York Region Comprehensive Plan as a Historic Structure;

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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

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior or

Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION – A business or commercial activity other than a no-impact home-based business that is conducted as an accessory use to and within a principal single-family detached dwelling.

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

IDLING - The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine manufacturer, or when the accelerator is fully released and there is no load on the engine.

INTENSIVE ANIMAL OPERATION – An agricultural use involving more than seventy-five (75) livestock; or more than two-hundred (200) birds, such as, but not limited to chickens and turkeys.

IMPERVIOUS SURFACE – A surface made of materials which prevent the percolation of water into the ground. These materials include semi-impervious materials, such as gravel, stone and block.

JOINT-USE DRIVEWAY – An improved cartway designed and constructed to provide for vehicular access between a street or access drive and two (2) or more dwelling units, or their respective lots.

JUNK – Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, which are being stored awaiting potential reuse, recycling or ultimate disposal.

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JUNK YARD – An area of land with or without buildings, used for the storage, outside of an completely enclosed building, of used or discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, part thereof, with or without the dismantling, processing, salvage, sale, or other uses or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junk yard.” For the purpose of this definition, a disabled vehicle is (1) a vehicle intended to be self-propelled that shall not be operable under its own power for any reason or (2) where inspection and/or registration is required, a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.

KENNEL – Any lot on which six (6) or more animals that are older than six months (except relating to a farm) are kept either for the day or overnight, boarded, raised, bred, treated, or trained, for a fee, or for sale, including but not limited to dog or cat kennels, also including the use of land, building, enclosed area, and/or structure having six (6) or more animals.

LAND APPLICATION OF SEWAGE SLUDGE – The spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below land surface or the incorporation of sewage sludge into the soil.

LANDSCAPE BUFFER – A strip of land outside of a Street Right-of-way, and usually along the perimeter of the lot, designed, constructed, and maintained to separate uses or activities on a lot from other uses or activities through the use of trees, shrubs, hedges, perennials and ground cover.

LANDSCAPE SCREEN – A strip of land outside of a Street Right-of-way, and usually along the perimeter of the lot, designed, constructed, and maintained to form a visual separation from one side to the other side through a the combined use of low level and high level planting elements (such as deciduous and coniferous trees, shrubs, hedges, perennials and ground cover).

LAUNDROMAT – A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

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

LOT – Any parcel, plot, or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development. A lot herein defined must coincide with a single lot of record. A lot not otherwise specified is defined as having frontage along a (i) public street, or (ii) a street that has been dedicated to the Township, or (iii) a private street that has been improved to the standards in the SALDO for a public street.

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

LOT LINE – A line of record which divides one (1) lot from another lot, or from a public or private road or any other public space. Where a lot abuts a public right-of-way, the lot line for regulatory purposes shall be the right-of-way line.

LOT OF RECORD – A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.

LOT WIDTH – The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the street right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the minimum building setback line.

LOWEST FLOOR – 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.

MANUFACTURE – A function involving either the processing, changing of shape, conversion or production of materials, goods, or products.

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

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

MAXIMUM FLOOD ELEVATION – The water surface elevations of a flood which would completely fill the floodplain.

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

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MEDICAL RESIDENTIAL CAMPUS – A coordinated development of residential, medical, commercial, service, civic, and recreation uses that are blended to create a comprehensive environment offering various levels of nursing care.

METHADONE TREATMENT FACILITY – A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

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

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

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

MOBILE, or MANUFACTURED HOME – Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed. For the purposes of this Ordinance, the term “manufactured home” shall mean a structure, transportable in one or more sections, which is build on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, recreational vehicles and other similar vehicles which are placed on a site for more than 180 consecutive days.

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MOBILE, or MANUFACTURED HOME LOT – A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

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

MOTOR VEHICLE - All vehicles propelled other than by muscular power except such vehicles that run only on rail or tracks.

MOTOR VEHICLE SALES – Any building or land utilized for the retail sales or leasing of vehicles, including accessory service and repair facilities if conducted within a wholly-enclosed building.

MOTOR VEHICLE SERVICE – The retail repair, servicing, maintenance and reconstruction of vehicles but not including car washes as defined herein.

MOTOR VEHICLE SERVICE, DRIVE THRU – The retail servicing of motor vehicles within a wholly-enclosed building where the customer driving the vehicle does not leave the vehicle while waiting for or obtaining service. This type of service facility would specialize in one aspect of vehicle service such as changing/replacing motor vehicle lubricants and fluids.

MPC – The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by the Act of December 21, 1988, P.L. 1329, No. 170, and as amended, 53 P.S. § 10101 et seq.

MULTIPLE FAMILY DWELLING – A freestanding building containing three or more dwelling units, arranged such that one or more dwelling unit is above another dwelling or dwellings. Commonly referred to as an apartment building.

MUNICIPAL USE – Any use owned or operated by the Township.

NEW CONSTRUCTION – structures for which the start of construction commenced on or after March 2, 1981, and includes any subsequent improvements thereto.

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

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**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, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use. The business or commercial activity must satisfy all of the following requirements:

The business activity shall be compatible with the residential use of the property and surrounding residential uses.

The business shall employ no employees other than family members residing in the dwelling.

There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.

The business may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.

The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.

The business may not involve any illegal activities.

**NONCOMMERCIAL KEEPING OF LIVESTOCK** – An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

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

**NONCONFORMING STRUCTURE** – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter

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enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. Nonconformities are regulated by Article 5 of this Ordinance.

NONCONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL – Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto. Nonconformities are regulated by Article 5 of this Ordinance.

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

OFF-TRACK BETTING PARLOR – A commercial use at which persons can visit to wager upon, and observe by remote display, the outcomes of events that are taking place elsewhere.

ON-LOT SEWER SERVICE – The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, or within an approved sewage effluent easement, as approved by the PA DEP.

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

ONE HUNDRED YEAR FLOOD – The highest level of flooding that, on the average, is likely to occur every one hundred (100) years, that is, that has a 1% chance of occurring each year.

ONE HUNDRED (100) YEAR FLOOD BOUNDARY – The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years [i.e., that has a one percent (1%) chance of being flooded each year]. A study by the Federal Emergency Management Agency, 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 a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

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ONE HUNDRED (100) YEAR FLOOD ELEVATION – The water surface elevations of the one hundred (100) year flood.

OPEN SPACE – A space unoccupied by buildings or other impervious surfaces, and open to the percolation of rainwater.

PA DEP – Pennsylvania Department of Environmental Protection.

PARENT TRACT – When used in determining the permissible number of Driveways, each individual York County Tax Map Parcel in existence on August 18, 2003, shall be considered a Parent Tract.

PARKING LOT – An accessory use in which required, and possibly additional parking spaces and Aisles are provided.

PARKING SPACE – A delineated off-street space with an improved surface available for the parking of one (1) motor vehicle and having usable access to a street.

PENNDOT – Pennsylvania Department of Transportation.

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

PERSONAL CARE FACILITY – Coordinated and centrally managed rental housing, including self-contained units designed to provide a supportive environment to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen, and organized social activities for residents and their invited guests. Such a use shall primarily serve persons fifty-five (55) years of age and older, person with physical handicaps and/or developmentally disabled. Personal Care Facilities shall be licensed by the Commonwealth of Pennsylvania.

PLANNING COMMISSION – The Planning Commission of Carroll Township.

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

PLAYHOUSE – A structure, detached from the primary structure, which may include walls, a roof, or a platform elevated off of the ground, designed or used for occasional occupation.

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

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

Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.

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

**PRIVATE CLUB** – 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 the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities, off-track betting parlors, golf courses, shooting ranges, nightclubs, campgrounds, or airports, unless the respective requirements of this Ordinance are satisfied.

**PROCESSING** – A function which involves only the cleaning, sorting, sizing, packaging, or any combination thereof, of products and materials.

**PUBLIC** – Owned, operated, or both, by the Township, a Township-supported fire company, Township-supported ambulance association, or library or public library association.

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30

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days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception, variance, or any combination thereof, requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC PARK – An area owned or operated by a governmental unit or public utility maintained principally for active or passive outdoor recreation which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, restrooms, picnic tables, cooking grills, and similar facilities. A park shall not include improvements for or permit motorized recreation, such as go-karts, or arcade games, carnival rides, or similar activities.

PUBLIC SEWER – A municipal or municipal authority’s sanitary sewer system.

PUBLIC TRANSPORTATION DEPOT – A building, structure, or area designed and used for and used persons utilizing and/or changing public transportation modes.

PUBLIC UTILITIES – Use or extension thereof which is operated, owned, or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; or public water supply, storage, treatment, or any combination thereof.

PUBLIC WATER – A municipal, municipal authority’s, or public utility’s water supply system.

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

RECREATION FACILITY – An activity operated open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, miniature golf courses, museums, etc. This does not include adult-related uses, shooting ranges, amusement arcades, nor off-track betting parlors, nor anything else defined in this Ordinance.

RECREATIONAL VEHICLE – A portable structure, primarily designed to provide temporary living quarters for recreation, camping, or travel purposes.

For the purposes of the Floodplain Overlay District (FP), the term recreational vehicle shall include a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently

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towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATED HUNTING GROUND – A public hunting ground meeting all requirements of the Pennsylvania Game Commission.

REGULATED FISHING GROUND – A public fishing ground meeting all requirements of the Pennsylvania Fish Commission Law.

REGULATORY FLOOD ELEVATION – The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

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

REPAIR – A function involved in correcting deficiencies of products that affect their performance, appearance, or both.

RESIDENTIAL ZONE – The AC, RA, RS-1, RS-2, RS-3, and MU-1 and MU-2 Zones.

RESTAURANT – An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area or eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT, DRIVE-THROUGH – An establishment that primarily serves foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation includes a drive-up window so that foods or beverages are served directly to motorist customers or by means which eliminate the need for the customer to exit the motor vehicle.

RESTAURANT, FAST-FOOD – An establishment that primarily serves rapidly prepared foods, confections, or beverages to the customer in a ready-to-consume state, and whose method of operation is such that customers normally order the product at a central location separate from the tables or counters used for consumption. Cafeteria service establishments in which a customer serves himself while passing along a food-service line are also considered fast-food restaurants.

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

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RETAIL SERVICE BUSINESSES – An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail, wholesale, or services to businesses. These businesses do not include adult-related uses.

RIDING STABLE – A principal use whereby equestrian instruction is offered and/or horses are kept, bred, trained, exercised, or any combination thereof, upon land not occupied by the owner of the horse(s).

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

SALDO – The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

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

SAWMILL OPERATIONS – A principal use consisting of a building, structure, or area where timber is cut, sawed, or planed, either to finished lumber, or as an intermediary step, and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis. The processing of timber may be from the property on which it is located, from adjoining property, or from other properties removed from the sawmill.

SCHOOL, COMMERCIAL – A post secondary school that may offer a wide range of educational or instructional activities that may, or may not, be operated as a gainful business by some person or organization other than the public school district.

SCHOOL, PRIVATE – A school that offers elementary, secondary, or any combination thereof, education that may, or may not, be operated as a gainful business.

SCHOOL, PUBLIC – A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the Northern York School District.

SEASONAL RESIDENCE – A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty (180) days of the year.

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SEMI-IMPERVIOUS SURFACE – A surface such as stone, rock, or other material which prevents some percolation of water into a ground.

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

Setback, Front: The distance between the street right-of-way line and some particular use projected the full width of the lot.

Setback, Rear: The distance between the rear lot line and some particular use, projected the full width of the lot.

Setback, Side: The distance between the side lot line and some particular use projected from the front yard to the rear yard.

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

SEVERE DEVELOPMENT CONSTRAINTS – Slopes in excess of 15 percent, soils with severe limitations for development as described by the SCS Soil Survey for York County, floodplain, wetlands, rock outcrops, streams, watercourses, or drainageways.

SHARED DRIVEWAY – An improved surface other than a Street, Access Drive, or Driveway, designed and constructed to traverse one or more properties via an easement or Right-of-way which is limited in nature (as opposed to the broad nature of a Street Right-of-way), to provide access to a different residential property or Agricultural use.

SHOOTING RANGE, INDOOR – A completely enclosed building where firearms and other projectile-type weapon (e.g. guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOOTING RANGE, OUTDOOR – The use of land outside of a completely enclosed building where firearms and other projectile-type weapon (e.g. guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER – One store, or a planned center of stores, or stores and offices containing more than 40,000 square feet of gross floor area designed for

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the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN – A device for visual communication that is used to bring the subject to the attention of the public. A sign shall not include flags or other insignia of any government or fraternal organization.

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

Flat Wall Sign: A sign that is displayed, mounted, or both, upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall.

Freestanding Sign: A sign erected upon a permanently-affixed, independent structure (legs or base).

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

Outparcel Sign: A sign affixed to a freestanding unit of occupancy contained within a planned commercial center.

Permanent Sign: A sign that is expected to be continuously displayed during the presence of a principal land use.

Portable Sign: A sign that is intended to easily be moved and not permanently affixed to a structure or the ground.

Temporary Sign: A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site.

Under Canopy Sign: A sign that identifies one (1) leasable unit within a shopping center and is hung from an overhead canopy of the shopping center, or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.

Wall Projecting Sign: A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

SINGLE AND SEPARATE OWNERSHIP – The ownership of a lot by one (1) or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

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**SLUDGE** – Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment facility or water treatment facility. Sludge includes, but is not limited to, domestic septage; scum or solids removed in primary secondary, or advanced wastewater treatment processes; and material derived from sewage sludge. Sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Domestic sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters treatment works.

Industrial wastewater is wastewater generated in a commercial or industrial process.

Grit (sand, gravel, cinders, or other materials of high specific gravity).

Screenings (relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

The sewage treatment residues may consist of viscous semi-solid mixture of bacteria and virus-laden organic matter, toxic metals, synthetic organic chemicals, and settled non-biodegradable solids removed from domestic and industrial wastewater at a sewage treatment plant.

**SLUDGE SITE** – An area of land used for the application of sludge.

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

**SPECIAL EXCEPTION** – A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Article 6 of this Ordinance.

**SPECIFIED ANATOMICAL AREAS** – Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, human male genitals in a discernible turgid state, or any combination thereof, even if completely and opaquely covered. (See ADULT-RELATED USES.)

**SPECIFIED SEXUAL ACTIVITIES** – For the purposes of this Ordinance, this term shall include any of the following (see ADULT-RELATED USES):

Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or

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the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or

Erotic or lewd touching, fondling or other contact with an animal by a human being; or

Human excretion, urination, menstruation, vaginal or anal irrigation.

STOCKYARD – A use whereby livestock are kept temporarily until slaughtered or shipped elsewhere.

STORAGE – A function involving the deposition of materials, goods, products, or any combination thereof, for safekeeping.

STOREFRONT – The wall of a unit of occupancy which faces the front yard within a planned commercial center, as defined herein.

STORM WATER MANAGEMENT BASIN – Any facility used to retain or detain storm water, that is part of a storm water management system including the berms, embankments, outlet structures, and emergency spillway.

STREAMS – Naturally-occurring bodies of surface water, flowing in defined beds or channels. Flow may be either continuous, or only during wet periods.

STREET – An existing or planned (with Township Approval according to law) cartway, which may include the following: shoulders, curb, together with adjacent sidewalk, treelawn and other items appurtenant thereto, and its associated right-of-way. Access Drives, Shared Driveways, and Driveways are not Streets. The terms and requirements of the right-of-way provided for a Street shall allow and not exclude access, the installation of utilities, sidewalk, stormwater drainage facilities, and other appurtenances necessary and proper for the functioning of the Street. A Street includes avenue, boulevard, road, highway, freeway, parkway, or alley, used or intended to be used by vehicular

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traffic, cyclists, and pedestrians, stormwater drainage facilities, and utilities whether public or private, including the Street Right-of-Way.

STREET CENTERLINE – The horizontal line parallel to and bisecting 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.

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

STRUCTURE, ACCESSORY – A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

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

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;

Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWIMMING POOL – Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than two (2) feet. Farm ponds, ornamental ponds, and lakes are not included, provided that swimming was not the primary purpose for 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 live entertainment shall be permitted.

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TESTING – A function involving the examination and assessment of qualities, performances, capabilities, or any combination thereof, of a product, good or material.

THEATER – A building, room, or outdoor structure for the presentation of live performances or motion pictures.

TOWNSHIP – Carroll Township.

TRUCK STOP – A planned center in which two (2) or more different truck and transport-related uses are provided on a common site.

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

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

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

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

VARIANCE – A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to the requirements of this Ordinance.

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

WASTE – Garbage, refuse, and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as waste by the PA DEP and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between waste and junk or recyclables is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

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WASTE HANDLING FACILITY, PRINCIPAL – A principal use whereby waste is brought to the site for storage, processing, treatment, transfer, or disposal.

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

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

WECS UNIT (Wind Energy Conservation System) – Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, controls and associated electronics, and any device, such as a tower, used to support the hub, rotary blades, etc., or any combination thereof.

WECS UNIT (Wind Energy Conservation System), COMMERCIAL – Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, controls and associated electronics, and any device, such as a tower, used to support the hub, rotary blades, etc., or any combination thereof which has a rated capacity of more than 100 KW.

WECS UNIT (Wind Energy Conservation System), SMALL – Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, controls and associated electronics, and any device, such as a tower, used to support the hub, rotary blades, etc., or any combination thereof which has a rated capacity of not more than 100 KW and which is intended to primarily reduce on site consumption of utility power.

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

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

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

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WOODLANDS – An area or stand of trees, one-quarter (1/4) acre or more in extent, having a continuous canopy and located on an individual lot.

YARD – An area between permitted structures or a particular use, and the property lines.

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

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

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