

ARTICLE II  
Definitions

§ 124-201. General interpretation.

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building includes the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice versa.
- F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- H. If a term is not defined by this chapter but is defined in the Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply.<sup>22</sup>

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22. Editor's Note: See Ch. 110, Subdivision and Land Development.

**§ 124-202. Terms defined.**

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**ABUT or ABUTTING** — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See the definition of "adjacent."

**ACCESSORY APARTMENT** — One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

**ACCESSORY STRUCTURE** (includes "accessory building") — A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "accessory building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building. A solar energy collection panel that is detached from a building shall also be considered an accessory structure.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

**ADJACENT** — Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

**ADULT BOOKSTORE** — A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under state law. If such items are within a separate room, then the ten-percent standard shall apply to the floor area of such room.

**ADULT LIVE ENTERTAINMENT FACILITY** — A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to three or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

**ADULT MOVIE THEATER** — A use involving the on-site presentation to three or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

**ADULT USE** — Adult bookstore, adult movie theater, adult live entertainment facility/use or massage parlor. These terms shall be distinct types of uses and shall not be allowed as part of any other use.

**AFTER-HOURS CLUB** — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

**AGE-RESTRICTED RESIDENTIAL DEVELOPMENT** — A residential development in which residency is qualified by age and other related characteristics in accordance the United States Fair Housing Act (42 U.S.C. § 3601 et seq.). Age-restricted residential developments are permitted as a by right use in the R-1 Low-Density Zoning District. [Added 10-2-2018 by Ord. No. 302]

**ALLEY** — A thoroughfare primarily serving vehicle traffic to three or more lots and which has a cartway of less than 16 feet.

**AMUSEMENT ARCADE** — A use involving 15 or more token- or coin-operated entertainment machines and where the machines are the principal use of the property. This term shall not include an adult use.

**ANIMAL CEMETERY** — A place used for the burial of the remains of five or more noncremated animals, other than customary burial of farm animals as accessory to a livestock use.

**ANTENNA** — An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless Internet, television, microwave or any other wireless communications through the sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

**ANTENNA HEIGHT** — The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ANTENNA, STANDARD** — A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on site or for transmitting shortwave or citizens band radio signals. See "commercial communications tower or antenna."

**APARTMENT** — See "dwelling types."

**APPLICANT** — A landowner or developer, as defined in the state Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

**ASSISTED LIVING FACILITY** — Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

**AUTO REPAIR GARAGE** — An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, the straightening of body parts, painting, welding or the rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. This use shall not include activity meeting the definition of a "truck stop." See requirements in § 124-402A(8). [Amended 4-7-2015 by Ord. No. 273]

**AUTO SERVICE STATION** — An area where gasoline is dispensed into motor vehicles and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of prepackaged propane. This use may include a convenience store, provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in § 124-402A(9). [Amended 4-7-2015 by Ord. No. 273]

**AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES** — This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in § 124-402A(7). [Amended 4-7-2015 by Ord. No. 273]

**BASEMENT** — An enclosed level of a building that is not a "story" and that is partly underground.

**BED-AND-BREAKFAST, INN** — A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in § 124-402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in § 124-402A(10). [Amended 4-7-2015 by Ord. No. 273]

**BETTING USE** — A place used for lawful gambling activities, including but not limited to off-track parimutual betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful small games of chance.

**BILLBOARD** — See § 124-702.

**BOARDINGHOUSE** (includes "rooming house") — A residential use in which a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A

boardinghouse shall not include a use that meets the definition of a "hotel," "dormitory," "motel," "life care center," "personal care center," "bed-and-breakfast inn," "group home" or "nursing home." A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on site for five or more consecutive days.

**BOROUGH** — East Petersburg Borough, Lancaster County, Pennsylvania.

**BUFFER YARD** — A strip of land that a) separates one use from another use or feature and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See § 124-803D. [Amended 4-7-2015 by Ord. No. 273]

**BUILDING** — Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**BUILDING COVERAGE** — The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

**BUILDING HEIGHT** — The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

**BUILDING WIDTH** — The horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

**BUILDING, PRINCIPAL** — A building used for the conduct of the principal use of a lot and which is not an accessory building.

**BULK RECYCLING CENTER** — A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

**CAMP** — An area that includes facilities and structures for primarily outdoor recreational activities by organized groups and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months and which have a maximum impervious coverage of five percent. This term shall not include a recreational vehicle campground.

**CAMPGROUND** — A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area and which may include associated recreational facilities.

**CAMPGROUND, RECREATIONAL VEHICLE** — A type of campground that involves persons temporarily living within recreational vehicles.

**CEMETERY** — A place used for the burial of two or more noncremated humans.

**CERTIFICATE OF USE** — A form signed by an authorized Borough official that certifies that the use of the property is in compliance with this chapter, to the best knowledge of such Borough official.

**CHRISTMAS TREE FARM or TREE FARM** — A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

**CHURCH** — See "place of worship."

**CLEAR CUTTING** — A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

**COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA** — A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antennas. See the standards in § 124-402.<sup>23</sup> This term shall not include a standard antenna.

**COMMERCIAL DISTRICT** — The NC and HC Districts.

**COMMERCIAL USE** — This term includes but is not limited to retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making nonindustrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

**COMMUNITY CENTER** — A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of

23. Editor's Note: See Subsection A(15) of said section.

meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a treatment center.

**COMPREHENSIVE PLAN** — The Growing Together Comprehensive Plan, as adopted by East Petersburg Borough Council in 2007, or its successor document, as amended.

**CONDITIONAL USE** — A use listed as a conditional use under § 124-306, which is only allowed after review by the Borough Planning Commission and approval by Borough Council, under § 124-117.

**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.<sup>24</sup>

**CONSERVATION DISTRICT** — The Lancaster County Conservation District or any agency successor thereto. [Added 4-5-2016 by Ord. No. 279]

**CONSERVATION EASEMENT** — A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property owners, lessees and all other users of the land.

**CONTIGUOUS LOTS** — Adjacent parcels of land, including parcels separated by a stream or road.

**CONVENIENCE STORE** — A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an auto service station.

**CROP FARMING** — The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, the raising of fish, greenhouses and the keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "agriculture, intensive."

**CURATIVE AMENDMENT** — A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges to a zoning ordinance.

**DAY CARE, CHILD** — A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to state-required education, including nursery school or Head Start programs. See also the definition of "adult day-care center."

A. The following three types of day care are permitted without regulation by this chapter: 1) care of children by their own relatives, 2) care of children within a place of worship

24. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq. and 68 Pa.C.S.A. § 5101 et seq., respectively.

during regularly scheduled religious services, and 3) care of one child to three children within any dwelling unit, in addition to children who are relatives of the caregiver.

- B. FAMILY DAY-CARE HOME or CHILD DAY CARE AS AN ACCESSORY USE — A type of day care use that 1) is accessory to and occurs within a dwelling unit and 2) provides care for four to six children at one time who are not relatives of the primary caregiver. See § 124-403D(3). [Amended 4-7-2015 by Ord. No. 273]
- C. GROUP DAY-CARE HOME — A type of day care use that 1) provides care for between seven and 12 children at one time who are not relatives of the primary caregiver; 2) provides care within a dwelling unit; and 3) Is registered with the applicable state agency. (NOTE: As of the adoption date of this chapter, such agency was the Pennsylvania Department of Public Welfare. See also "child day-care facility" requirements in the Uniform Construction Code.)
- D. CHILD DAY-CARE CENTER — A type of day care use that 1) provides care for seven or more children at any one time who are not relatives of the primary caregiver; 2) does not occur within a dwelling unit; 3) does not meet the definition of a "group day-care home"; and 4) is registered with the applicable state agency. (NOTE: As of the adoption date of this chapter, such agency was the Pennsylvania Department of Public Welfare. See also "child day-care facility" requirements in the Uniform Construction Code.) See § 124-402A(17). [Amended 4-7-2015 by Ord. No. 273]

DAY-CARE CENTER, ADULT — A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

DCED — The Pennsylvania Department of Community and Economic Development or any agency successor thereto. [Added 4-5-2016 by Ord. No. 279]

DENSITY — The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

DEP — The Pennsylvania Department of Environmental Protection.

DISTRICT or ZONING DISTRICT — A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this chapter.

DORMITORY — A building used as living quarters for the exclusive use of bona fide full-time faculty or students of an accredited college or university or primary or secondary school and which is owned by and on the same lot as such college, university or school.

DRIVE-THROUGH SERVICE — An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

DWELLING — A building used as nontransient living quarters, but not including a boardinghouse, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."



DWELLING TYPES — This chapter categorizes dwellings into the following types:

- A. CONVERSION APARTMENT — A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of § 124-801.
- B. DUPLEX — A building that includes two apartment dwellings and which is not a semidetached dwelling.
- C. APARTMENTS OR MULTIFAMILY DWELLINGS — Two or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, semidetached dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a duplex.
- D. SECTIONAL OR "MODULAR" HOME — A type of dwelling that meets a definition of any dwelling type and which was manufactured off site and then assembled and completed on the site and that was constructed under the state construction codes and not the federal requirements for manufactured housing.
- E. SINGLE-FAMILY DETACHED DWELLING — One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
  - (1) MOBILE/MANUFACTURED HOME —
    - (a) For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the federal construction requirements for manufactured housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single-family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.
    - (b) This term is different from a sectional home, which is defined above. See standards for a mobile/manufactured home in § 124-402A(31). [Amended 4-7-2015 by Ord. No. 273]
- F. SEMIDETACHED DWELLING UNIT — A one family dwelling unit accommodating one-family that is attached to a second one-family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- G. TOWNHOUSE or ROWHOUSE — One dwelling unit that is attached to two or more dwelling units and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in § 124-402A(47). [Amended 4-7-2015 by Ord. No. 273]

**DWELLING UNIT** — A single habitable living unit occupied by only one family. See the definition of "family." Each dwelling unit shall have a) its own toilet, bath or shower, sink, sleeping and cooking facilities; and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as unit for care of relative.

**EMERGENCY SERVICES STATION** — A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on call. See provisions for this use in § 124-402A(18).  
[Amended 4-7-2015 by Ord. No. 273]

**EMPLOYEES** — The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ESSENTIAL SERVICES or ESSENTIAL PUBLIC UTILITY SERVICES** — Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, waterlines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

**FAMILY** — One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or three or fewer unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the group home provision of § 124-402<sup>25</sup> residing within a licensed group home, as defined herein. Through those provisions and § 124-111D(5), the Borough's intent is to comply with the Federal Fair Housing Act, as amended.

**FEMA** — The Federal Emergency Management Agency or any agency successor thereto.  
[Added 4-5-2016 by Ord. No. 279]

**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. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See § 124-403D(5). [Amended 4-7-2015 by Ord. No. 273]

**FINANCIAL INSTITUTION** — An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

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25. Editor's Note: See Subsection A(21) of said section.

FLOODPLAIN — See definitions of this term and related terms in § 124-504.

FLOOR AREA, TOTAL — The total floor space within a building(s) measured from the exterior faces of exterior walls or from the center lines of walls separating buildings. Floor area shall specifically include, but not be limited to, a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

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, and which does not involve any land development. See "timber harvesting" in this section and § 124-402.<sup>26</sup>

GARAGE SALE — The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See § 124-403.

GLARE — A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See § 124-507.

GOVERNMENT FACILITY, OTHER THAN BOROUGH-OWNED — A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose and which is not owned by East Petersburg Borough or an authority created solely by East Petersburg Borough. This term shall not include uses listed separately in the Table of Uses in Article III, such as "publicly owned recreation." This term shall not include a prison.

GROUP HOME — A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A group home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A group home shall not include a treatment center.
- D. See standards in § 124-402.<sup>27</sup>

26. Editor's Note: See Subsection A(46) of said section.

27. Editor's Note: See Subsection A(21) of said section.

NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

**HAZARDOUS SUBSTANCES** — A product or waste, or combination of substances, that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous substances" as defined pursuant to Section 311 of the Federal Clean Water Act,<sup>28</sup> or its successor provisions.
- B. "Hazardous substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.<sup>29</sup>

**HAZARDOUS SUBSTANCES, EXTREMELY** — Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Part 355, or its successor provisions, and that are stored or used in quantities above the threshold reportable limits in such regulations.

**HEIGHT** — See "building height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article VII entitled "Signs."

**HELIPORT** — An area used for the takeoff and landing of helicopters and related support facilities. A "private heliport" shall be limited to 15 total takeoffs and landings in any seven-day period and is not open to the general public. A "public heliport" is one that does not meet the definition of a "private heliport."

**HOME OCCUPATION** — A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a home occupation provided in § 124-403.<sup>30</sup>

- A. **MAJOR HOME OCCUPATION** — A home occupation that does not meet the additional standards for a minor home occupation in § 124-403.
- B. **MINOR HOME OCCUPATION** — A home occupation that meets the additional standards for a minor home occupation as provided in § 124-403D(8) and (8)(b). Among

28. Editor's Note: See 33 U.S.C. § 1321.

29. Editor's Note: See 42 U.S.C. § 9601 et seq.

30. Editor's Note: See Subsection D(8) of said section.

other provisions, § 124-403D(8) and (8)(b) requires that a minor home occupation not routinely involve visits to the home occupation by customers or more than one nonresident employee at a time. A minor home occupation also includes, but is not limited to, a use that all of the requirements for a "no-impact home-based business" as provided in the state Municipalities Planning Code. (Note: In most cases a minor home occupation is permitted by right under § 124-306, while in most cases a major home occupation requires Zoning Hearing Board approval as a special exception.) [Amended 4-7-2015 by Ord. No. 273]

- (1) NO-IMPACT HOME-BASED BUSINESS — A type of minor, home occupation that meets the following definition as provided in the state Municipalities Planning Code: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (b) The business shall employ no employees other than family members residing in the dwelling.
  - (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - (h) The business may not involve any illegal activity.

HOSPITAL — A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "office." A hospital may involve care and rehabilitation for medical, dental or mental health but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

**HOTEL OR MOTEL** — A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boardinghouse" and shall meet the requirements of that use. See "bed-and-breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided that any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

**HUNTING AND FISHING CLUB** — Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

**IMPERVIOUS COVERAGE** — The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way does not exist), as opposed to regulating each individual townhouse lot.

**IMPERVIOUS SURFACES** — Areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the Zoning Ordinance.<sup>31</sup>

**INDUSTRIAL DISTRICT** — The LI Zoning District.

**JUNK** — Any discarded, unusable scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an ongoing building, or f) "clean fill" as defined by state environmental regulations.  
[Amended 4-7-2015 by Ord. No. 273]

**JUNK VEHICLE** —

- A. Includes any vehicle or trailer that meets any of the following conditions:
- (1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;
  - (2) Cannot be towed, in regards to a trailer designed to be towed;
  - (3) Has been demolished beyond repair;

31. Editor's Note: See Ch. 124, Zoning.

- (4) Has been separated from its axles, enging, body or chassis; and/or
- (5) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

B. See the definition of "unlicensed vehicle" and the regulations for such in any Borough Property Maintenance Code.

JUNKYARD —

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
- (1) Junk (see definition) covering more than 1% of the lot area.
  - (2) Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of § 124-402A(24). [Amended 4-7-2015 by Ord. No. 273]
  - (3) One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

KENNEL — The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this chapter and which may also include temporary keeping of other household pets. In addition, in any case, if seven or more dogs age six months or older are kept, it shall be considered a kennel.

LANDOWNER — The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a landowner.

LIGHTING, DIFFUSED — Illumination that passes from the source through a translucent cover or shade.

LIVESTOCK OR POULTRY, RAISING OF — The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "keeping of pets" section of § 124-403<sup>32</sup> and beyond what is customarily incidental to a principal "crop farming" use. "Raising of livestock or poultry" shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall mean a lot of record according to official county records. If lands are separated by a street, then each side of the street shall be considered a separate lot. The area and depth of a lot shall be

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32. Editor's Note: See Subsection D(10) of said section.

measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

**LOT AREA** — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

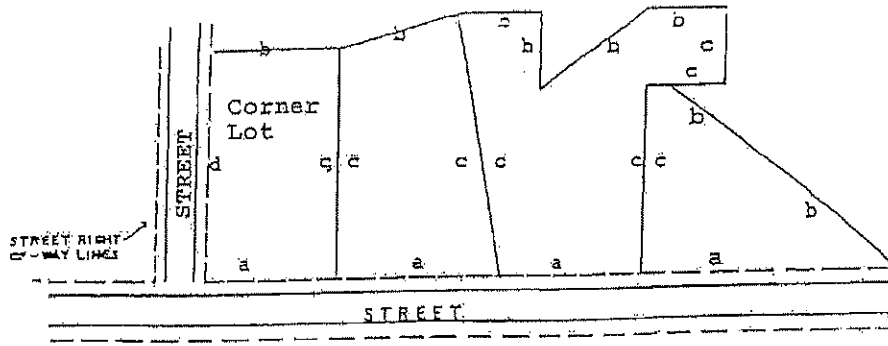
- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this chapter, such as Townhouse development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this chapter, such as Open space development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from lot area under Article III of this chapter.

**LOT COVERAGE** — A percentage of the lot area which may be covered with a paved surface (e.g., buildings, driveways, parking areas, sidewalks). [Added 4-7-2015 by Ord. No. 273]

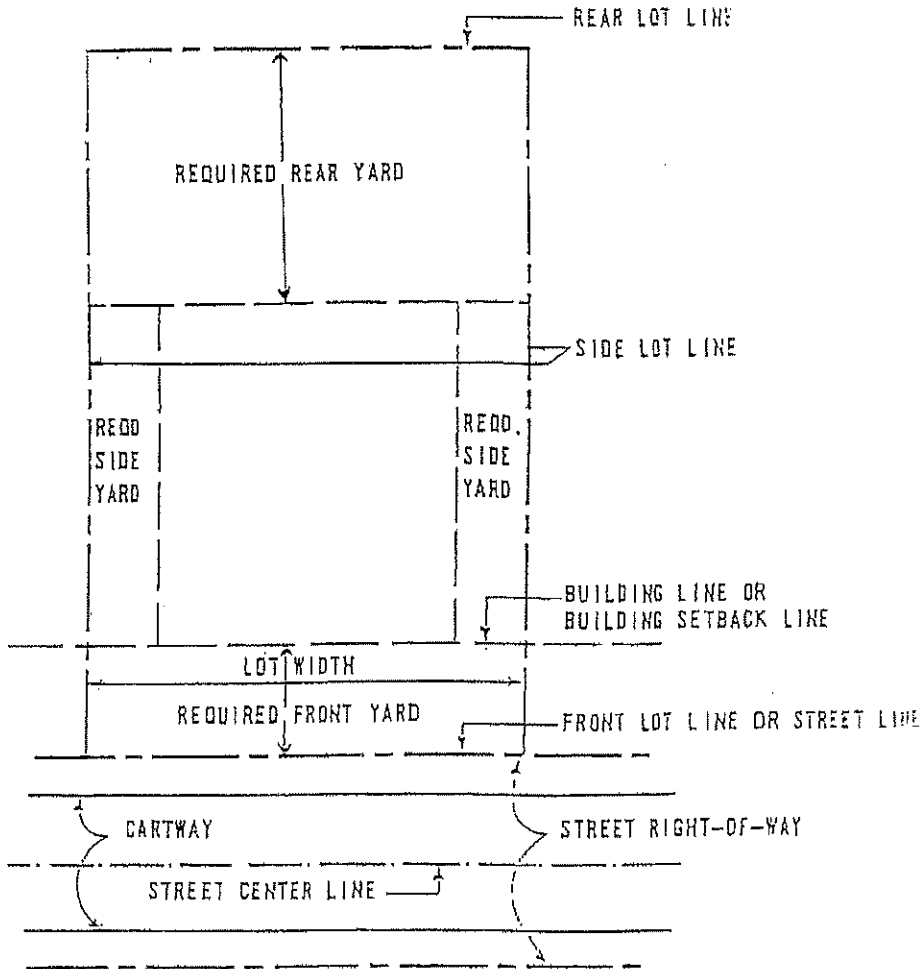
**LOT LINES** — The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. **FRONT LOT LINE (STREET LINE)** — A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see § 124-803B.
- B. **REAR LOT LINE** — Any lot line which is parallel to or within 45° of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. **SIDE LOT LINE** — Any lot line other than a front or rear lot line.
- D. **SECOND FRONT YARD REQUIRED FOR A CORNER LOT** — See § 124-803B(1).





Terms For Lot Requirements  
For Illustrative Purposes Only



**LOT WIDTH** — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75% of the width that would otherwise be required.

**LOT, CORNER** — A lot abutting on two or more intersecting streets which has an interior angle of less than 135° at the intersection of right-of-way lines of two streets.

**LOT, FLAG** — A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

**MESSAGE PARLOR** — A type of adult use that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the state as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semiprivate rooms.

**MEMBERSHIP CLUB** — An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for the outdoor shooting of firearms, boardinghouse, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are met.
- B. See § 124-402A(29). See also "after-hours club" and "hunting and fishing clubs," which are distinct uses. [Amended 4-7-2015 by Ord. No. 273]

**MINERAL EXTRACTION** — The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

MOBILE/MANUFACTURED HOME — See under "dwelling types."

MOBILE/MANUFACTURED HOME PARK — A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a mobile home park. See § 124-402A(32). [Amended 4-7-2015 by Ord. No. 273]

MOTOR VEHICLE — An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate to carry persons or cargo on roads and that is powered by mechanized means.

MPC — The Pennsylvania Municipalities Planning Code, as amended.<sup>33</sup>

MUNICIPALITIES PLANNING CODE OR STATE PLANNING CODE — The Pennsylvania Municipalities Planning Code, as reenacted and amended.

NIGHTCLUB — An establishment that offers amplified music after 12:00 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12:00 midnight, has a building capacity of over 150 persons, and has less than 20% of its total sales in food and nonalcoholic beverages.

NONCONFORMING LOT — A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated but was lawfully in existence prior to the effective date of this chapter, or amendments hereinafter enacted.

NONCONFORMING STRUCTURE — A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See § 124-805.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See § 124-805.

NURSING HOME — A facility licensed by the state for the housing and intermediate or fully skilled nursing care of three or more persons. See § 124-402A(33). [Amended 4-7-2015 by Ord. No. 273]

OFFICE — A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

33. Editor's Note: See 53 P.S. § 10101 et seq.

OPEN SPACE, PRESERVED OR COMMON — A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- C. Will be deeded to the Borough and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and noncommercial recreation; and
- D. Does not use any of the following areas to meet minimum preserved open space requirements:
  - (1) Existing street rights-of-way;
  - (2) Vehicle streets or driveways providing access to other lots;
  - (3) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation);
  - (4) Off-street parking (other than that clearly intended for noncommercial recreation);
  - (5) Area(s) needed to meet a requirement for an individual lot;
  - (6) For land intended to be open to the public, that does not have provisions for entry with a fifteen-foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street;
  - (7) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would:
    - (a) Be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions; or
    - (b) Serve as a scenic asset resembling a natural pond.
  - (8) Portions of land that have a width of less than 50 feet;
  - (9) Areas that are under water during normal weather conditions;
  - (10) Areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. Each square foot of preserved open space that is of twenty-five-percent or greater slopes and each square foot within the one-hundred-year floodplain shall only count as 1/2 square foot for the purposes of determining the amount of preserved open space.

ORDINANCE, THIS — The East Petersburg Borough Zoning Ordinance, including the Official Zoning Map, as amended.

OUTDOOR FURNACE — A boiler, furnace or similar device that meets all of the following:

- A. Is an accessory use;
- B. Is located outside of a building that is normally occupied by humans; and
- C. Is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA — The Commonwealth of Pennsylvania.

PARKING — Off-street parking and aisles for vehicle movement unless otherwise stated.

PENNDOT — The Pennsylvania Department of Transportation, or its successor.

PERMITTED-BY-RIGHT USES — Allowed uses in which zoning matters may be approved by the Zoning Officer, provided that the application complies with all requirements of the Zoning Ordinance. A nonconforming use shall not be considered to be a permitted-by-right use, a special exception use or a conditional use.

PERSONAL CARE HOME OR CENTER — An assisted living facility.

PERSONAL SERVICE — An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber- and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments but shall not include any adult uses, as herein defined.

PETS, KEEPING OF — The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See § 124-403.<sup>34</sup>

PICNIC GROVE, COMMERCIAL — An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation and which is used on a commercial basis.

PLACES OF WORSHIP — Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in § 124-402.<sup>35</sup>

PRINCIPAL BUILDING — A principal structure which is also a building.

34. Editor's Note: See Subsection D(10) of said section.

35. Editor's Note: See Subsection A(36) of said section.

**PRINCIPAL STRUCTURE** — The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

**PRINCIPAL USE** — A dominant use(s) or main use on a lot, as opposed to an accessory use.

**PRISON** — A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

**PUBLIC NOTICE** — Notice required by the Pennsylvania Municipalities Planning Code. (See the definition in Section 107 of such law.)<sup>36</sup>

**PUBLICLY OWNED RECREATION** — Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly owned recreation" is a distinct use from "indoor recreation" or "outdoor recreation."

**RECREATION** — The offering of leisure-time activities to unrelated persons. This term shall not include any adult use. For the purposes of this chapter, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

A. **INDOOR RECREATION** — A type of recreation use that a) does not meet the definition of "outdoor recreation" and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by § 124-306.

B. **OUTDOOR RECREATION** — A type of recreation use that a) has a total building coverage of less than 15% and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by § 124-306, such as a firearms target range.

**RECYCLING COLLECTION CENTER** — A use for collection and temporary storage of more than 500 pounds of common household materials for recycling but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted-by-right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted-by-right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use, or an emergency services station.

**RELATED or RELATIVE** — Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "dwelling unit."

36. Editor's Note: See 53 P.S. § 10107.

REPAIR SERVICE — Shops for the repair of appliances, watches, guns, bicycles and other household items.

RESIDENTIAL ACCESSORY STRUCTURE (includes "building") OR USE — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

RESIDENTIAL DISTRICT(S) — The R-1, R-2 and R-3 Zoning Districts.

RESIDENTIAL LOT LINES — The lot line of a lot that:

- A. Contains an existing primarily residential use on a lot of less than two acres; or
- B. Is undeveloped and zoned as a residential district.

RESTAURANT —

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages but shall not include a nightclub or an after-hours club.
- C. See "drive-through service" in this section.

RETAIL STORE — A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

RIGHT-OF-WAY — An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "right-of-way" by itself shall mean the street right-of-way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. STREET RIGHT-OF-WAY, EXISTING OR LEGAL — The official established street right-of-way that either the Borough or the state presently owns or holds another interest in the land or will own after the completion of any proposed subdivision, land development or development of a use under this chapter, whether by dedication or otherwise.

ROOMING HOUSE — See "boardinghouse."

SCHOOL, PUBLIC, OR PRIVATE PRIMARY OR SECONDARY SCHOOL — An educational institution primarily for persons between the ages of five and 19 that primarily provides state-required or largely state-funded educational programs. This term shall not include "trade schools."

SCREENING — Year-round plant material of substantial height and density designed to provide a buffer. See the requirements in § 124-803D.

SELF-STORAGE DEVELOPMENT — A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

SETBACK LINE — A line separating a yard from the area within which a building or use is allowed.

SEWAGE SERVICE, ON-LOT — Sanitary sewage service to a building that does not meet the definition of "public sewage service," such as, but not limited to, an individual on-lot septic system.

SEWAGE SERVICE, PUBLIC — Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

SHOPPING CENTER — A lot that includes five or more retail sales and/or personal service establishments and which may also include offices and restaurants.

SHORT-TERM RENTAL — Any dwelling unit which is rented or leased for overnight lodging to transient guests for a period of not less than one day nor more than 30 consecutive calendar days. Short-term rentals shall include vacation homes but shall not include bed-and-breakfasts/inns, boardinghouses, hotels, motels, hospitals, nursing homes, or dormitories as defined in this chapter. [Added 2-6-2024 by Ord. No. 324]

SIGHT TRIANGLE — An area required to be kept free of certain visual obstructions to traffic. See § 124-803.<sup>37</sup>

SIGN — Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Article VII. This shall not include displays that only involve symbols that are clearly and entirely religious in nature and which do not include advertising.

SIGN AREA — See Article VII.

SIGN, OFF-PREMISES — See § 124-702.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE ALTERATIONS — This term shall include one or more of the following activities:

- A. The filling of lakes, ponds, marshes or floodplains or alteration of watercourses;

<sup>37</sup>. Editor's Note: See Subsection C of said section.



- B. The clearing and regrading of more than 1/2 acre, other than selective thinning of existing vegetation or trees.

**SOLID WASTE TRANSFER FACILITY** — Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

**SOLID-WASTE-TO-ENERGY FACILITY** — An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

**SPECIAL EXCEPTION** — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided that the use complies with the conditions and standards required by this chapter. See § 124-116.

**SPECIFIED SEXUAL ACTIVITIES** — One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See the definition of "adult use."

**STATE** — The Commonwealth of Pennsylvania and its agencies.

**STORY** — A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than six feet below the finished grade level for more than 50% of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a half story.

**STREET** — A public or private thoroughfare which provides the principal means of vehicle access to two or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway," and "road" have the same meaning and are used interchangeably.

**STRUCTURE** — Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter. For the purposes of this chapter, utility poles, stormwater basins, wells, paving, and septic systems shall not be considered structures and shall not be subject to minimum zoning setback requirements unless stated otherwise.

**SUBDIVISION** — The definition in the state Municipalities Planning Code shall apply.

SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE — The Lancaster County Subdivision and Land Development Ordinance, as amended, or a successor ordinance as may be adopted by East Petersburg Borough Council.<sup>38</sup>

SWIMMING POOL, HOUSEHOLD OR PRIVATE — A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or

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38. Editor's Note: See Ch. 110, Subdivision and Land Development.

swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See § 124-403.<sup>39</sup>

**SWIMMING POOL, NONHOUSEHOLD** — A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household swimming pool."

**THEATER** — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

**TIRE STORAGE, BULK** — The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "outdoor storage and display" in § 124-403.<sup>40</sup>

**TOTAL TRACT AREA** — The total horizontal area of land contained within the property lines of all parcels of land within the subject area, excluding areas within existing public street rights-of-way. [Added 10-2-2018 by Ord. No. 302]

**TOWNHOUSE** — See "dwelling types."

**TRACT** — An area of land comprised of a single parcel or multiple parcels which are either in single or, in the case of multiple ownership, subject to an agreement of all owners that development will be governed by and will be completed in accordance with a unified land development plan. A tract may contain parcels that are separated by public or private street rights-of-way. [Added 10-2-2018 by Ord. No. 302]

**TRADE/HOBBY SCHOOL or TRADE SCHOOL** — A facility that a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

**TRADESPERSON** — A person involved with building trades, such as but not limited to plumbing, electrical work, building construction, building remodeling, and roofing.

**TREATMENT CENTER** —

A. A use involving any one or a combination of the following:

- (1) A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:
  - (a) Criminal rehabilitation, such as a criminal halfway house;
  - (b) Current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
  - (c) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

39. Editor's Note: See Subsection D(12) of said section.

40. Editor's Note: See Subsection D(9) of said section.

- (2) A methadone treatment facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
  - (3) A lot upon which reside two or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.
- B. See standards in § 124-402A(48). Also, a group home that exceeds the number of residents allowed by this chapter within a group home shall be regulated as a treatment center, unless approved otherwise under § 124-111D. [Amended 4-7-2015 by Ord. No. 273]

UNIT — A physical portion of a condominium or planned community designated for separate ownership or occupancy, the boundaries of which are described pursuant to a declaration creating a condominium or planned community pursuant to Pennsylvania Condominium and Planned Community Acts.<sup>41</sup>

UNIT FOR CARE OF RELATIVE — A dwelling unit that:

- A. Is especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit;
- B. Is necessary to provide needed care and supervision to such relative; and
- C. Meets the requirements for such use in § 124-403D(13). [Amended 4-7-2015 by Ord. No. 273]

UNLICENSED VEHICLE — Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid state safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds aggregate gross vehicle weight) for which state regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously. See the regulations of the Property Maintenance Code.<sup>42</sup>

USE — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

VARIANCE — The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code. See § 124-111.

WALL — See "fence."

41. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq. and 68 Pa.C.S.A. § 5101 et seq., respectively.

42. Editor's Note: See Ch. 94, Property Maintenance.

WAREHOUSE — A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATER SERVICE, ON-LOT — Water supply service to a building that does not meet the definition of "central water service," such as but not limited to an individual on-lot well.

WATER SERVICE, PUBLIC — Central water service by a system owned and/or operated by a municipality or a municipal authority.

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLANDS — An area of land and/or water meeting one or more definitions of a "wetland" under federal and/or Pennsylvania law and/or regulations.

**YARD** — An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a "minimum setback." Each required yard shall be measured inward from the abutting lot line or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in § 124-803B.
- B. Private streets. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

**YARD SALE** — Shall have the same meaning as "garage sales," which is defined in this section.

**YARD, FRONT, OR FRONT SETBACK** — A yard measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See § 124-803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this chapter.
- D. Every lot shall include at least one front lot line.

**YARD, REAR OR REAR SETBACK** —

- A. A yard extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.
- C. Every lot shall include a rear lot line and a rear yard.

**YARD, SIDE OR SIDE SETBACK** —

- A. A yard which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.

- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this chapter.
- C. See the "corner lot" provision in § 124-803B.
- D. A triangular lot shall include one side yard. All other lots shall include at least two side yards, except for a corner lot.

ZONING MAP — The Official Zoning Map of East Petersburg Borough, Pennsylvania.

ZONING OFFICER — The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

ZONING ORDINANCE — The East Petersburg Borough Zoning Ordinance, as amended.