

# **ZONING ORDINANCE**

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## ARTICLE 1 BACKGROUND PROVISIONS

### SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Sadsbury Township Zoning Ordinance of 2011."

### SECTION 102 PURPOSE

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

### SECTION 103 SCOPE

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

### SECTION 104 INTERPRETATION

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

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing

body, in favor of the property owner and against any implied extension of the restriction.

#### SECTION 105      CONFLICT

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

#### SECTION 106      VALIDITY

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

#### SECTION 107      USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards and procedures governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance or within other Zoning Ordinances in effect within the Octoraro Region (i.e., Bart Township, Christiana Borough, and Colerain Township), and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria, (meets all applicable standards of this Ordinance, meets all other applicable requirements, rules, laws and ordinances of the federal, state, county or municipal governments) and would not be detrimental to the public health, safety and welfare of the neighborhood.



## SECTION 108 ESTABLISHMENT OF ZONES

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

- Agricultural (A)
- Agricultural Holding (AH)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Light Business (LB)
- Heavy Business (HB)
- Mixed Use (MU)
- Rural Residential (RR)
- Conservation (CN)
- Floodplain (FP)

## SECTION 109 ZONING MAP

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

## SECTION 110 ZONE BOUNDARY LINES

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

## SECTION 111 COMMUNITY DEVELOPMENT OBJECTIVES

Goal: To recognize two distinct areas in the region for the diversification of land uses: (1) central places (villages and towns, including the urban growth area in northeastern Sadsbury Township) and (2) the countryside.

Goal: To develop a land use plan that focuses on the retention of the character of these two areas.

Goal: To recognize the importance of the land use/economic development connection in the planning effort. For the Octoraro region, the economy is linked closely to the use of land. This connection is more important than the transportation/land use connection. It is embedded in the goals and objectives of the central places and the countryside. It relates to characteristics of culture and family.

Goal: To recognize the relationship of "town" to "countryside" in the Octoraro Region. The town setting is found in the villages and boroughs in and around the region. The towns help alleviate development pressure in the farmed and natural areas. These villages and the Borough of Christiana are recognized as central places (magnets of activity) within the region. The towns provide opportunities for high density (compact) housing, community gathering places and services (library, community center, parks, municipal services), expansion and concentration of businesses, and preservation of history and historic events.

Goal: To preserve agricultural land through regulatory and non-regulatory measures.

Goal: To preserve and protect the region's soil and water supplies through regulatory and non-regulatory or voluntary/educational (incentive) programs.

Goal: To protect and to preserve the symbols of the Octoraro countryside. These symbols include both manmade features and natural resources. These symbols are essential elements of the Octoraro scenic countryside.

Goal: To cooperate with neighboring municipalities in this planning process.

Goal: To provide a transportation network that meets current and future motorized and non-motorized transportation demands while preserving the region's community character and coordinating network changes with existing and future land use. And to recognize and reduce, where possible, potential conflicts between motorized and non-motorized vehicles.

Goal: To provide a wide range of community services and facilities accessible to the region's residents regardless of age and income level. Services include government, emergency, recreation, education, health-care/social, and library.

The following words and terms are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officials of the Township.

- A. WORD USAGE – Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION – In this Ordinance, when not consistent with the text:
- a) words in the present tense imply also the future tense.
  - b) the singular includes the plural, the plural the singular.
  - c) the male gender includes the female gender and the neuter.
  - d) the word “person” includes any individual or, a corporation, partnership, or any other similar entity.
  - e) the term “shall” or “must” is always mandatory.
  - f) the word “lot” includes the words “plot” and/or “parcel”.
  - g) the word “may” is permissive.
  - h) the words “used for” includes “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”.
  - i) the word “building” includes “structure” “or any part thereof”.
  - j) the word “person” includes “individual”, “group of individuals”, “profit or non-profit corporation”, “organization”, “partnership”, “company”, “unincorporated association”, or other similar entities.
  - k) the word “erect” shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs and grading of land. This shall only apply when there is or is going to be new construction to a structure.

ABANDONED – Any property, dwelling, motor vehicle, or item that is apparently and willfully disused, deserted, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms “junked”, “wrecked”, and “stripped”, shall have this same definition.

An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations and inspections are not maintained for three or more consecutive months.

ABANDONMENT – Abandoned by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

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

ACCESSORY USE – See Use, Accessory.

ACCESSORY STRUCTURE – A structure subordinate to and detached from the principal structure on the same lot and used for purposes customarily incidental to the principal building. Swimming pools shall be considered accessory structures when located on a lot with a residential dwelling.

ACT – The Pennsylvania Municipalities Planning Code, Act 247, as amended.

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.

ADJACENT – The state of being side by side, next to or adjoining one another.

ADULT USE - An establishment, having as a substantial or significant portion of it stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials which are distinguished or characterized by their emphasis on depicting, describing or displaying sexual activities or conduct or exposed male or female genital areas.

An establishment or place of assembly to which the public is permitted or invited: (a) which has all or a substantial or significant portion of its stock in trade consisting of the following items: (i) Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (ii) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or (b) where in coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (c) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; and/or (d) offer its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

The following specific uses are examples of adult use, but shall not be considered the only types of adult uses:

1. Adult bathhouse – An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult body painting studio – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult bookstore – Any establishment which has a substantial or significant portion of its stock in trade:
  - a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and/or
  - b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult cabaret – A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult massage establishment – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

6. Adult mini motion picture theater – An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult model studio – Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult motel – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by and emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult motion picture arcade – Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any time, and where the images so displayed are distinguished or characterized by and emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult motion picture theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult news rack – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical area.
12. Adult outcall service activity – Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period

of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

13. Adult sexual encounter center – Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult theater – A theater, concert hall, auditorium or other similar establishment either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

AGED – Age 55 or older.

AGRICULTURE – The cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nurseries, horticulture, forestry, and raising of customary domestic animals.

AGRICULTURAL USE/STRUCTURE – A use or structure pertaining to, or dealing with, agriculture, which is a direct result of husbandry or the cultivation of soil, involving the actual application of the art or science of cultivating the ground, including the harvesting of crops, the science or art of production of plants and animals used by man. It shall not include 1) recreational activities as a business such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing; 2) the raising, breeding or training of game animals or game birds, fish, cats, dogs, pets or animals intended for use in sporting or recreational activities; 3) fur farming; 4) stockyard and slaughterhouse operations; or 5) manufacturing or processing operations of any kind, including the processing of agricultural waste.

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 aqua cultural 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.

AGRICULTURAL, INTENSIVE – Accommodation upon a property of a structure designed or used to house three hundred (300) or more head of livestock, or five hundred (500) or more poultry animals, or any operation falling under the Federal or State definition of a “concentrated animal operation” (CAO) or “concentrated animal feeding operation” (CAFO). Furthermore, any operation that accommodates animals at a density of more than 2.00 “animal equivalent units” (AEU) /acre.

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

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

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

- a. PRIVATE AIRPORT – An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C. S.A. Section 5102.
- b. PUBLIC AIRPORT – An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C. S. A. Section 5102.

AIRPORT APPROACH SURFACE – Within an airport hazard area, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

AIRPORT CONICAL SURFACE – Within an airport hazard area, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 5,000 feet.

AIRPORT ELEVATION – The highest point of an airport’s usable landing area measured in feet above sea level.

AIRPORT HAZARD – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or



taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. C. S. A. Section 5102.

AIRPORT HAZARD AREA – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984, the Aviation Code.

AIRPORT HORIZONTAL SURFACE – Within an airport hazard area, a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

AIRPORT OBSTRUCTION – Any structure, tree or other natural growth, or other object, including a mobile object, which exceeds a limiting height within an airport hazard area.

AIRPORT PRIMARY SURFACE – Within an airport hazard area, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the highest point on the runway centerline.

AIRPORT RUNWAY – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

AIRPORT TRANSITIONAL SURFACES – Within an airport hazard area, these surfaces extend outward at 90-degree angles to the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

AIRPORT UTILITY RUNWAY – An airport runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

AIRPORT VISUAL RUNWAY – An airport runway intended solely for the operation of aircraft using visual approach procedures.

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

ALTERATIONS – Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural

parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

AMENDMENT – A change in use in any district which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the governing body.

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

AMUSEMENT PARK – A lot or tract of land used principally as a location for permanent amusement structures, rides or activities.

ANIMAL –

ANIMAL, DOMESTIC – Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

ANIMAL, EXOTIC – Members of the family Felidae except those species commonly called house cats and members of the Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

ANIMAL, WILD – All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

Big Game – Elk, deer, bear, and wild turkey.

Furbearer – Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcats.

Game Animals – Elk, deer, bear, cottontail, snow shoe hare, red, gray, and fox squirrels.

Game Birds – Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

ANIMAL EQUIVALENT UNIT (AEU) - One thousand (1,000) pounds of live weight of livestock and/or poultry animals, regardless of the actual number of animals that comprise the unit. For purposes of administering this Ordinance, the reference table of standard animal weights shall be used to calculate animal equivalent units. (See Appendix A)

ANIMAL HOSPITALS - Any establishment offering veterinarian services. Animal hospitals treat all types of animals and can include outdoor and overnight boarding of animals.

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

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

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

AREA - The extent of surface contained within the boundaries or extensions of any object.

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

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

AREA, NET - The actual area proposed for development exclusive of existing and proposed rights-of-way.

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

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

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

AUTOMOBILE FILLING / SERVICE STATION - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks, or a building or a lot which contains facilities for

rendering commercial services, such as lubrication, washing, detailing, vehicle repairs, and retail sales of motor vehicle accessories. The station may also include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of this Ordinance are complied with. Commercial services shall be presumed if vehicles, other than those owned by the lot owner, tenant or family are lubricated, washed or repaired on or in the building or lot.

BASEMENT – Any area of a building having a floor below ground level on one or more than one of its sides.

BED AND BREAKFAST – An owner occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than fourteen (14) days, subject to the provisions of Section 723 hereof. Breakfast may be offered only to registered overnight guests.

BILLBOARD – See definition of Signs.

BLOCK – An area of land bounded by streets.

BOARD OF SUPERVISORS – The Board of Supervisors of Bart Township, Colerain Township, or Sadsbury Township, Lancaster County, Pennsylvania.

BOARD, ZONING HEARING – The Zoning Hearing Board of Bart Township, Colerain Township, Sadsbury Township, or Christiana Borough, Lancaster County, Pennsylvania.

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

BOROUGH – Christiana Borough, Lancaster County, Pennsylvania

BUFFER YARD – See definition of Yard, Buffer.

BUILDING – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

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

BUILDING, ATTACHED – A non residential building constructed so that one or more walls attach to another building. A building shall not be considered

attached merely because a railing, spouting, unenclosed causeway, unenclosed breezeway or similar structure may incidentally attach two buildings together.

**BUILDING, DETACHED** – A non residential building that does not share a wall with another building. A building shall still be considered a detached building if it is connected with a railing, spouting, unenclosed causeway, unenclosed breezeway, or similar structure that may incidentally attach two buildings together.

**BUILDING, FARM** – A building principally devoted to agricultural uses; namely barns, poultry and other animal houses, corn cribs, silos, and other similar farm structures. The term “farm building” shall not include a dwelling.

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

**BUILDING AREA** – The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of awnings, terraces, and steps (e.g. top view).

**BUILDING ENVELOPE** - The area of a lot that has no building or construction restrictions such as, building setback requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, or similar restrictions as defined in this Ordinance.

**BUILDING HEIGHT** – See Height, Building

**BUILDING LENGTH** – The longest horizontal measurement of a building.

**BUILDING PERMIT** – See definition of Permit.

**BUILDING SETBACK LINE** – The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent rights-of-way and property lines. This shall include sun parlors, covered porches, whether enclosed or unenclosed, any roof overhangs, but does not include steps.

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

**CAMPSITE** – A plot of ground within a campground intended for occupation by a recreational vehicle, tent, camper, or travel trailer.

**CARPORT** – An unenclosed structure for the storage of one or more vehicles in the same manner of a private garage, which may be covered by a roof supported by

columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

CARTWAY – The improved surface of a street, drive, or alley available for vehicular traffic.

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

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

CERTIFICATE OF USE AND OCCUPANCY – A certificate issued by a building code official allowing occupancy of a building or structure under the Uniform Construction Code.

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

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

CLEAR-SITE TRIANGLE – An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

CLUB PRIVATE – An organization catering exclusively to members and their guests, or premises or a building used for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities except as required for membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

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

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

COMMON WALL – A wall used or adopted for joint service between two buildings or parts thereof.

COMMUNICATIONS EQUIPMENT BUILDING – An unstaffed building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

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

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

COMMUNITY SYSTEM – A central water or sewerage system, the rates and services of which may be publicly or privately controlled.

COMPLETELY DRY SPACE – A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and is waterproof.

COMPOSTING – The conversion of organic matter, such as yard waste, to fertilizer.

COMPREHENSIVE PLAN – The Octoraro Region Joint Strategic Comprehensive Plan.

CONDITIONAL USE – A use permitted in a particular zoning district pursuant to when specific conditions and criteria prescribed for such uses have been complied with in accordance with this ordinance. Conditional uses are reviewed by the Governing Body after recommendations by the Planning Commission.

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

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

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

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

CONSISTENCY – An agreement or correspondence between matters being compared, which denotes a reasonable rational, similar, connection or relationship.

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

CONTRACTOR'S OFFICE OR SHOP – Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting, and roofing contractors.

CONVENIENCE STORE – A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, where no patron seating is provided, and is not primarily a restaurant, and that includes a building with a floor area of less than eight thousand (8000) square feet. A convenience store shall not have drive-through service; otherwise it shall be considered a restaurant. The rental of videotapes and/or DVDs typically provided at an adult bookstore is specifically prohibited.

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

CONVERSION – To change or adapt land or structures to a different use, occupancy or purpose.

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

COUNCIL BOROUGH – The Christiana Borough Council, Lancaster County, Pennsylvania.

COUNTY – The County of Lancaster, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION – The Lancaster County Planning Commission.



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

COURT, INNER – A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

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

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

DAWDY HOUSE/IN-LAW QUARTERS – An attached additional dwelling unit placed on a property for occupancy by an elderly person(s) related by blood, marriage, or adoption, to the occupants of the principal building.

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

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

DEED RESTRICTION – Clauses included in a deed, which restricts, controls or limits the general use of a defined parcel of land.

DENSITY – The number of housing units allocated per acre of land.

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

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

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities filing, grading and excavation; mining, dredging, drilling operations, storage of equipment or materials; and the subdivision of land.

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

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

DISTANCE BETWEEN BUILDINGS – This measurement shall be made at the closest point.

DOMESTIC PETS – See Animal, Domestic.

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

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

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

DWELLING – A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. The word “dwelling” shall not include lodging houses, boarding or rooming houses, bed and breakfast inns, hotels, motels, tents, trailers or any structure designed or used for transient residence.

DWELLING, APARTMENT – A dwelling unit within a multi-unit building.

DWELLING, CONVERSION APARTMENT – An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, [with or] without substantially altering the exterior of the building.

DWELLING, SINGLE-FAMILY DETACHED – A dwelling unit designed and occupied exclusively by one (1) family, having no walls in common with any other dwelling unit or building.

DUPLEX - A freestanding building containing two (2) dwelling units for two (2) families which has only one (1) party wall or floor in common.

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

DWELLING, MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

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

EATING ESTABLISHMENT – Any form of restaurant and/or tavern open to the public, dispensing food and drink.

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

ELDER COTTAGE – See Dawdy House.

EMERGENCY SERVICES STRUCTURE – A government owned or a not for profit organization such as but not limited to: ambulance, fire, police, police sub-station, and emergency operation center.

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

ENVIRONMENT – Air, water, noise, open space, soil, night sky, and wildlife resources.

ENVIRONMENTALLY SENSITIVE AREAS (RURAL) – An area not suitable for development that includes hedge rows/fences rows, flood plains, flood plain soils, steep slopes, wetlands, and riparian areas.

ENVIRONMENTALLY SENSITIVE AREAS (URBAN) – An area not suitable for development that includes flood plains, flood plan soils, steep slopes, wetlands, and riparian areas.

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

FAMILY – Any of the following:

- a. A single individual occupying a dwelling unit.
- b. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- c. Not more than three (3) unrelated persons occupying a dwelling unit.
- d. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

FARM – A parcel of land, containing at least ten (10) acres and a residence, which is used for land cultivation, livestock, poultry or dairy operation or which is otherwise used for an agricultural or horticultural use.

FARM OCCUPATION – A business owned and operated by a resident of the premises which is a second principal use to a primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm. Such farm occupations may include agricultural equipment repair; welding; small machine repair; painting service; fencing service; sharpening service; livestock grooming; shearing and/or trimming services; agricultural consulting service; sale of small tools; small parts and/or specialized small agricultural equipment manufactured on the premises;

family-scale food processing, preparation, canning and baking; cold storage and mini-warehousing of foods and prepared agricultural products in existing agricultural buildings; and kindred. Farm occupations do not include commercial or industrial uses such as feed, fertilizer and grain mills, large agricultural equipment sales-and-service, canneries, rendering plants, manufacture and assembly or any other use which results in high traffic generation or attraction, noise, glare or noxious elements.

FARMING – See Agricultural Use.

FCC – Federal Communications Commission.

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

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

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

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

FLAG LOT – A lot created by a subdivision which includes a narrow projection or “flagpole” to the right-of-way.

FLAG POLE – A narrow extension of property on a flag lot from the buildable area of a lot to the right-of-way.

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

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

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in the Ordinance as being inundated by the one hundred (100) year flood.

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

FLOOD ELEVATION – The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

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

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

MAXIMUM FLOOD ELEVATION – The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain Zone.

ONE HUNDRED YEAR FLOOD – A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

100-YEAR FLOOD ELEVATION – The water surface elevations of the 100-Year Flood.

100-YEAR FLOOD BOUNDARY – The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

FLOOD, 500-YEAR – A flood that, on average is likely to occur once every 500 years.

FLOOD, CHANNEL – A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

REGULATORY FLOOD ELEVATION – An elevation equal to one and one-half (1 ½) Feet higher than the surface water elevation associated with the one hundred year flood as defined herein.

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.

FLOODPROOF – Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

**FLOODWAY** – The channel of watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

**FOOTCANDLE** – A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter or light meter.

**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.

**FULL CUTOFF** – A term used by the lighting industry to describe a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

**FULL SHIELDED** – A light constructed in such a manner that all light emitted by the fixture either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane drawn through the bottom of the fixture.

**FUNERAL HOME** – A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- a. embalming and the performance of other services used in preparation of the dead for burial, but shall not include facilities for cremation.
- b. the performance of autopsies and other related surgical procedures;
- c. the storage of caskets, funeral urns, and other related funeral supplies;
- d. where a funeral home is permitted, a funeral chapel shall also be permitted.

**GAMING FACILITY** – Any facility or location at which any lawful gambling activity other than, or in addition to, pari-mutuel wagering may be conducted under

Pennsylvania Law, including any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards and other similar devices are located. The term "lawful gambling activity" shall not include the sale of lottery tickets in compliance with State Lottery Law.

GARAGE, PRIVATE – A garage intended and used for the storage of the private motor vehicles of the families residing on the premises.

GARAGE, PUBLIC – A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of motor vehicles.

GLARE – The effect produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

GOVERNING BODY – The Township Supervisors of Bart Township, Colerain Township, Sadsbury Township, or the Borough Council of Christiana Borough, Lancaster County, Pennsylvania.

GRADE, ESTABLISHED – The elevation of the center line of the streets, as officially established by the municipal authorities.

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

GRADE, MEAN – The average ground level formulated from the grades at all corners of a building.

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

GROUND FLOOR – The floor of a building nearest the mean grade of the front of the building.

GROUP HOME - A dwelling operated by an individual, family, or organization with a program to provide supportive living arrangement for up to fifteen (15) residents where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse.

HAZARDOUS MATERIAL – Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Because of its quantity, concentration, or



physical, chemical, or infectious characteristics, hazardous material may pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

In the Floodplain, hazardous material can consist of floatable materials with the potential to cause physical damage, such as storage tanks, and large containers as defined by the Pennsylvania Department of Environmental [Protection] 25 PA Code Chapter 75, as amended.

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

**HEALTH AND RECREATION FACILITY** – A commercial business that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

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

**HEIGHT, BUILDING** – A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, barns, spires, towers, silos, and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

**HELICOPTER PAD (PRIVATE)** – An accessory use where no more than one helicopter may land/take-off and be stored.

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

**HIGHWAY ACCESS POINT** – The measurement shall be extended from the terminate of one curb cut to the establishment of an adjacent curb cut. In the event that there are no curbs, the measurement shall be from the edge of each cartway.

**HISTORIC STRUCTURE** – Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with Historic Preservation Programs which have been approved by the Secretary of the Interior;
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior; or
  - ii. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION – Any activity conducted entirely within a dwelling or accessory structure which is subordinate to the residential use of the dwelling.

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

HOTEL/MOTEL – A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

HYDRIC SOIL – Soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants according to the Soil Survey of Lancaster County, Pennsylvania as amended.

HYDROPHYTE – Any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

ILLUMINANCE – The quantity of light measured in footcandles or lux.

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

IMPERVIOUS MATERIAL – Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water.

IMPROVEMENT – To make more useful, profitable, or valuable.

IMPACTS ASSOCIATED with NORMAL FARMING PRACTICES – Including but not limited to, noise, odors, dust, night, holiday and early morning operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil, herbicides, and pesticides.

INDUSTRY – The manufacturing, compounding, processing, assembly, warehousing, distribution or treatment of materials, articles, or merchandise.

IN-LAW QUARTERS –Attached ‘English’ Dawdy house.

INTENSIVE AGRICULTURAL PRODUCTION FACILITY – A farm building, mushroom production facility, mushroom composting facility, kennel, structure and/or facility specially designed, constructed and/or operated for the intensive and accelerated raising of poultry, livestock or agricultural produce and/or processing of byproducts of the same for commercial sale including, but not limited to any confined housing for poultry, livestock, mushrooms and/or by-products which structure is five thousand (5,000) square feet or larger.

JUNK – Any material, machinery, scrap metals, articles or objects possessing value in part, gross, or aggregate, and including but not limited to inoperable vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste.

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

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

LIBRARY – An institution using a room or building where a collection of books, tapes and other modes of written and visual information is kept for reading, reference or circulation, and may be borrowed by members.

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

LOADING BERTH/SPACE – An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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 and having a frontage on a dedicated street or road.

LOT AREA – The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but not including the area of any easement.

LOT, CORNER – A lot adjacent to a street intersection with frontage on two or more streets.

LOT COVERAGE – The percentage of a lot which is imperviously surfaced.

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

LOT, DOUBLE FRONTAGE – A lot extending between and having frontage on two (2) streets; however, a corner lot shall not be considered a double frontage lot.

LOT FRONTAGE – The lot dimension measured along the right-of-way line of any one street abutting a lot.

LOT, FLAG – See Flag Lot.

LOT, INTERIOR – A lot, the sides of which do not abut a street.

LOT LINE – A property line as defined by a sealed survey or legal description for the recorded deed to a lot.

LOT, NONCONFORMING – See definition of Nonconforming Lot.

LOT OF RECORD – A lot which has been recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania.

LOT WIDTH – The length of a straight line, measured at the front building setback line running substantially parallel to the street line, along the full width of the lot. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the property line located directly opposite.

LUMEN – The quantity of light produced by a lamp or emitted from a luminaire.

LUMINANCE – The physical and measurable quantity of light that corresponds to the directional brightness of a light source or of a surface (e.g. a lamp, luminaire, reflecting material) in a specific area and measurable with a luminance meter or light meter.

LUMINAIRE – A complete lighting unit consisting of a lamp(s) together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

LUX – A unit of light intensity stated in lumens per square meter (there are approximately 10.7 lux per footcandle).

MANUFACTURED HOME – See Dwelling, Manufactured Home.

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

MANUFACTURING – The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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

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

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

MEAN SEA LEVEL – The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

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

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

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

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

MIXED USE – Occupancy of a building or land for more than one (1) use or type of use.

MOTEL/HOTEL – See Hotel/Motel.

MOTOR HOME – See Recreational Vehicle.

MPC – The Pennsylvania Municipalities Planning Code, Act 247, as amended.

MUNICIPAL ENGINEER – The professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality.

MUNICIPALITY – Bart Township, Christiana Borough, Colerain Township, or Sadsbury Township, Lancaster County, Pennsylvania.

MUSHROOM COMPOST, FRESH (also known as “Fresh Mushroom Growing Substrate”) – Materials which are used as a part of the process for creating a substance and/or medium in which to grow mushrooms. Composting materials generally consist

of organic substances such as straw, hay, manure, cobs, peat moss, and/or soil used in the facility for the growing of mushrooms.

**MUSHROOM COMPOST, SPENT** (also known as “Spent Mushroom Growing Substrate”) – Any material or substance which remains, or is no longer required in the mushroom growing process, after the production and/or mushroom growing cycle is complete, which means that no fresh mushrooms remain ready for harvest. Such material shall also include “aged spent mushroom compost” which is the material remaining after the spent mushroom compost is conditioned by weather and elements and broken down into a primarily humus-type substance.

**MUSHROOM COMPOSTING** – Any mixing, combining, processing, aerating, or similar use of any composting materials used in mushroom production. The term shall include spent mushroom compost as well as materials being processed to be used as fresh mushroom compost. Mushroom composting shall only be permitted as an accessory use to the mushroom production.

**MUSHROOM FARM ENVIRONMENTAL MANAGEMENT PLAN** – A written plan outlining how the mushroom grower, producer of mushroom compost, or handler of spent mushroom compost intends to manage, within reasonable and practical limits, the mushroom production operation and the processing, depositing, removal, handling, and/or storage of mushroom compost in order to prevent pollution of the environment and to maintain and/or improve the existing conditions of the soil, water, air, and other natural features of the area surrounding the site on which the mushroom growing and composting takes place.

**MUSHROOM PRODUCTION** – A specialized form of agriculture involving the raising and harvesting of mushrooms, carried on primarily inside buildings, including accessory operations such as composting, pasteurization, packaging and shipping.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after May 3, 2005 (the effective date of the first floodplain management ordinance enacted by Sadsbury Township for the purpose of complying with the requirements of the National Flood Insurance Program), and includes any subsequent improvements thereto.

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

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

- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display 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 the residential 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 activities.

NON-CONFORMING LOT – A lot, the area or dimensions of which were lawful prior to the enactment of this Zoning Ordinance or any amendment hereto, but which fails to conform to the requirements of the Zoning District in which it is located by reason of the enactment of this Ordinance or any amendment hereto.

NON-CONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance, or any amendment hereto, where such structure lawfully existed prior to the enactment of this Ordinance or such amendment. Such structures include, but are not limited to, non-conforming signs.

NON-CONFORMING USE – A use, whether of land or of a structure, which does not comply with the applicable use provisions of this ordinance or amendments heretofore or hereafter enacted, where such use lawfully existed prior to the enactment of such ordinances or amendments.

NURSERY – A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting.

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



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

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

**ON-LOT SEWER** – A single collection and disposal system for waste waters which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

**ON-LOT WATER** – A single collection and conveyance system for water sully system which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

**OPEN SPACE** – An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots, sidewalks adjacent to streets, or other surfaces designed or intended for vehicular travel or parking.

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

**OUTDOOR CAFÉ** – An outdoor patio area of an associated restaurant or tavern used for the express purpose of furnishing food and beverage to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building in which the associated restaurant or tavern is located.

PARKING LOT – Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE – The space within a building, or on a lot or parking lot, for the parking or storage of one (1) vehicle.

PARKS, PRIVATE – A recreational facility owned or operated by a nonpublic agency and/or conducted as private gainful business.

PARKS, PUBLIC – Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a non-profit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

PERMIT – Any and all grants of authority, permissions, registrations or certifications issued by the Zoning Officer, Building Code Official, Sewage Enforcement Officer, Zoning Hearing Board or Governing Body or other Municipal, State or Federal Official.

PERMIT, SPECIAL – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions, as well as substantial improvements to such existing parks, when such development is located in all, or a designated portion, of a floodplain.

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

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

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

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

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

PLANNING COMMISSION – The Planning Commission of Bart Township, Christiana Borough, Colerain Township, and Sadsbury Township of Lancaster County, Pennsylvania.

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

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

PREMISES – Any lot, parcel, or tract of land and any building constructed there on.

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soil of the first, second, or third class as defined by the United States Department of Agriculture Natural Resource Conservation Services Lancaster County Soil Survey.

PRIVATE – Not publicly owned, operated, or controlled.

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

PUBLIC – Owned, operated or controlled by a government agency (federal, state, or local, including a corporation created by law for the performance of certain specialized governmental functions, not including the Department of Education). (See School, Public)

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Governing Body, or planning agency, intended to inform and obtain public comment, prior to taking action.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH.7 (Relating to open meetings).

PUBLIC NOTICE – A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time

and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC ROAD – See Street.

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

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

PUBLIC UTILITIES – A business enterprise, as a public service corporation, performing an essential public service and regulated by the federal, state, or local government.

PUBLIC OR COMMUNITY WATER SUPPLY – A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

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

- a. Commercial Recreational Facility: A recreational area operated by a private entity as a commercial, for-profit business that is open to the general public for a fee.
- b. Private Recreational Facility or Club: A privately-owned recreational area or club that has been established as an element of a housing

development or group of residences where access is limited to the residents of that development and their guests.

- c. Public Recreational Facility: A recreational area owned by the municipality or some other governmental or public non-profit agency approved by the municipality that is open to the general public. Designation of a recreational area as 'public' shall not stop the operating agency from charging a fee for the use of facilities to cover administrative, insurance, maintenance, and other operating costs.
- d. Restricted Recreational Facility: A recreational area operated as a membership organization where only members and their guests have access to the facility.

RECREATIONAL VEHICLE – A vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light- duty truck; and
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLABLES – Reusable material including clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, plastics and other materials designated by the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. sections 4000.101 – 4000.1904).

RECYCLING CENTER – A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for a supplement to virgin raw materials. This term does not include transfer facilities, municipal waste landfills, composting facilities, resource recovery facilities, or junkyards.

REPAIR SERVICES – Includes such uses as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe-repair shops.

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

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

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

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

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

ROAD – See definition of Street.

ROADSIDE STAND – A structure designed or used for the display or sale of agricultural products or other goods produce on the premises upon which such a stand is located.

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

SCHOOL, COMMERCIAL – An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton-twirling, and musical training. Commercial schools are principal uses that are neither home occupations nor day care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance.

SCHOOL, PRIVATE – A school that may offer a wide range of educational or instructional activities (excluding vocation-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District.

SCHOOL, PUBLIC – A school licensed by the Department of Education for the purpose of providing elementary, secondary, post-secondary, post-graduate and adult education, and operated by a public school district.

SCHOOL, VOCATIONAL-MECHANICAL TRADE – A school that may or may not be operated as a gainful business that principally offers training in any of the following, but not limited to, occupations:

- 1) Truck driving;
- 2) Engine Repairs;
- 3) Building construction and general contracting;
- 4) Woodworking;
- 5) Masonry;
- 6) Plumbing; and
- 7) Electrical contracting.

SCREENING – An assemblage of materials that are arranged so as to block sound, and/or odor, and/or light between grade and a height of six feet (6'). Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal.

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

SELF STORAGE UNITS – A use of land where secure structures or secure units within a structure are offered for lease to the general public for the storage of customers' goods or wares.

SETBACK – The required horizontal distance between a setback line and a property or street line.

SETBACK, FRONT – The distance between the Right-of-Way line and the front set back line projected the full width of the lot. Commonly called 'required front yard'.

SETBACK, REAR – The distance between the rear lot line and the rear set back line projected the full width of the lot. Commonly called 'required rear yard'.

SETBACK, SIDE – The distance between the side lot line and side set back line projected from the front yard to the rear yard. Commonly called the 'required side yard'.

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

SHOPPING CENTER – One or more attached buildings devoted to more than one (1) commercial use on the same lot. For the purposes of this definition, 'attached' shall

include buildings that are not physically attached, but share a common parking lot or other common facilities.

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

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

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

SIGN, BILLBOARD – An off-premise, permanent freestanding sign which directs attention to a product, service, business, or cause.

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

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

SIGN, OFF-PREMISE – A sign intended for displaying of information not located on or related to the premises on which the sign is situated.

SIGN, ON-SITE – A sign relating in its subject matter to the premises on which it is located.

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

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

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

SIGN, WINDOW – A temporary or permanent sign oriented to the Right-of-Way located either on the inside or outside of a window.



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

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, as amended.

SOIL SURVEY – The latest published version of the United States Department of Agriculture's soil survey for Lancaster County, Pennsylvania.

SOLAR ENERGY UNITS – A unit converting sunlight to electricity or to heat water.

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

STORAGE FACILITY – A building(s) intended for the lease of storage space for the sole purpose of storing household goods, documents, motor vehicles, or recreational equipment.

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

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

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

STREET, ARTERIAL – A street that represents substantial statewide, interstate, or regional travel and movements between major urban areas.

STREET, MAJOR COLLECTOR – A street that serves primarily intra-county trips and as a link with arterial streets.

STREET, MINOR COLLECTOR – A street that accumulates traffic from local streets and brings all development areas within reasonable distance of collector roads. A minor collector street provides service to small communities.

STREET, LOCAL – A street that primarily provides access to adjacent land and serves travel over relatively short distances. Generally, interaction with vehicles entering and exiting the highway network is expected.

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

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

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

STRUCTURE, GARDEN – Any accessory structure which may be occupied for purposes other than sleeping or general housekeeping, and which serves as a shelter primarily for human beings, not including, however, permitted garages, porches or carports, which is located in any side or rear yard not closer than three feet (3') to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required Yard. Unscreened, unroofed, unwalled, or unfenced patios, bird baths, ornamental pools and swimming pools are not considered to be Garden Structures. Permitted structures may be attached to or detached from a dwelling.

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

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; nor
2. Any alteration to a ‘historic structure’ provided that the alteration will not preclude the structure’s continued designation as a ‘historic structure’.

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

SWIMMING POOL – Any structure containing, or normally capable of exceeding 24 inches in water depth. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose of their construction or use.

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

THEATER – See definition of Cinema.

TOWNSHIP – Bart Township, Colerain Township, Sadsbury Township, Lancaster County, Pennsylvania.

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

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

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

USE, BY RIGHT – A use permitted in a zoning district without the need for a special exception, variance, or conditional use approval.

USE, NON-CONFORMING – See definition of Non-conforming Use.

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

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

USE AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer certifying a use’s compliance with information reflected on the building permit and this Ordinance.

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

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

VEHICULAR WASH FACILITY (CAR WASH) – A building on a lot, designed and used primarily for the washing, polishing, and/or detailing of automobiles and which may provide accessory services set forth herein for Automobile Service Stations.

VETERINARIAN’S OFFICE – A building used primarily for the treatment and evaluation by a veterinarian of animals. No outdoor boarding of animals is permitted.

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

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.

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

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

WIND ENERGY CONVERSION SYSTEM (WECS) – Any device which converts wind energy to mechanical or electrical energy.

WECS UNIT – Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

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

YARD, BUFFER – A unit of yard together with plantings, walls, berms, or fences required thereon located between different land uses or public roads designed to minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and parking lots, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires and explosion.

YARD, FRONT – See Setback, Front.

YARD, REAR – See Setback, Rear.

YARD, SIDE – See Setback, Side.

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

ZONING HEARING BOARD – The official municipal body having jurisdiction to render final adjudications in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as may be amended.

ZONING MAP – The officially adopted Zoning Map of the municipality, together with all amendments thereto subsequently adopted.

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

ZONING ORDINANCE – The Bart Township, Christiana Borough, Colerain Township, or Sadsbury Township Zoning Ordinance.

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

## ARTICLE 2 ZONING REGULATIONS

### SECTION 201 AGRICULTURAL ZONE (A)

1. PURPOSE AND INTENT. The purpose of the Agricultural District is to promote the preservation and continuation of agricultural activities and the protection of agricultural land in those areas most suitable for farming. This District also intends to protect and stabilize the viable agricultural economy by eliminating uses that are incompatible with farming, but permitting farm occupation (Cottage Industry) and limited agricultural support businesses. Residential uses are limited and any future inhabitants of this District must be willing to accept the impacts associated with normal farming practices and related businesses.
2. PERMITTED USES
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Animal Hospital
  4. Bed and Breakfast Inns, subject to Section 403
  5. Boarding Home
  6. Communication Antennas, Towers, Equipment & Buildings, subject to Section 408
  7. Conservation Area
  8. Dawdy House
  9. Day Care
  10. Single Family Detached Dwelling
  11. Manufactured Home Dwelling
  12. Echo Housing, subject to Section 411
  13. Forestry, subject to Section 414
  14. No-Impact Home Based Business
  15. Nursery
  16. Public Uses and Public Utilities Structures
  17. Roadside Stand, subject to Section 426
  18. School
  19. Solar Energy Units.
3. SPECIAL EXCEPTION USES: The following uses are permitted as a Special Exception when granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
  2. Cemetery, subject to Section 405
  3. Church/House of Worship and Related Uses, subject to Section 406
  4. Cottage Industry, Subject to Section 409

5. Farm Occupation, Subject to Section 412
6. Greenhouse, Subject to Section 415
7. Group Home, Subject to Section 416
8. Home Occupation, Subject to Section 417
9. Horse Boarding Stable and/or Riding School, Subject to Section 418
10. Intensive Agricultural Production Facility, Subject to Section 419
11. Kennel, Subject to Section 422 421
12. ~~Manufacturing, Subject to Section 420~~
13. Manure Storage Facilities, Subject to Section 424
14. Contractor's Office or Shop, subject to Section 428
15. Wind Energy Conversion System and/or Solar Energy, Subject to Section 430.

4. DESIGN STANDARDS: See Table 1 below:

Use	Minimum Lot Area (Sq. Ft.)	Maximum Lot Area (Sq. Ft.)	Minimum Width <sup>(1)</sup>	Maximum Lot Coverage	Required Setbacks			
					Minimum Front Yard	Minimum Side Yard		Rear Yard
Agricultural Horticultural & Forestry	435,600	N/A	200 ft.	10%	50 ft.	50 ft.	(100 ft)	50 ft.
Single Family Detached Dwelling	43,560 <sup>(2)</sup>	87,120 <sup>(2)</sup>	150 ft.	30%	50 ft.	25 ft.	(50 ft.)	50 ft.
Other Principle Uses	43,560 <sup>(2)</sup>	87,120 <sup>(2)</sup>	200 ft.	40%	50 ft.	25 ft.	(50 ft.)	50 ft.
Residential Accessory Structures	N/A	N/A	N/A	20%	N/A	10 ft.	(20 ft.)	10 ft.

- (1) Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70%) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is arch/curve.
- (2) In areas not served by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater; such determination will be made by the Pennsylvania Department of Environmental Protection, through its sewer module review process.

5. Maximum Permitted Height:

1. Agricultural, horticultural and forestry silos and storage structures – One hundred fifty (150) feet. In addition, each structure must be set back a distance at least equal to their height from each property line and all structures must comply with the regulations contained within Section 304 of this Ordinance.
  2. Principal buildings and structures – Thirty-five (35) feet.
  3. Accessory buildings and structures – Twenty-eight (28) feet.
6. Required Conservation Plan/Erosion & Sedimentation Plan – Any agricultural, horticultural or forestry related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation, shall require the obtainment



of an approved conservation plan from the Lancaster County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Resources. All onsite activities shall then be in compliance with the approved conservation plan.

7. Driveways and Access Drives – All driveways serving single family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
8. Agricultural Disclaimer – All lands within the Agricultural Zone are located within areas where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, “The Right to Farm Law,” may bar them from obtaining a legal judgment against such normal agricultural operations.
9. No fencing, plowing, cultivating or growing of crops is permitted within the Right-of-Way of any road. Placement of such items such as, but not limited to rocks, stones, limbs, branches, trash, etc. is prohibited within said Right-of-Way.
10. Nutrient Management – All concentrated animal operations (CAO) must conform with the Pennsylvania Nutrient Management Act of 1993 as amended.
11. Within this zone, the use of flag lots is permitted, subject to the requirements of Section 316 of this Ordinance.
12. Upon subdivision of a lot in this zone, no further subdivision shall be permitted on the parent tract or on the newly formed parcel for a period of four (4) years from date the plan is recorded. However, a second subdivision is permitted within the four (4) year period if the second subdivision is to add to adjoining property and such property is not thereafter subdivided for four (4) years.
13. All uses within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

## SECTION 202 AGRICULTURAL HOLDING ZONE (AH)

1. PURPOSE AND INTENT. The purpose of the Agricultural Holding District is to promote the continuation of agricultural activities within the Urban Growth Area until the time that more area is needed for development. At the time more area is needed, the Sadsbury Township Board of Supervisors will make a determination concerning designation of the most appropriate zoning district. While zoned Agricultural Holding, any future inhabitants of this District must be willing to accept the impacts associated with normal farming practices and related businesses.
2. PERMITTED USES:
  1. Agricultural Uses/Structures
  2. Agricultural Operation
  3. Animal Hospital
  4. Bed and Breakfast Inns, subject to Section 403
  5. Boarding Home
  6. Dawdy House
  7. Day Care
  8. Single Family Detached Dwelling
  9. Manufactured Home Dwelling
  10. Echo Housing, subject to Section 411
  11. Forestry, subject to Section 414
  12. No-Impact Home Based Business
  13. Nursery
  14. Roadside Stand
  15. Solar Energy Units.
3. SPECIAL EXCEPTIONS: The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Building, subject to Section 401
  2. Church/House of Worship and Related Uses, Subject to Section 406
  3. Cottage Industry, Subject to Section 409
  4. Farm Occupation, Subject to Section 412
  5. Greenhouse, Subject to Section 415
  6. Home Occupation, Subject to Section 417
  7. Horse Boarding Stable and/or Riding School, Subject to Section 418
  8. ~~Manufacturing, Subject to Section 420.~~
4. CONDITIONAL USES: The following uses are permitted when Conditional Uses are granted by the Sadsbury Township Board of Supervisors subject to Section 704:
  1. School, Subject to Section 427.

5. Design Standards – See Table Below

Use	Minimum Lot Area (Sq. Ft.)	Maximum Lot Area (Sq. Ft.)	Minimum Width <sup>(1)</sup>	Maximum Lot Coverage	Required Setbacks			
					Minimum Front Yard	Minimum Side Yard	One Side	Both (Sides)
Agricultural Horticultural & Forestry	435,600	N/A	200 ft.	10%	50 ft.	50 ft.	(100 ft.)	50 ft.
Single Family Detached Dwelling	43,560 <sup>(2)</sup>	87,120 <sup>(2)</sup>	150 ft.	30%	50 ft.	25 ft.	(50 ft.)	50 ft.
Other Principle Uses	43,560 <sup>(2)</sup>	87,120 <sup>(2)</sup>	200 ft.	40%	50 ft.	25 ft.	(50 ft.)	50 ft.
Residential Accessory Structures	N/A	N/A	N/A	20%	N/A	10 ft.	(20 ft.)	10 ft.

- (1) Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70%) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is an arch/curve.
- (2) In areas not served by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater; such determination will be made by the Pennsylvania Department of Environmental Protection, through its sewer module review process.

6. Maximum Permitted Height:

1. Agricultural, horticultural and forestry silos and storage structures – One hundred fifty (150) feet. In addition each structure must be set back a distance at least equal to their height from each property line and all structures must comply with the regulations contained within Section 304 of this Ordinance.
2. Principal buildings and structures – Thirty-five (35) feet.
2. Accessory buildings and structures – Twenty-eight (28) feet.

7. Required Conservation Plan – Any agricultural, horticultural or forestry related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the obtainment of an approved conservation plan from the Lancaster County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Resources. All onsite activities shall then be in compliance with the approved conservation plan.
8. Driveways and Access Drives – All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
9. Agricultural Disclaimer – All lands within the Agricultural Holding Zone are located within areas where land is used for commercial agricultural production. Owners, residents and other users of this property may be subject to

inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.

10. No fencing, plowing, cultivating or growing of crops is permitted within the Right-of-Way of any road. Placement of items such as, but not limited to rocks, stones, limbs, branches, trash, etc. is prohibited within said Right-of-Way.
11. Within this zone, the use of flag lots is permitted, subject to the requirements of Section 316 of this Ordinance.
12. Upon subdivision of a lot in this zone, no further subdivision shall be permitted on the parent tract or on the newly formed parcel for a period of four (4) years from date the plan is recorded. However, a second subdivision is permitted within the four (4) year period if the second subdivision is to add to adjoining property and such property is not thereafter subdivided for four (4) years.
13. All uses permitted within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

## SECTION 203 LOW DENSITY RESIDENTIAL (LDR)

1. **PURPOSE AND INTENT:** The purpose of the Low Density Residential District is to provide for the lowest density residential areas in the growth area. The District intends to provide for open space development, particularly in areas with environmental constraints.
2. **PERMITTED USES:**
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Dawdy House
  4. Day Care
  5. Single Family Detached Dwelling
  6. Duplex
  7. Manufactured Home Dwelling
  8. Echo Housing, subject to Section 411
  9. Forestry, subject to Section 414
  10. No-Impact Home Based Business
  11. Solar Energy Units.
3. **SPECIAL EXCEPTION:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
  2. Group Home, Subject to Section 416
  3. Home Occupation, Subject to Section 417.
4. **CONDITIONAL USES:** The following uses are permitted when Conditional Uses are granted by the Sadsbury Township Supervisors subject to Section 704:
  1. Cluster, Subject to Section 407.
5. Design Standards – See Table Below

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width <sup>(2)</sup>	Maximum Lot Coverage	Front Yard Setback	Minimum Side Yard		
					One Side	Both (Sides)	Rear Yard
None	43,560 sq. ft. <sup>(1)</sup>	150 ft.	20%	40 ft.	30 ft.	(60 ft.)	50 ft.
Public Water	32,000 sq. ft. <sup>(1)</sup>	135 ft.	25%	40 ft.	20 ft.	(40 ft.)	40 ft.
Public Sewer	20,000 sq. ft.	125 ft.	30%	40 ft.	20 ft.	(40 ft.)	40 ft.
Both Public Water And Public Sewer	15,000 sq. ft.	100 ft.	35%	40 ft.	15 ft.	(30 ft.)	35 ft.

1. In areas not served by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwaters; such determination will be made by the Pennsylvania Department of Environmental Protection, through its sewer module review process.
2. Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage be less than seventy (70%) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line even if it is an arch/curve.

6. Maximum Permitted Height:
  1. Principal buildings and structures – Thirty-five (35) feet.
  2. Accessory buildings and structures – Twenty-eight (28) feet.
7. Minimum Accessory Structures Setbacks:
  1. Front Yard – Fifteen (15) feet behind the principal building line.
  2. Side and rear yard – Ten (10) feet
8. Driveways and Access drives – All drives serving single family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
9. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available.
10. Within this zone, the use of flag lots is permitted, subject to the requirements of Section 316 of this Ordinance.
11. All uses permitted within this zone shall comply with the General Provisions contained in Article 3 of this Ordinance.

## SECTION 204 MEDIUM DENSITY RESIDENTIAL (MDR)

1. **PURPOSE AND INTENT:** The purpose of the Medium Density Residential District is to accommodate single-family development with both public water and sewer. The District promotes open space development, particularly in areas with environmental constraints.
2. **PERMITTED USES:**
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Dawdy House
  4. Day Care
  5. Single Family Detached Dwelling
  6. Duplex
  7. Manufactured Home Dwelling
  8. Echo Housing, subject to Section 411
  9. Forestry, subject to Section 414
  10. No-Impact Home Based Business
  11. Park
  12. Recreation Facility or Club
  13. Solar Energy Units.
3. **SPECIAL EXCEPTION USES:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Building, Subject to Section 401
  2. Group Home, Subject to Section 416
  3. Home Occupation, Subject to Section 417.
4. **CONDITIONAL USES:** The following uses are permitted when Conditional Uses are granted by Sadsbury Township Supervisors subject to Section 704:
  1. Cluster, Subject to Section 407.
5. Design Standards – See Table Below

Use	Utilized Public Utilities	Minimum Lot Area (sq. ft.)	Maximum Net Density (du/ac)	Minimum Lot Width <sup>(1)</sup>	Maximum Lot Coverage	Minimum Yards			
						Front Yard	One Side	Both (Sides)	Rear Yard
SFD	Both Public Water & Public Sewer	10,000	4.35	80 ft.	45%	30'	15'	30'	30'
Duplexes	Both Public Water & Public Sewer	7,260 per unit	6	50' per unit	50%	30'	25'	N/A	30'
Other Uses	Both Public Water & Public Sewer	20,000	N/A	80 ft.	50%	30'	25'	N/A	30'

1. Minimum lot width shall be measured at the building set back line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70%) percent of that required at the building set back line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is an arch/curve.

6. Minimum Accessory Structures Setbacks
  1. Front yard – Fifteen (15) feet behind the principal building line.
  2. Side and rear yard – Ten (10) feet.
7. Maximum Permitted Height
  1. Principal building and structures – Thirty-five (35) feet.
  2. Accessory buildings and structures – Twenty-eight (28) feet.
8. Driveway and Access Drives – All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
9. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available and to include a covenant in each deed requiring the owner of the lot or unit to connect to the public utilities.
10. Within this zone the use of flag lots is permitted subject to the requirements of Section 316 of this Ordinance.
11. All uses permitted within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.



## SECTION 205 HIGH DENSITY RESIDENTIAL (HDR)

1. **PURPOSE AND INTENT:** The purpose of the High Density Residential District is to accommodate higher development density needs with public sewer and water. A wide range of housing types is encouraged with densities exceeding those permitted elsewhere. The District promotes open space development, particularly in areas with environmental constraints.
2. **PERMITTED USES:**
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Cluster, subject to Section 407
  4. Dawdy House
  5. Day Care
  6. Single Family Detached Dwelling
  7. Duplex
  8. Townhouse
  9. Manufactured Home Dwelling
  10. Forestry, subject to Section 414
  11. No-Impact Home Based Business
  12. Park
  13. Recreational Facility or Club
  14. Solar Energy Units.
3. **SPECIAL EXCEPTION USES:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, Subject to Section 401
  2. Church/House of Worship and Related Uses, Subject to Section 406
  3. Echo Housing, Subject to Section 411
  4. Home Occupation, subject to Section 417
  5. Manufactured Home Park, Subject to Section 423.
4. Design Standards – See Table Below

Use	Utilized Public Utilities	Minimum Lot Area (sq. ft.)	Maximum Net Density (du/ac)	Minimum Lot Width <sup>(1)</sup>	Maximum Lot Coverage	Minimum Yards			
						Front Yard	One Side	Both (Sides)	Rear Yard
SFD	Both public water & public sewer	10,000	4.35	80 ft.	50%	30'	15'	30'	30'
Duplexes	Both public water & public sewer	7,260 per unit	6	50' per unit	50%	30'	25'	N/A	30'
Townhouses <sup>(2), (3)</sup>	Both public water & public sewer	2,000 per unit	8	20' per unit	60%	30'	15'	N/A (End Units)	30'

1. Minimum lot width shall be measured at the building set back line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70%) percent of that required at the building set back line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is an arch/curve.
2. No more than twenty (20%) percent of the total number of townhouse groupings shall contain more than six (6) units and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard set back; the minimum variation of set back shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouses buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.
3. In those instances where several townhouse groupings are located on the same lot, the following separation distances will be provided between each building:
  - a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
  - b. A minimum yard space of thirty (30) feet is required between end walls of the buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
  - c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
5. Minimum Accessory Structure Setbacks
  1. Front yard – Fifteen (15) feet behind the principle building line.
  2. Side and rear yard – Ten (10) feet.
6. Maximum Permitted Height
  1. Principal building and structures – Thirty-five (35) feet.
  2. Accessory buildings and structures – Twenty-eight (28) feet.
7. Driveways and Access Drives – All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
8. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available and to include a covenant in each deed requiring the owner of the lot or unit to connect to the public utilities.
9. Within this zone the use of flag lots is permitted subject to the requirements of Section 316 of this Ordinance.
10. All uses permitted within this zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.