

ARTICLE V. TERMINOLOGY (Amended by Ordinance 2016-06, dated 3/28/2016; Ordinance 2016-18, dated 9/26/2016)

SECTION 501. WORD USAGE

Words not herein defined shall take on the meanings as defined in the latest edition of the Merriam-Webster Collegiate Dictionary. Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined differently within this article.

SECTION 502. 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" or "must" is always mandatory.
6. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

SECTION 503. DEFINITIONS

The following words and phrases shall have the particular meanings assigned by this section in the appropriate sections of this ordinance:

ACCESS - A way or means of approach for vehicle and/or pedestrian traffic from a street, right-of-way, public area or community facility to a lot.

ACCESS DRIVE - A private access providing pedestrian and vehicular access between a public or private street and a parking area(s) within a nonresidential land development, and any driveway servicing three or more units of occupancy on a single lot or contiguous lots. The access drive is not intended to include any portion of the travel lane abutting parking areas.

ADAPTIVE REUSE - The rehabilitation of an historic building for residential and nonresidential uses in accordance with the provisions of Article XXIII.

ADULT BOOKSTORE - An establishment having, as a substantial and significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such publications.

ADULT ESTABLISHMENT - An adult bookstore, adult mini motion-picture theater, adult motion-picture theater, adult novelty store, adult theater, or a massage establishment.

ADULT MINI MOTION-PICTURE THEATER - An enclosed building with a capacity of less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specific anatomical areas, for observation by patrons therein.

ADULT MOTION-PICTURE THEATER - An enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

ADULT NOVELTY STORE - An establishment having, as a substantial and significant portion of its stock-in-trade, sexually oriented devices, or an establishment with a segment or section devoted to the sale or display of such devices.

ADULT THEATER - An establishment featuring live performances on a regular basis which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

AGRIBUSINESS STRUCTURE - Structures for housing more than 25 head of livestock, poultry houses for housing more than 500 birds, and structures for growing mushrooms.

AGRICULTURAL COMPOSTING - A process by which organic solid waste is biologically decomposed under a controlled anaerobic or aerobic environment to yield a soil-like product. Agricultural composting uses primarily manure, but may use yard waste and food scraps, as well as newspaper or corrugated paper or cardboard, as well as the materials permitted by the DEP for composting material. The composted material from an agricultural composting operation may be sold or otherwise distributed as a soil supplement, fertilizer, mulch or similar product.

AGRICULTURAL COMPOSTING FACILITY - The portion of any property dedicated to agricultural composting.

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 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.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping and raising of livestock and the sale of crops and agricultural, dairy and horticultural farm products incidental to the operation of a farm.

AGRITOURISM - The practice of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active participation and involvement in the activities of the farm or enterprise.

AGRITOURISM ENTERPRISE - Activities conducted on and accessory to a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

AIRPORT - Any landing area, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces within the airport boundaries.

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

ALTERATION - A change or rearrangement in the parts of a building or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another which would change its use classification, other than an addition.

AMENDMENT - Any revision to a regulation or ordinance that is formally adopted by the governing body charged with the keeping of such regulations, which includes revisions to an ordinance and/or map. Amendments to this ordinance lie solely with the Manheim Township Board of Commissioners.

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

ANTENNA - Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. These uses include, without limitation, such apparatus for cellular or other wireless telephones, pagers and beepers.

APPLICANT — A landowner, as herein defined, or agent of the landowner, who has filed an application for a zoning, building or driveway permit and/or an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. Every application for development must include the form designated by the Township and all other plans and information required by this ordinance.

APPOINTING AUTHORITY - The Board of Commissioners.

APPROVED - Approved by the recognized authoritative agency or official as specified in the respective regulations.

AREA - The extent of surface contained within the boundaries or extremities of land or a

building.

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

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

AWNING - A structure attached to a building, typically consisting of a frame and covered with fabric or any other material.

BASEMENT - That portion of a building that is partly or completely below grade.

BEEKEEPING - Raising or keeping of bees.

BED-AND-BREAKFAST ESTABLISHMENT - An owner-occupied single-family detached dwelling in which bed-and-breakfast units are provided for compensation on a nightly basis. Meals may be offered only to registered overnight guests.

BED-AND-BREAKFAST UNIT - A room within a bed-and-breakfast establishment used as lodging for no more than four persons.

BIKE PATH - A pathway that is exclusively used by bicyclists, where a separate, parallel path is provided for pedestrians and other wheeled users. Most pathways are shared between bicyclists and other users. See "nonmotorized path."

BILLBOARD - See definition in Article XVIII.

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

BLOCK - A tract of land bounded by three or more streets.

BOARDINGHOUSE - A building arranged or used for lodging, with or without meals, for compensation, of more than five and not more than 10 individuals that do not constitute a family.

BODY ART ESTABLISHMENT - Any business or portion thereof where tattooing or body piercing is practiced or provided to customers.

BUFFER/BUFFER AREA - An area within a site, generally adjacent to and parallel with the property lines or off-street parking lots, which consists of either existing and preserved vegetation or is created with trees, shrubs, berms and/or fences and is intended to be used as a means of limiting the potentially adverse effects created by a use on adjoining properties, streets and uses.

BUFFER, PERIMETER - The minimum area along the outermost boundaries of a development tract, except along a street yard setback, where a buffer/planting strip may be required. This area is intended to be a greenbelt around the development and free from all impervious surfaces, except for approved driveways, access drives and sidewalks, nonmotorized paths, and fences or freestanding walls.

BUILDING - Any structure used for a resident, business, industry, or other public or private purpose, or accessory thereto, and including covered porches, greenhouses, stables, garages, roadside stands, mobile homes and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs, steps and awnings.

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

BUILDING ADDITION - Any exterior structural enlargement to a building or structure.

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

BUILDING, HEIGHT OF - The vertical distance from grade to the top of the highest roof beams of a flat roof or the top of the eave of a hip or gable roof.

BUILDING LENGTH - The horizontal measurement of any continuous building wall, regardless of offsets.

BUILDING LINE - A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface.

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

BUILDING, PRINCIPAL - A building in which is conducted the principal use of the lot on which the building is located, including any attached structures, such as garages, decks, patios, etc.

BUILDING SETBACK LINE - A line defining the minimum required distance within a lot from and parallel to a street right-of-way line and side and rear lot lines which designates the minimum location of future buildings and structures.

BUILD-TO LINE - See "line, build-to."

CAFE - A public eating place, primarily offering indoor counter service, that has a maximum of 1,000 square feet of gross floor area and maximum of 20 seats, if any.

CALIPER - The diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and measured 12 inches above ground level for trees over four

inches in diameter.

CARPORT - An unenclosed structure, which is open on at least two sides, with a permanent floor and roof supported by columns or posts, that is primarily used for the storage of one or more vehicles in the same manner as a private garage. Carports not open on at least two sides shall be considered a garage.

CARTWAY - The surface of a street, access drive or alley available for vehicular traffic.

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

CERTIFICATE OF USE AND OCCUPANCY - A certificate issued by the Township upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein and within all other applicable requirements have been complied with.

CO-LOCATION - The use of a common telecommunications tower or common site by two or more wireless communications services.

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

COMMISSIONERS - The Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania.

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

COMMUNITY CLUB - An organization catering exclusively to members and their guests for social, educational, cultural, civic, recreational and administrative purposes, provided vending stands, merchandising or commercial activities are not conducted except as required for the membership of such club. "Clubs" shall include but not be limited to service and political organizations and labor unions, as well as social clubs. "Community clubs" shall not include adult establishments, as defined herein.

COMMUNITY FACILITY - A building or structure owned and operated by a county or state government agency to provide a governmental service to the public, excluding public parks.

COMPREHENSIVE PLAN - The official Manheim Township public document consisting of maps, charts and textual material that constitutes a policy guide to decisions about the physical and social development of Manheim Township, as amended from time to time.

CONDOMINIUM - A set of individual dwelling units or other areas of buildings, each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate, which is designated for common ownership and which is created

under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

CONFERENCE/EVENT CENTER - A property and/or facility which is utilized to host a variety of business, educational and social events, including but not limited to conferences, exhibitions, meetings, seminars, training, parties, receptions and galas. Such use may include the provisions, sale and/or consumption of food and/or alcoholic beverages incidental to the above-referenced uses but not as a separate principal use. Additionally, a Conference/Event Center may include any one or more of the following as a separate, but secondary use of the property and/or facility; a public restaurant, a café, and/or commercial recreation facility.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - A type of retirement community licensed by the commonwealth that provides a continuum of care from independent living to assisted living to extended care/skilled nursing facilities.

CONTINUOUS VISUAL BUFFER - A visually impenetrable screen created through the installation of plant materials, fencing, walls and/or earthen berms.

CONVENIENCE STORE - A store or shop, less than 10,000 square feet, that may sell items such as food products, groceries, toiletries, lottery tickets, tobacco products, newspapers and magazines, along with a selection of processed food and groceries. Dining areas may be offered and are included in the total floor area, whether located inside or outside the building. Stores that offer gas may also sell motor oil, windshield washer fluid, radiator fluid, and maps. The outdoor sales or dining area shall be a maximum of 600 square feet.

CONVERSION APARTMENT DWELLINGS - Where conversion is made of a building which existed at the date of enactment of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. § 10101 et seq., into a duplex dwelling or an apartment dwelling, and where no extension of the existing building, other than as may be required for access or safety, shall be permitted.

CONVERSION OF LARGE NONRESIDENTIAL BUILDING - Where conversion is made of an existing building with a nonresidential use, which is in excess of 10,000 square feet of net floor area, but no larger than 45,000 square feet of net floor area into other nonresidential uses, with expansion permitted pursuant to the performance standards set forth in Article XXV.

COUNTY PLANNING COMMISSION - The Lancaster County Planning Commission.

CROSSWALK

- A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DAY-CARE CENTER - The offering of care or supervision over minors, or adults who require supervision because of mental or physical condition, in lieu of care or supervision by family members. This term is not synonymous with the terms "recreation area" or "commercial recreation facility."

DAY-CARE CENTER, ADULT - A building, or space in a building, and grounds in which, on a regular basis, for a fee, care is provided to adults who are in need of supervision because of their mental or physical condition. It does not include any establishment which provides overnight care or stays of any kind. It does not include establishments which provide overnight stays of any kind.

DAY-CARE CENTER, COMMERCIAL - A day-care facility that is a principal use and is licensed by the Commonwealth of Pennsylvania for the care or supervision of minors or adults. It does not include any establishment which provides overnight care or stays of any kind.

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

DAY-CARE CENTER, FAMILY MINOR - A day-care facility that is operated as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than three children unrelated to the operator during any calendar day.

DECK - A constructed flat surface capable of supporting weight, similar to a floor but constructed outdoors and usually (though not always) connected to a building. A deck shall not be completely enclosed, except for any side which may adjoin a structure or for any fences, walls, shrubs, or hedges. For the purposes of this ordinance, a deck is considered to be an impervious surface and part of the principal building.

DECLARATION OF RESTRICTION OF DEVELOPMENT - A legal document which places restrictions on the amount and type of development which can occur on a tract in the sending area from which transferable development rights have been apportioned and transferred.

DEED OF TRANSFERABLE DEVELOPMENT RIGHTS - A legal document which grants transfer of ownership of transferable development rights and provides for the attachment of the transferable development rights to a specific tract in the receiving area or for transfer of the transferable development rights in gross to the Township.

DENSITY, BASE - The density achieved when a property is developed in accordance with the Subdivision and Land Development Ordinance, and the zoning district requirements without purchase of transferable development rights.

DENSITY, RESIDENTIAL GROSS - The number of dwelling units in relation to the total land area proposed to be used for residential purposes, including rights-of-way, interior parking areas, access drives, private streets, sidewalks, common open space, and public or semipublic parks and playgrounds.

DENSITY, RESIDENTIAL NET - The number of dwelling units in relation to the area of land of a parcel in use or proposed to be used for residential purposes, exclusive of public rights-of-way.

DESIGNATED GROWTH AREA - A region within a county or counties described in a

municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed-use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development or other activities covered by this ordinance.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT OF REGIONAL SIGNIFICANCE OR IMPACT - Any land development that, because of its character, magnitude, or location, will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities.

DEVELOPMENT RIGHTS - The rights to construct a specified amount of development according to Township land use regulations.

DIMENSIONAL NONCONFORMITY - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or 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.

DISTRIBUTION FACILITY - A warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products (goods) to be redistributed to retailers, to wholesalers or directly to consumers.

DOMESTIC ANIMALS - Animals that are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family, rather than for economic reasons. This shall include dogs, cats, small birds, racing pigeons, gerbils, rabbits, lizards and other nonpoisonous animals commonly sold in retail pet shops.

DORMITORY - A building, especially associated with a school or institution, which provides living and sleeping accommodations for a number of students attending such school or institution.

DRIVE-THROUGH SERVICE/FACILITY - A restaurant, bank, drug store or other use that provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises.

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

DRUG STORE, RETAIL - A store in which a licensed on-site pharmacist oversees the sale and dispensing of drugs within the store and/or via drive-through area and also sells over-the-counter drugs, health/beauty aids and/or limited household products and/or food products. The majority of the floor area will be dedicated to the sale and dispensing of drugs and other related pharmaceutical items.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boardinghouses, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be 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. In addition, all dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.

DWELLING, APARTMENT - A dwelling containing three or more dwelling units which may be separated horizontally and/or vertically. This may include but is not limited to apartments and quadruplexes. The individual dwelling units may or may not be in separate ownership; however, the land shall be in single ownership or in common ownership.

DWELLING, ATTACHED DUPLEX - A building containing a minimum of two and a maximum of five duplex dwellings arranged in a side-by-side configuration with one or more vertical party walls.

DWELLING, CARRIAGE HOUSE - A single dwelling located on the second floor above a detached garage and having a maximum of 1000 square feet.

DWELLING, DUPLEX - A dwelling containing two dwelling units, one of which is located above the other.

DWELLING, MULTIPLE-FAMILY - A dwelling containing three or more dwelling units which may be separated horizontally and/or vertically. This may include but is not limited to apartments and quadruplexes. The individual dwelling units may or may not be in separate ownership; however, the land shall be in single ownership or in common ownership.

DWELLING, SINGLE-FAMILY DETACHED - A freestanding building containing one dwelling unit for one family and having two side yards, one front yard, and one rear yard; in cases where such dwelling is located on a corner lot, the dwelling shall have two front yards, one side yard, and one rear yard. Mobile homes may be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatus used to transport the unit are removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes may be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

DWELLING, SINGLE-FAMILY SEMIDETACHED - A dwelling containing two dwelling units which are attached side by side by the use of a common wall.

DWELLING, TOWNHOUSE - A building containing at least three dwelling units but not more than eight dwelling units arranged in a side-by-side configuration with two or more common party walls and arranged on fee simple lots.

DWELLING UNIT - A single habitable living unit occupied by only one family. See definition of "family." Each dwelling unit shall have its own toilet, bath or shower, sink, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level.

DWELLING UNIT, ACCESSORY - An independent, self-sufficient dwelling unit, with complete kitchen and bath facilities, which is either entirely contained within a single-family dwelling unit and has direct access to the outdoors or which has a common hall with a single-family detached dwelling for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.

DWELLING UNIT, ZERO LOT LINE - A dwelling type consisting of a single-family detached residence on an individual lot, where such unit, or a portion of such unit, is located along a side lot line, so that the unit has only one side yard. The zero lot line may be achieved by placing the house, or, in the case of an irregularly shaped lot, a portion of the dwelling unit, on a side lot line and providing a maintenance easement six feet wide on the adjoining lot.

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.

EASEMENT - A right-of-way granted for limited use of private land for a public, quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

EDUCATIONAL INSTITUTIONS - An educational program that offers a program of trade, business, technical or artistic instruction. For the purposes of this definition, "trade, technical or artistic instruction" shall be subjects which are not customarily offered in a secondary public school curriculum. This definition shall include trade, business or vocational schools, as well as colleges and universities.

EMPLOYEES - Whenever "employees" or the expression "number of employees" is herein referred to, it shall mean the greatest number of persons to be employed in the building in question during any season of the year and at any time of the day or night.

ENGINEER - A professional engineer registered in the Commonwealth of Pennsylvania.

EPA - The United States Environmental Protection Agency.

EROSION AND SEDIMENTATION CONTROL PLAN - A plan which is designed to minimize accelerated erosion and sedimentation.

EXCEPTIONAL VALUE WETLAND - Any wetland that meets the definition of "exceptional value wetland" found in 25 Pa. Code § 105.17(1).

EXTENDED CARE FACILITY - A long-term care facility or a distinct part of a facility licensed or approved by the Pennsylvania Department of Health and under federal regulations as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

FAA - The Federal Aviation Administration.

FACADE - A building face or wall.

FACADE, PRIMARY - The entire vertical area of the main structure usually fronting or facing the primary public right-of-way.

FACILITY - A structure that is built, installed, or established to serve a particular purpose.

FAMILY - An individual or individuals related by blood, marriage, or adoption that maintain one common household and live within one dwelling unit. Additionally, up to three unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family, excluding group homes.

FARM - Any parcel of land containing 10 or more acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It may include necessary farm structures within the limits prescribed herein, and the storage of equipment used for agricultural purposes.

FARM DWELLING - The principal dwelling on a working farm and/or formerly working farm where such dwelling existed as of the date of the enactment of this ordinance.

FARMERS MARKET - A periodic market held in an open area, parking lot, or structure as an accessory use to an institutional use, public or semipublic use, or municipal use or supermarket at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold to the public by persons who typically grow, harvest, or process such items from their farm or agricultural operation. Value added products such as jam, beeswax candles or other handmade food products such as baked goods may be sold but sellers of these goods may not comprise the majority of vendors. Flea markets, yard sales and auctions are not considered farmers market. (Added by Ordinance 2016-06, dated 3/28/2016)

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

FCC - The Federal Communications Commission.

FEEDLOT - An outside confined area designated and used for feeding or holding of more than 25 head of livestock, not including general pasture areas.

FENCE - A man-made barrier placed or arranged as a line of demarcation, an enclosure, or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. This definition does not include man-made barriers or walls constructed principally of masonry, concrete, cinder block or similar materials.

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

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

FLOOD-FRINGE - The portion of the floodplain beyond the limits of the floodway.

FLOODPLAIN - 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 by designation in accordance with the Floodplain Ordinance.

FLOODPLAIN ORDINANCE -The Official Manheim Township Floodplain Ordinance.

FLOODWAY - The channel and adjacent overbank areas through which the primary floodwaters are discharged. This portion of the floodplain is where the highest flood velocities and greatest flood depths usually occur.

FLOOR AREA - The maximum amount of usable space within a building.

FLOOR AREA, GROSS - The sum of the floor areas of usable space within a building as measured from the interior face of walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, NET - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading.

FOOD SCRAPS - The waste food products taken from supermarkets, grocery stores, food banks, food distribution centers, school cafeterias and similar institutions. Food scraps do not include any wastes of any kind generated by individual residents.

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.

FUNERAL HOME - A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an incidental part of the business. Funeral homes shall not include cemeteries, columbariums, mausoleums or entombments, but do include mortuaries and crematoriums as accessory uses.

GARAGE, PRIVATE - An accessory structure for the storage of one or more vehicles and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one commercial vehicle of not more than three-quarter ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein.

GARAGE, PUBLIC - A structure or any portion thereof used for the parking and storage of vehicles owned by the general public.

GARDEN POND - An artificially enclosed body of water or receptacle for water having a depth of less than two feet that may be used or intended to be used as an ornamental feature constructed, installed or maintained in or above the ground. It may include a fountain display, water plants or fish.

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

- A. **BOREHOLES** - A hole drilled or bored into the earth into which piping is inserted for use in a closed-vertical-loop geothermal system.
- B. **CLOSED-LOOP GEOTHERMAL SYSTEM** - A type of geothermal heating and/or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump and a water source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved antifreeze added.
- C. **OPEN-LOOP GEOTHERMAL SYSTEM** - A type of geothermal heating and/or cooling system that utilizes a water pump to deliver water from a well or other source to a heat exchanger. The discharge water from the heat exchanger may be returned to the subsurface through an injection or recharge well or infiltration bed or may be discharged into a pond, lake or stream.

GOLF COURSE - A recreational area primarily used for playing golf and which has a minimum of 5,000 yards of play in 18 holes or 2,500 yards in nine holes and which may include accessory facilities such as a driving range, pro shop and/or restaurant.

GOODS - A finished product.

GOVERNING BODY - The Board of Commissioners.

GRADE PLANE - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet (1,829 mm) from the building, between the building and a point six feet (1,829 mm) from the building.

GREEN - A form of common open space which measures 3,000 square feet or larger in area and may include features such as gazebos, sitting walls, pergolas, fountains, benches, landscaping, lighting, sculptures and the like, and in which public seating, gathering, informal recreation and the like takes place.

GREENWAYS - Linear corridors of open space and generally correspond to or link major river or stream corridors (including adjoining floodplain, riparian buffers, and steep slope areas), old railways or ridge tops, and are intended to function as part of an integrated system or network for a variety of purposes, including protecting natural, cultural and scenic resources, providing recreational benefits, enhancing the quality of life in neighborhoods, and stimulating economic development opportunities. A base greenway system for Manheim Township is shown on the Trail & Greenway System Map, Recreation, Park, Greenways, and Open Space Plan (2012-2022) as amended as part of the Manheim Township Comprehensive Parks and Recreation Plan.

GROSS ACRES - The extent of surface area contained within the boundary of a property, including existing public street rights-of-way.

GROUP HOME - A group of handicapped persons, as defined by the Fair Housing Act and the Fair Housing Amendments Act of 1988, as amended, living and cooking together in a single-family detached dwelling operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed. Group homes must be licensed where required by any appropriate government agencies, and a

copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulations by the Township as single-family detached dwellings and in accordance with Section 2509.

HISTORIC BUILDING - A building which constitutes an historic resource and which is identified on the Historic Resources Map.

HISTORIC PRESERVATION TRUST - The Historic Preservation Trust of Lancaster County.

HISTORIC RESOURCE - A building, structure, site, district or object which possesses historical significance based on its architecture or its association with one or more historical events or persons.

HOLIDAY TREE SALES - The offering of holiday trees for sale to the public from a temporary structure or from a location out of doors where goods are not normally displayed as part of a permanent, ongoing retail establishment.

HOME OCCUPATION - A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within a residential dwelling or within a detached private garage located on a residential lot and in existence on the effective date of this ordinance, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the residential character or appearance of the dwelling or detached garage.

HOMEOWNERS' ASSOCIATION - An organization created by a real estate developer for the purpose of controlling the appearance and managing any common area assets.

HOSPICE CARE FACILITY - A facility that is primarily engaged in providing care, including inpatient care, to terminally ill individuals, is not structurally part of another health care or services facility or hospital, and operates in accordance with 42 Code of Federal Regulations Part 418.

HOSPITAL - A facility, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four-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.

HOSPITAL, VETERINARY - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals for medical or surgical treatment.

HOTEL, FULL-SERVICE - A building or buildings containing rooms designated to be rented temporarily for sleeping purposes by guests, which such facilities may include a full-service kitchen and restaurant facility and meeting and conference facilities for use by the general public.

HOTEL, LIMITED-SERVICE - A building or buildings containing rooms designated to be rented temporarily for sleeping purposes by guests, which such facilities shall not include a full-service kitchen and restaurant facility or meeting and conference facilities for use by the general public, but may include incidental kitchen and dining facilities and meeting facilities for use by

hotel guests.

HOUSE OF WORSHIP - A building, structure or group of buildings or structures, including accessory uses, designed or intended for worship. This definition shall include a church, chapel, cathedral, synagogue, temple, mosque or other facility that is principally used for prayer by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis, and shall include cemeteries as an accessory use.

HOUSEHOLD HAZARDOUSE WASTE - A portion of solid waste that would be considered hazardous under the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 *et seq.* but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under the Solid Waste Management Act and is generated by persons not otherwise covered as hazardous waste generators by the Solid Waste Management Act.

IMPERVIOUS SURFACE - Any material that covers the land which inhibits the percolation of stormwater directly into the soil, including, but not limited to, buildings, pavement, stone areas and stormwater facilities that discharge stormwater off the site.

IMPROVEMENTS - Physical changes to the land, including, but not limited to, buildings/structures, grading, paving, curbs, gutters, storm sewers and drains, stormwater management facilities, improvements to existing watercourses, sidewalks, streets, signs, monuments, water supply facilities and sewage disposal facilities.

INSTITUTE OF TRANSPORTATION ENGINEERS - The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. ITE facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of ground transportation. Through its products and services, ITE promotes professional development of its members, supports and encourages education, stimulates research, develops public awareness programs and serves as a conduit for the exchange of professional information.

INTERMEDIATE CARE FACILITY - A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities such as these.

INVASIVE SPECIES - Plant species that are not native to an area and can cause harm to the environment, to the economy and to human health as identified by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

ITE - See "Institution of Transportation Engineers."

JUNK - Any worn, cast off, discarded or stored material, including unlicensed vehicles, machinery, and equipment, ready for destruction or which has been collected for salvage or conversion to some use.

JUNKYARD - The land or structure, or part thereof, located on more than 200 square feet of lot area, used primarily for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and of parts thereof.

KENNEL - Any lot on which more than five animals as specified in Section 2101 that are older than six months (except related to a farm) are kept, boarded, raised, bred, treated or trained for a fee, including, but not limited to, dog or cat kennels. Operations of kennels shall comply with the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, as amended, 3 P.S. § 459-101 et seq., and all applicable regulations of the Department of Agriculture.

LANCASTER INTERMUNICIPAL COMMITTEE - The Lancaster Intermunicipal Committee (LIMC) is a council of governments established to address intermunicipal challenges and concerns in central Lancaster County, Pennsylvania. It encourages and facilitates intermunicipal cooperation, undertakes projects that will benefit its member municipalities, and provides a forum for municipal officials to discuss issues of mutual interest.

LAND DEVELOPMENT

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with the following shall be excluded from land development procedures:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

LANDSCAPE ARCHITECT - A landscape architect registered by the Commonwealth of Pennsylvania.

LANDSCAPE SCREEN - A completely planted visual barrier composed of a combination of shrubs, trees or earthen berms arranged to form both a low-level and a high-level screen.

LANDSCAPING - Includes, but is not limited to, grass or ground cover, and other plantings such as trees and shrubs, and may also include mulch and/or decorative stone.

LANDSCAPING STONES - Decorative stones 1/2 inch or larger in diameter placed on a property for landscaping purposes, not including driveways, sidewalks, patios, and/or walkways. Surface area covered by landscaping stones would be considered pervious.

LIMC - See "Lancaster Intermunicipal Committee."

LINEAR TRAIL - A nonmotorized pathway, separated from the road, designed for recreational activities like walking, biking and horseback riding. (See also "nonmotorized paths.")

LINE, BUILDING SETBACK - See "building setback line."

LINE, BUILD-TO - A setback line which dictates the placement of principal buildings and structures, as measured from a front lot line, private street, or public right-of-way. The build-to line does not apply to building projections or recesses.

LINE, FRONT LOT - The line separating such lot from any street or other public right-of-way.

LINE, INTERIOR LOT - Any lot line other than one adjoining a street.

LINE, LOT/PROPERTY - A recorded boundary of a lot forming the front, rear and sides of lots. Any property line which abuts a street or other public right-of-way shall be measured from the right-of-way.

LINE, REAR LOT - That lot line which is opposite and most distant from the front line. But, in the case of corner lots, the owner shall, for the purpose of this ordinance, have the privilege of selecting any lot line other than one of the front lot lines to be the rear lot line, provided that such choice, in the opinion of the Zoning Officer, will not be injurious to the existing or to the desirable future development of adjacent property. The rear lot line of any irregular or triangular lot shall, for the purpose of this ordinance, be a line entirely within the lot, 10 feet long.

LINE, SIDE LOT - Any lot line not a front lot line or a rear lot line.

LIVESTOCK - Any living creature maintained for commercial use or profit, but not maintained as a pet.

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

LOADING SPACE - A paved, off-street space logically and conveniently located for the temporary loading or unloading of goods and having direct usable access to a street, access drive or alley. Off-street loading spaces do not count towards off-street parking requirements and shall not infringe on any required buffer planting strip.

LONG-TERM CARE FACILITY - An institution or a distinct part of an institution which is licensed or approved under the Commonwealth Department of Health and Federal Regulations to provide health care and medical supervision for 24 or more consecutive hours to two or more patients. A long-term care facility may be either an extended care facility or an intermediate care facility.

LOT - A parcel of land held in single and separate ownership, occupied or capable of being occupied by buildings, structures, accessory buildings or structures, signs, and uses customarily incidental to it, including such open spaces as required, and which is described by reference on a recorded plat or by metes and bounds.

LOT AREA - The area contained within the property lines of the individual parcels of land.

LOT AREA, GROSS - The total area of a lot that is the subject of an application for land development.

LOT AREA, NET - The area of a lot, excluding any area within a street right-of-way, but including the area of any easements or floodplain.

LOT, CORNER - A parcel of land at the junction of and abutting on two or more intersecting streets. Such lot shall be considered as having as many front yards as there are streets to which it abuts.

LOT COVERAGE - A percentage of the lot area covered by an impervious surface, including buildings, driveways, parking areas, and sidewalks.

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the average rear property line. On 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, DOUBLE FRONTAGE - A lot with front and rear street frontage with possible vehicular access to both streets. Double frontage lots shall have two front yards and two side yards.

LOT, FLAG - A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

LOT, FRONTAGE OF - Distance measured along the front lot line. When a lot fronts on a curved street, the frontage shall be determined by utilizing the arc distance.

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

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

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 Lancaster County, Pennsylvania.

LOT, PERCENTAGE OF - The maximum impervious area of any building, structure or use, expressed as a percentage of a lot area.

LOT, REVERSE FRONTAGE - A lot that abuts public rights-of-way to the front and rear of the property, where vehicular access is prohibited to and from the higher classified street. The yard abutting the higher classified street shall be considered a rear yard.

LOT SIZE - The required area of a lot.

LOT WIDTH - The horizontal distance measured between side property lines. Unless otherwise noted, lot width shall be measured at the building setback line and the street line.

MAILBOX CENTER - An accessory structure used as a joint mailbox for the residents of a condominium community, in lieu of individual mailboxes.

MAIN STREET COMMERCIAL AREA - An area of a development characterized by a mix of nonresidential and residential uses in buildings that have ground-floor storefronts, are a minimum of two stories or 20 feet in height, and located close to a right-of-way. The streetscape of a Main Street area is pedestrian friendly in that it includes on-street parking, sidewalks, crosswalks, street trees, pedestrian-scale lighting, and amenities oriented to the pedestrian.

MANUFACTURE - A process whereby substances, raw materials, and/or semifinished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

MANUFACTURED HOME - A fully prefabricated, transportable, single-family detached dwelling unit intended for household occupancy contained in one or more units designed to be joined into one integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and household furnishings. It is constructed as required by the Township Building Code and shall be placed on a permanent foundation with the same, or equivalent, electrical, plumbing and sanitary facilities as for a conventional stick-built single-family detached dwelling. A manufactured home may include any addition or accessory structure, such as porches, sheds, or decks, which is attached to it.

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

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

MASSAGE - The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand, mechanical device, or other means.

MASSAGE ESTABLISHMENT - An establishment which provides the services of massage, except where operated by a medical practitioner, chiropractor or professional physical therapist licensed by the commonwealth or a qualified massage therapist. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. "Massage establishment" shall not include adult establishments as defined herein.

MASTER SITE PLANNED DEVELOPMENT - A development option permitted in accordance with Article XXIV, Section 2406, in the T-5 Oregon Village Overlay.

MAXIMUM DEVELOPMENT CAPACITY - The maximum density of residential development permitted with the acquisition of transferable development rights.

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

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes do not include recreational vehicles.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODEL HOME - A dwelling unit in a new residential subdivision, typically built first and used as a sales office for the development.

MONOPOLE TOWER - A telecommunications tower consisting of a single pole constructed without guy wires.

MORTUARY - See "funeral home."

MOTEL (MOTOR LODGE) - See "hotel, full-service" or "hotel, limited-service," as applicable.

MOTOR VEHICLE - A self-propelled device, except that which uses human power only, used for the transporting of persons or goods. This would include automobiles, trucks, boats, trailers, farm equipment, all-terrain vehicles, dune buggies, and snowmobiles.

MOTOR VEHICLE, COMMERCIAL - A licensed, motorized vehicle designed for transportation of commodities, merchandise, produce, freight, animals or passengers and operated in conjunction with a business, occupation, or home occupation. This term shall include, but is not limited to, automobiles, trucks, tractor-trailers, and vans.

MOTOR VEHICLE SALES AREA - An open area, other than a public or private street, right-of-way or driveway, used for the display or sale or lease of new and used motor vehicles, boats, trucks, trailers, recreational vehicles, farm equipment, construction equipment, and accessories and where no repair work is done.

MOTOR VEHICLE SALES BUILDING - Any premises or structure used for the sale, lease or renting of motor vehicles, boats, trucks, trailers, recreational vehicles, farm equipment, construction equipment, and accessories.

MOTOR VEHICLE SERVICE STATION OR GARAGE - Any premises used for supplying gasoline, oil, motor vehicle accessories, motor vehicle services or motor vehicle repairs.

MOTOR VEHICLE SERVICE STATION OR GARAGE, NEIGHBORHOOD - A motor vehicle service station or garage that is limited in the intensity of use to serve primarily the immediately surrounding neighborhood. Such facilities shall be limited to five fuel dispensers serving no greater than 10 motor vehicles at any one time and/or two indoor service bays servicing no greater than two motor vehicles at any one time.

MOTOR VEHICLE WASHING FACILITY - Any premises used for the washing and/or cleaning of motor vehicles, boats, trailers, and accessories.

MOTOR VEHICLE WRECKING - The dismantling or wrecking of used motor vehicles, trucks, trailers, farm equipment, or construction equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles and equipment or their parts.

MPC - See "Municipalities Planning Code."

MULTIMUNICIPAL PLAN - A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this ordinance, except that all of the municipalities participating in the plan need not be contiguous.

MUNICIPAL ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township of Manheim.

MUNICIPALITIES PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. § 10101 et seq.

MUNICIPALITY - Manheim Township, Lancaster County, Pennsylvania.

NEOTRADITIONAL NEIGHBORHOOD - A pedestrian-oriented neighborhood developed using traditional town planning principles and characterized by a hierarchical network of well-connected streets and alleys, a variety of public and civic spaces, including a central green or square, a mix of dwelling unit types, on-street parking, and nonresidential uses generally located within a discernible center or Main Street area that is within walking distance of the residences.

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

- A. The business activity shall be compatible with the residential use of the property.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory.
- D. There shall be no outside appearance of a business.
- E. The business or activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electronic interference, including interference with radio or television reception.
- F. The business activity may not generate any solid waste or sewage discharge which is not normally associated with residential use.
- G. The business activity conducted may not occupy more than 25% of the floor area.
- H. The business activity may not involve any illegal activity.

NONMOTORIZED PATH - A path intended for use by pedestrian and bicyclists, but not by any motorized vehicles. It is a path that runs parallel to the street, but is separated from it. (See also "linear trail.")

NORMAL FARMING OPERATIONS - The customary and generally accepted activities, practices and procedures that farms and dairies adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities, if the operations are conducted in compliance with applicable laws, and if the use or disposal of these materials will not pollute the air, water or other natural resources of this commonwealth. The term includes the storage and utilization of agricultural and food-processing wastes on land where the materials will improve the condition of soil, the growth of crops or in the restoration of the land for the same purposes.

OFFICE, MEDICAL OR DENTAL - A facility for human ailments operated by a group of state-licensed physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients, provided that no patients shall be kept overnight on the premises. As an accessory use, this use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

OFFICE PARK - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

OFFICE, PROFESSIONAL - A facility where the primary use is conducting the affairs of a business, profession, service, or government, including administration, recordkeeping, clerical

work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use. "Professional office use" shall not include medical or dental offices.

OFFICIAL MAP - An Official Map prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

OPEN AREA - The required ground surface which must remain uncovered by building and/or paved surfaces, the extent of which is expressed as a percentage of the lot size.

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

OPEN SPACE, COMMON - See "common open space."

OUTDOOR HYDRONIC HEATER - A fuel-burning appliance or device, also known as an "outdoor wood boiler," "outdoor wood-burning boiler," or "outdoor wood heater," that burns less than 350,000 BTUs per hour and:

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

PA DCNR - The Pennsylvania Department of Conservation and Natural Resources.

PA DEP - The Pennsylvania Department of Environmental Protection.

PA UCC - The Pennsylvania Uniform Construction Code.

PARK - A tract of land designated and used for active or passive recreation.

PARK-AND-RIDE LOT - A parking lot intended primarily for use by persons riding mass transit or carpooling.

PARKING GARAGE/DECK/COMPOUND - A covered or enclosed space used exclusively for the parking of passenger vehicles for short-term, daily, or overnight off-street parking and connected to a street by an access drive. This shall include parking garages, decks, and compounds. Vehicles shall be limited to currently registered and inspected vehicles.

PARKING LOT - An accessory use provided on a lot for the use of the general public designated for short-term parking of vehicles. Vehicles shall be limited to currently registered and inspected vehicles.

PARKING, PRIVATE - An off-street parking area or structure owned and operated by an entity

for the sole use of its residents, customers, employees, or other visitors and not open to the general public.

PARKING, PUBLIC - An off-street parking area or structure owned and operated for use by the general public.

PARKING SPACE - An impervious space available for the parking of one motor vehicle and having usable impervious access to a street, access drive or alley.

PARK, MINI - A form of common open space measuring between 10,000 square feet and two acres that is intended for a mix of active and passive recreation and may include play equipment or play court areas.

PARK, NEIGHBORHOOD - A form of common open space that is a minimum of two acres in size and provides a mix of active and passive recreation.

PARK, PUBLIC - See "public park."

PATIO - An unroofed area or courtyard which shall not be completely enclosed, except for any side which may adjoin a structure or be lined by fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure and not a patio. For the purposes of this ordinance, a patio is considered to be an impervious surface and part of the principal building.

PAVED AREA - Any impervious paving or other durable surface for, including but not limited to, driveways, sidewalks and parking facilities, exclusive of the building footprint, the permitted extent of which is expressed as a percentage of the lot size.

PENNDOT - Pennsylvania Department of Transportation.

PERMIT - A license issued by the recognized official or authoritative agency, as specified in the respective regulations, which permits the applicant to proceed with the work certified by said official or authoritative agency in the permit application.

PERMIT AREA - The area of land and water within the boundaries of the permit that is designated on the permit application maps as approved by the DEP. The term includes areas that are or will be used or affected by the residual waste processing or disposal facility.

PERSON - The term shall be construed to include an individual, firm, copartner, or corporation, partnership, association or any other similar entity.

PERSONAL CARE HOME - Residential facilities inspected and licensed by the Pennsylvania Department of Public Welfare that offer personal care services, assistance and supervision to four or more persons. Personal care homes include assisted living facilities and some retirement homes or communities and are not considered medical facilities.

PERSONAL SERVICE BUSINESS - Shops, including but not limited to a barber, beauty shop, nail salon, tailor, dressmaking, shoe repair, photographer, travel agency or similar service uses, including a dry-cleaning storefront for pickup and drop-off, but excluding a dry-cleaning establishment. This definition includes incidental uses and additional related cosmetic and/or beauty services such as facials, waxing and the minor retail sale of cosmetic products. Personal Service Businesses do not include adult establishments as defined herein.

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

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

PLAN - A drawing which shows the location, character and dimensions of the proposed occupancy and related roadway features, including layouts, profiles, cross sections, drainage and other details as specified in this ordinance.

PLAN, FINAL - A complete and exact subdivision or land development plan prepared for official recording as required by statute; a final plan/plat.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a variety of dwelling units or a combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, or type of dwelling or use, density, or intensity, lot coverage, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this ordinance.

PLANNING COMMISSION - The Manheim Township Planning Commission, Lancaster County, Pennsylvania.

PLANNING COMMISSION STAFF - The technical staff of the Manheim Township Planning Commission.

PLAN, PRELIMINARY - A subdivision or land development plan indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan(s); a preliminary plan/plat.

PLAN, SKETCH - A plan of a subdivision or land development showing the tentative street and lot layout, to be used for informal discussion with the Planning Commission/staff prior to preparation of the preliminary and/or final plan(s).

PLAN, TENTATIVE - A subdivision or land development plan indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan(s); a tentative plan/plat.

PLANTING STRIP - A strip of required yard space adjacent to a property line or right-of-way planted in grass, shrubs, trees or other plant material.

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

PLAY AREA - A form of common open space that is intended for active recreation and may include play equipment or play court areas and measures a minimum of 10,000 square feet in area.

PLAZA - A form of common open space which typically ranges from 1,000 to 3,000 square feet in size and characterized as a predominantly paved space, designed and maintained with pavers,

benches, plantings and other landscape features.

POCKET PARK - A small gathering place, typically less than 1,000 square feet, that is designed and maintained with features such as benches, plantings, and other landscape features.

PORCH - A roofed-over structure projecting from the front, side, or rear wall of a building. For the purpose of this ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

PRD - Planned residential development in accordance with Article XIX.

PREFERRED LOCATION SITES - Locations for the siting of telecommunications facilities that meet one or more of the criteria contained in Section 2516.3 of this ordinance.

PREMISES - Any lot, parcel or tract of land and any building constructed thereon.

PREPARED FOODS - Foodstuffs and/or beverages which have been cooked, changed, cleaned, or otherwise altered for public consumption.

PRESERVATION - When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIMARY FACADE - The facade(s) of a building located along a public right-of-way. On a corner lot, there shall be two primary facades, one of which shall be designed with a front entrance door.

PRIME AGRICULTURAL LAND/SOILS - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resources Conservation Service County Soil Survey.

PRIVATE RECREATION AREA - See "recreation area."

PROCESSING - A function involved in the manufacturing of goods or products in which the material used is not physically changed except for packaging or sizing.

PRODUCT - Any article whose appearance or composition has been changed or altered but not in a complete form for ultimate disposition.

PRODUCTION - A function involved in the manufacturing and/or packaging of materials, goods, or products, in which they are physically changed.

PROFESSIONAL CONSULTANT - Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFESSIONAL LAND SURVEYOR - A surveyor registered in the Commonwealth of Pennsylvania.

PUBLIC GROUNDS - Includes:

A. Parks, playgrounds, trails, paths, and other recreation and public areas;

- B. Sites for public schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Board of Commissioners, intended to inform and obtain public comment, prior to taking action in accordance with the Township provisions.

PUBLIC NOTICE - A notice of a public hearing and/or meeting published in accordance with the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC PARK/RECREATION - A park or other recreation facility which is established by an entity, the members of the governing body of which are all:

- A. Elected public officials within the meaning of the "Ethics Act," 65 P.S. § 401 et seq., as now or hereafter amended and supplemented; or
- B. Appointed by persons who are elected public officials as described in Subsection A above.

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

PUBLIC SPACE - A lot or area of land outside the building, dedicated or devoted to public use.

PUBLIC TRANSPORTATION SHELTER - A small structure with a roof used by passengers awaiting the arrival of public transportation that provides cover or protection, as from weather. Any associated advertisements shall comply with the appropriate sign regulations for public use.

PUBLIC USES - Public and nonprofit semipublic use of a welfare and educational nature, such as schools, parks, houses of worship, cemeteries, historical landmarks, nonprofit recreational facilities. For the purposes of this definition, fire stations and public utilities shall be considered municipal uses.

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

PUBLIC UTILITY INSTALLATION - Any facility, equipment, or structure necessary to conduct a service by a government or public utility, including telephone, electric, and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves, or structures; sewer pipes, valves, or structures; pumping stations; telephone exchanges and repeater stations; and microwave antenna and related structures. This definition does not include line replacement installations.

PUBLIC WATER - A municipal water supply system or a comparable common water facility

approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

QUALIFIED MASSAGE THERAPIST - An individual who:

- A. Has graduated from a massage school that is accredited and licensed as a private school by the Commonwealth of Pennsylvania or by any state within the United States of America and which requires the successful completion of a program of at least 500 hours of supervised instruction; and
- B. Holds and maintains a current certification by the National Certification Board of Therapeutic Massage and Body Work or its successor or a national certification program maintaining similar standards.

RECEIVING AREA - A zoning district in which transferable development rights from a sending area are intended to be used. Manheim Township has designated all parcels of five (5) acres or greater within the T-4, T-5, T-6, D-R, D-C, and D-A Overlays, Residential District R-1, the Residential District R-2, the Residential District R-3 and the Planned Residential Development District (PRD), under the PRD provisions, as receiving areas.

RECREATION - Activities, whether structured or not, in which individuals customarily engage during their leisure for play, relaxation or athletic purposes, such as sporting activities, hobbies, reading or walking.

RECREATION, ACTIVE - Recreation activities, including the facilities used for such activities, that are usually rigorously athletic and have the potential for a noticeable impact on the surrounding neighborhood and environment. Active recreation may include, but is not limited to, individual or team sports, playgrounds/tot lots, ball courts, play fields, trails, nonmotorized paths, and swimming pools.

RECREATIONAL VEHICLE - A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and is designed primarily as temporary living accommodation for recreational, camping, and travel use and includes but is not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RECREATION AREA - A private or public space, including essential buildings and structures, used for play and/or recreation by individuals.

REDEVELOPMENT - Any external alteration, enlargement or extension of a building or use by 30% or more of the floor area of the building or 30% or more of the lot area, including the cumulative total of any external demolition, new construction, alteration, enlargement or extension of a building approved from the date of adoption of this ordinance.

REGIONAL STORMWATER FACILITY - A stormwater management facility designed to manage stormwater runoff from an area larger than a single project site. A regional stormwater facility could capture stormwater runoff from two adjacent parcels, an entire watershed, or some defined area in between. A regional stormwater facility can be designed as part of new development or as a retrofit to manage runoff from already developed areas.

REHABILITATION - The process of returning an historic resource to a useful state for either its original use or an appropriate new use.

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

REPAIR - The replacement of damaged or defective existing construction, not including alterations or additions.

RESTAURANT - A public eating place primarily offering indoor or outdoor counter or table service seating and custom-prepared foods for on-premises consumption.

RESTAURANT, DRIVE-IN/DRIVE-THROUGH - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed in automobiles parked on the premises, whether brought to said automobiles by the customers or by the employees of the restaurant, or for consumption at some location other than inside the restaurant building itself.

RESTAURANT, FAST-FOOD - An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. Such establishments do not provide waiter or waitress service. It is not to include the sale of alcoholic beverages. It often includes drive-through or carry-out facilities.

RESTORATION - The process of returning an historic resource to its appearance at a particular point in history.

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

RETAIL SALES - Business establishments whose principal activities involve the display and sale of goods and products to the general public. This term shall not include adult establishments or body art establishments as defined herein.

RETAIL SERVICES - Establishments providing services or entertainment, as opposed to goods or merchandise, to the general public. This term shall include personal service businesses, but not include adult establishments or body art establishments as defined herein.

RETIREMENT HOME OR COMMUNITY - An integrated development that provides a variety of living arrangements for the elderly or physically handicapped. Retirement communities may also provide for on-site medical care, accessory commercial and social uses, so long as those uses are scaled to primarily serve the inhabitants of the site.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, alley, pedestrianway, or for other public or private use.

RIPARIAN BUFFER - Undisturbed riparian land adjacent to a natural watercourse and other bodies of water for the purpose of stabilizing banks, filtering pollutants from runoff and for providing habitat for a variety of wildlife. This is not intended to include man-made swales or detention facilities utilized solely for stormwater management from the project site.

ROOMING HOUSE - See "boardinghouse."

SATELLITE ANTENNA - A parabolic reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish-shaped antenna," used or intended to receive radio or electromagnetic waves from an overhead satellite.

SCHOOL, BUSINESS - A secondary or higher education facility teaching primarily usable skills that prepares students for jobs in business.

SCHOOL, ELEMENTARY - Any school licensed by the Pennsylvania Department of Education and which meets the requirements for elementary education for grades K through 6.

SCHOOL, SECONDARY - Any school licensed by the Pennsylvania Department of Education and which is authorized to award diplomas for secondary education for grades 7 through 12.

SEATS - Whenever the word "seats" is referred to, it shall mean the seating capacity of a particular building as determined by the plans filed with the Zoning Officer; in the event individual seats are not provided, each 20 inches of benches or similar accommodations shall be considered as one seat for the purpose of this ordinance.

SENDING AREA - A zoning district containing the land-based resource which the transferable development rights program is designed to protect and from which transferable development rights will be sent. Manheim Township has designated the Agricultural District as the sending area.

SERVICES - An act by which skills of one person are utilized for the benefit of another, provided no function involves the manufacture, cleaning, repair, storage, or distribution of products or goods, except for the cleaning and repairing of clothing and personal accessories.

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

SETBACK, FRONT YARD - The required minimum yard area contained between the street right-of-way line, private street, or common open space (when such principal structure is oriented towards the common open space) and the principal structure. On corner lots, there shall be two front yards, being the area contained between the street right-of-way lines and the principal structure.

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

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

SETBACK, SIDE YARD - The required minimum yard area between a principal structure and the adjacent side lot line, extending from the front yard to the rear yard.

SEXUALLY ORIENTED DEVICES - Without limitation, any artificial or stimulated specified anatomical area or other devices or paraphernalia that are designed in whole or part for specified sexual activities.

SHOPPING CENTER - A group of at least five retail, office and other uses permitted within the respective zoning district that are planned, designed, constructed, and managed as a unit where each establishment has a separate customer entrance from the parking lot or street and where off-street parking is shared and provided on site.

SIDEWALK - A paved, surfaced, or leveled area, paralleling and usually separated from the vehicular travel way, that is an integral part of the right-of-way and used as a pedestrian walkway.

SIDEWALK DISPLAY - The outdoor display of merchandise for sale by a commercial establishment. The displayed merchandise shall only be merchandise sold by the establishment and must be similar to the merchandise sold within the establishment.

SIGHT DISTANCE - The length of road visible to the driver of a passenger vehicle at any given point in the road when viewing is unobstructed.

SIGHT TRIANGLE - A triangle-shaped portion of land established at a street intersection on which nothing above 30 inches shall be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the clear sight distance of motorists entering or leaving the intersection.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public. Signs include lettering, logos, trademarks, or other symbols which are an integral part of the architectural design of a building, which are applied to a building, or which are located elsewhere on the premises; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia or flags of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features which may be identified with a particular business; backlit awnings that include no lettering, logos, or other symbols; signs within a building which are obviously intended to be seen primarily from within the building; outdoor signs intended for use within a property, such as menu signs by fast-food restaurant drive-through lanes, signs with regulations within a park; decorative seasonal and holiday banners on residential properties; and displays of merchandise either behind store windows or outdoors. Refer to Article XVIII for individual sign definitions.

SOLAR ENERGY SYSTEM - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site residential user.

SOLID WASTE - Garbage, refuse and other discarded materials, including, but not limited to, solid, semisolid, contained gaseous and liquid waste materials resulting from municipal, industrial, commercial, agricultural, institutional, public and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the Code of

Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended, provided, however, that the exclusion of hazardous waste shall not include household hazardous waste.

SOLID WASTE MANAGEMENT SERVICES AND FACILITIES - A solid waste management and ancillary service use provided by a corporate or political body organized under the Municipal Authorities Act of 1945 of the Commonwealth of Pennsylvania, or such similar or successor statute as may be enacted, for the systematic control of generation, collection, storage, transport, source separation, processing, treatment, recycling, recovery and disposal of solid waste, including facilities for the incineration of solid waste, transfer stations and compressed natural gas (“CNG”) service stations used primarily to fuel vehicles used in connection with solid waste management services, however, use of the fast-fill CNG service station may include selected outside fleets, including private fleets and municipal- and government-owned vehicles. The general public and individually owned vehicles shall not be permitted to use the CNG fast-fill service station.

SPECIAL EVENT - A temporary event held indoors or outdoors on private or public property such as an auction, flea market, festival, carnival, meal, holiday event or fund-raising event, but not including any recurring event, such as sporting or social events.

SPECIAL EXCEPTION - A use to be permitted or denied by the Manheim Township Zoning Hearing Board in a particular zoning district pursuant to expressed standards and criteria.

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

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this ordinance, this term shall include any of the following:

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

SQUARE - A form of common open space, typically ranging from 3,000 to 10,000 square feet in area, that is designed and maintained with pavers, benches, plantings and other landscape features.

STABLE - A structure that is used for the shelter or care of horses, cattle, or other large animals.

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

STEEP SLOPE, MODERATE - Any area defined as a "steep slope," where the slope measures from 15% to less than 25%.

STEEP SLOPE, SEVERE - Any area defined as a "steep slope," where the slope measures 25% or greater.

STORAGE - A function involving the depositing of materials, goods or products for safekeeping.

STORMWATER MANAGEMENT ORDINANCE - The Official Manheim Township Stormwater Management Ordinance.

STORY - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principal use.

STORY, HEIGHT OF - The vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, when there is not a ceiling, to the top of the roof rafters.

STREET - A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, street trees, and sidewalks.

STREET, ARTERIAL - A street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local streets.

STREET, COLLECTOR (MAJOR) - A street which provides access to abutting properties and for intercommunity travel, connecting borough and unincorporated population centers, and carrying large volumes of traffic to the arterial street system.

STREET, COLLECTOR (MINOR) - A street which provides access to abutting properties and routes to local community facilities, serves as the main entrance or circulation street in residential subdivisions, and serves small rural settlements.

STREET, CUL-DE-SAC - A local street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET, LIMITED-ACCESS HIGHWAY - A special type of arterial street on which access is provided only from another street and not from abutting properties.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the right-of-way line.

STREET, LOCAL - A street used primarily to provide access to abutting properties.

STREET, MARGINAL-ACCESS - A local street parallel and adjacent to an arterial or collector street, providing access to abutting properties and control of intersections with collector or arterial streets.

STREET, PRIVATE - A street not offered for dedication or whose dedication was not accepted by the Township.

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

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

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, but not limited to, buildings, sheds, cabins, mobile homes, trailers, dams, culverts, roads, railroads, bridges, storage tanks, solar energy systems, wind energy systems, signs and transmission or receiving towers or dishes.

STRUCTURE, ACCESSORY - A detached subordinate structure, the use of which is customarily incidental and subordinate to that of the principal structure or building and which is located on the same lot as that occupied by the principal building or structure.

STRUCTURE, EXISTING - Any structure, building, silo, smokestack, water tower, utility or power pole, church steeple, or a support structure other than an existing antenna tower or telecommunications tower.

STRUCTURE, HEIGHT OF - The vertical distance from the average grade to the top of the highest point of structures, other than principal or accessory buildings, such as, but not limited to, telecommunications towers, light poles, flagpoles, silos, and water tanks.

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

STRUCTURE, PRINCIPAL - A structure in which is conducted the principal use of the lot on which the structure is located, including any attached structures, such as garages, decks, patios, etc.

SUBDIVIDER - See "developer."

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement or access or any residential dwelling, shall be exempt.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Official Manheim Township Subdivision and Land Development Ordinance.

SUPERMARKET - A store of 10,000 square feet or greater used primarily for the retail sale of food products while also providing for the retail sale of household merchandise typically used in day-to-day activities.

SURFACE DRAINAGE PLAN - A plan showing all present and proposed grades and facilities for stormwater drainage.

SURVEYOR - A professional land surveyor licensed in the Commonwealth of Pennsylvania.

SWIMMING POOL, PRIVATE - Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas. Farm ponds and/or lakes are not included.

SWIMMING POOL, PUBLIC - Any open or enclosed place open to the public for swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof.

TDR - See "transferable development right."

TELECOMMUNICATIONS FACILITY - A facility containing antennas and towers, either individually or together, including all incidental structures and fenced areas.

TELECOMMUNICATIONS TOWER - A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common-carrier towers, and cellular telephone towers.

TELECOMMUNICATIONS TOWER, ATTACHED - An antenna mounted on an existing structure, building, silo, smokestack, water tower, utility or power pole, or a support structure other than an existing antenna tower or telecommunications tower.

TELECOMMUNICATIONS TOWER HEIGHT - The height of a telecommunications tower shall be measured from the average grade at the tower base to the highest point of the tower. The average grade shall be the average grade existing at the time of construction or the average grade existing prior to construction and prior to any earth disturbance at the site. No person(s) shall artificially increase the maximum height of a telecommunications tower by altering the grade at the base of the tower by any means. Overall antenna tower height includes the base pad, mounting structures, whip antennas and panel antennas, but shall exclude lightning rods.

TEMPORARY RETAIL SALES - The offering of goods for sale to the public from a temporary structure or from a location out of doors where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples of temporary retail sales include the selling of flowers before and on holidays such as Mother's Day and the sale of fireworks on Independence Day.

THEATER CHURCH - A portion of a movie theater used on a limited and secondary basis for religious and/or spiritual worship and which is operated for nonprofit and noncommercial purposes.

TOWER - A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment on which a telecommunications tower or an attached telecommunications tower may be located.

TOWNSHIP - The Township of Manheim, Lancaster County, Pennsylvania.

TOWNSHIP ENGINEER - A duly registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

TOWNSHIP MANAGER-SECRETARY - The Manager-Secretary of the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania.

TRAILER - A portable, vehicular structure built on a chassis and designed for travel, recreation, or hauling.

TRANSFERABLE DEVELOPMENT RIGHTS - The attaching of development rights to specified lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from these lands so that the development potential which they represent may occur on other lands within the Township.

TRANSFER CAPACITY - The maximum number of transferable development rights which a specific tract can accommodate. Transfer capacity is the difference between the maximum development capacity and the base density.

Maximum development capacity - base density = transfer capacity

TRUCKING TERMINAL - Any property which is the origin and/or destination point of short- and long-distance hauling and is used for the purpose of storing, transferring, loading, and unloading, in addition to truck parking. This would include solid waste disposal vehicles, tank trucks, and livestock trucks.

USE - The specific purpose for which land, a structure, a sign or a building is arranged, designed, or intended or for which either land, a structure, a sign or a building is or may be used, occupied, or maintained. The term "permitted use" or "uses by right" or equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.

USE, BY RIGHT - A permitted use as distinguished from a use not requiring a special exception

or conditional use.

USE, CHANGE OF - An alteration of a building, structure or tract of land which changes the use heretofore existing to a new use classification.

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

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

USE, MIXED - A development which combines residential and nonresidential uses within the same building or on the same lot, planned and designed as a complex of related structures and circulation (vehicular and pedestrian) patterns and designed, constructed, or managed as a total entity with customer and employee parking provided on site and with provision for delivery of goods separate from customer access.

USE, MUNICIPAL - Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare of a municipality that are typically the responsibility of local governments or local government authorities. Such uses shall include, but not be limited to:

- A. Township offices and halls.
- B. Police, fire and ambulance stations.
- C. Township authority facilities.
- D. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

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

USE, PRINCIPAL - The primary use of a building, structure or lot.

USE, RESIDENTIAL - An existing or proposed dwelling or dwelling unit(s) on a lot, to include a single-family detached dwelling; single-family semidetached dwelling; duplex dwelling; quadruplex dwelling; multiple-family dwelling; townhouse dwelling and apartment dwellings. This definition also includes residential units located on upper floors above commercial uses.

USE, TEMPORARY - Any use not to exceed 180 consecutive days.

VARIANCE - Relief of any provision of this ordinance granted by the Zoning Hearing Board.

VETERINARY OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. Boarding of such animals shall be for medical or surgical treatment. No outdoor boarding of animals is permitted.

WALKWAY - A paved pedestrian path which is not aligned with vehicular circulation patterns, but which is located on a lot along proposed or existing pedestrian patterns.

WALL, FREESTANDING - A man-made structure erected for purposes of property delineation, decoration, or enclosure, that is not part of a building or other structure and is typically constructed of brick or stone. This definition shall not include retaining walls.

WALL HEIGHT - The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

WALL, RETAINING - A structure that holds back earth or water from a building or other structure. Retaining walls stabilize soil and/or rock from downslope movement or erosion and provide support for vertical or near-vertical grade changes. Retaining walls are generally made of masonry, stone, brick, concrete, vinyl, steel or timber. Retaining wall designs must be certified by a professional engineer licensed in the Commonwealth of Pennsylvania.

WAREHOUSING - A facility for handling goods with or without maintenance facilities.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial, having defined bed and banks.

WETLAND BUFFER - An area of land immediately adjacent to a wetland that is set aside for naturally occurring vegetation or the reestablishment of native plant species and as a transition zone to protect the wetland from impact caused by development of adjacent upland areas.

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

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

WHOLESALE CLUBS - Establishments which are engaged in selling merchandise at reduced or wholesale prices to its club members only.

WHOLESALE SALES - Establishments engaged primarily in selling and/or renting merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling and/or renting merchandise to, such individuals or companies, but not excluding related retail sales and/or rentals which comprise less than half of their business activities.

WIND-ENERGY CONVERSION SYSTEM (WECS) - An energy conversion system, which converts wind energy to mechanical or electrical energy, consisting of a wind turbine, a tower, blades and associated controls and appurtenances that convert wind energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and which has a rated capacity that does not exceed the rated capacity appropriate to the on-site user.

WIND ENERGY SYSTEM HEIGHT - The distance measured from the ground surface of the wind energy system tower base to the highest point of the extended blade tip or highest point of the wind energy system.

WIND ENERGY SYSTEM TURBINE - The parts of a wind energy system, including the blades, generator and tail.

WIRELESS COMMUNICATIONS SERVICE - Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services, including cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services that currently exist or that may in the future be developed.

YARD - An open, unoccupied space, other than a courtyard, that lies between the principal building or buildings and the lot lines.

YARD, MINIMUM AREA - The least distance at any point, measured at grade from and parallel to a lot line to the building line.

YARD WASTE - All garden residues, shrubbery, tree prunings of less than 1/4 inch, sod and similar materials, grass clippings and leaves.

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 MAP - The Official Manheim Township Zoning Map.

ZONING OFFICER - The person appointed by the Board of Commissioners who is charged with the administration and enforcement of this ordinance.

ZONING ORDINANCE - The Official Manheim Township Zoning Ordinance.

ZONING PERMIT - A written statement issued by the Zoning Officer authorizing buildings, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.