

## ARTICLE II

### Definitions

#### Section 201 Interpretation

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the following rules of interpretation shall apply:

- a. Words in the present tense include the future tense.
- b. Words in the singular include the plural and words in the plural include the singular.
- c. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- d. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- e. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- f. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- g. The word "lot" includes the words "plot" and "parcel".
- h. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- i. 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.
- j. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Section 202 Specific Words and Phrases

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section.

ACCESSORY USE - SEE "USE, ACCESSORY"

ACCESS DRIVE - A private or public drive, other than a driveway, which provides for vehicular access between a public street and a tract of land containing any use other than one (1) single-family or two-family dwelling.

ACT - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, December 21, 1988, P.L. 1329, No. 170 et seq., as amended from time to time.

ADULT-RELATED FACILITY. An establishment which engages in one or more of the following areas of sales, services or entertainment:

- a. Adult Bookstore - Any establishment or place:
  - 1) which has a substantial or significant portion of its stock in trade consisting of the following items:
    - a) 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 uncovered male or female genital areas; and/or
    - b) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
  - 2) 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, 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 uncovered male or female genital area.
- b. Adult Theater - Any theater, auditorium, or other place of assembly (1) presenting any form of audio and/or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be devoted to the showing of material which is distin-

guished or characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observations by patrons.

- c. 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, professional physical therapist licensed by the Commonwealth, or a practitioner of therapeutic massage who is a member of the Associated Bodywork and Massage Professionals or similar nationally-recognized organization. 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.
- d. Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment - Any other establishment which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or uncovered male or female genital areas.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in commercial production and preparation for market of crops, livestock, etc. The term includes activities that are consistent with the practices and procedures that are normally engaged in by farmers or are consistent with technological development.

AGRICULTURAL PRODUCTION - The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator.

AGRICULTURE - The production, keeping or raising, for sale lease or personal use, of plants and animals useful to man, including but not limited to: forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; horticulture including: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, gardening and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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, skeetball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

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 family 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:

- a. BIG GAME - Elk, deer, bear and wild turkey.
- b. FURBEARER - Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.
- c. GAME ANIMALS - Elk, deer, bear, cottontail, snowshoe hare, red, gray and fox squirrels.
- d. 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 HOSPITAL - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, birds, reptiles, and exotic pets.

ANIMAL UNIT (ANIMAL EQUIVALENT UNIT) - One thousand (1,000) pounds liveweight of livestock or poultry animals, regardless of the actual numbers of animals comprising the unit as defined by the Pennsylvania Nutrient Management Act.

ANTENNA HEIGHT - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

APARTMENT - Any dwelling unit which is located within a single structure along with at least one (1) other dwelling unit or with a non-residential use, each having a separate location within such structure.

APARTMENT, CONVERSION - A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one family, without substantially altering the exterior of the building.

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

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

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

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes per se.

BASEMENT - A story having part or more than one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST INN - A single-family residence or portion thereof containing not more than two guest rooms which are used by no more than five guests where rent is paid in money.

BEEKEEPING - The raising or keeping of bees within a man-made box (beehive) for hobby or business purposes.

BOARD - The Zoning Hearing Board of Felton Borough.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, more than five (5) and not more than ten (10) individuals that do not constitute a family, but excluding criminals, half-way houses, and homes for the elderly in need of medical care.

BUFFER AREA - A landscaped area intended to be used as a means of limiting the effects created by a use on adjoining properties, streets and uses.

BUILDING - Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

DETACHED - A building that has no party wall.

SEMI-DETACHED - A building which has only one party wall in common.

ATTACHED - A building that has two or more party walls in common.

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

BUILDING, FARM - A building for agricultural uses, namely barns, poultry houses, corncribs, silos, and other similar farm structures.

BUILDING, PRINCIPAL - A building which is enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for housing, shelter, enclosure, and support of individuals, and is the main structure on a given lot.

BUILDING AREA - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING HEIGHT - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip, or gambrel roof. The grade shall not be altered for the purpose of increasing the elevation of an object.

BUILDING LINE - The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUSINESS CONVERSION- The conversion of all or a portion of an existing residential or nonresidential building for business use.

CELLAR - A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground.

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

CENTER FOR LOCAL GOVERNMENT SERVICES - The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

CHANGE OF USE - An alteration of a building or a change of existing use within a building or on a lot to a new use that imposes other provisions of the Zoning Ordinance.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and other church-related residences. This definition shall not include commercial schools.

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

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

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned 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.

COMMUNICATIONS TOWER - A Structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

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 or structure, including the placement of mobile homes.

CONVALESCENT OR NURSING HOME - Any structure containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care.

CONVENIENCE STORE - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods for off-site consumption, and other goods commonly associated with the same.

COUNTY - York County, Pennsylvania.

COUNTY COMPREHENSIVE PLAN - York County Comprehensive Plan.

CREMATORIUM - An establishment containing a crematory furnace.

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS - Crops, livestock and livestock products shall include but are not limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur bearing animals, milk, eggs and furs.
- f. Timber, wood and other wood products derived from trees.
- g. Aquatic plants and animals and their byproducts.



DAY CARE FACILITY, CHILD OR ADULT - Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regularly scheduled child or adult day care services other than the following are provided. Where applicable, said facility shall be licensed by the Commonwealth of Pennsylvania, and shall not provide overnight accommodations.

- a. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
- b. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person receiving care.
- c. Child and adult day care facilities shall be further differentiated by the following two classifications:

COMMERCIAL DAY CARE FACILITY - A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

FAMILY DAY CARE HOME - Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

DECISION - The final adjudication of the Zoning Hearing Board and Borough Council for cases under its jurisdiction as identified in Section 1500 this Zoning Ordinance. Appeals from a decision go directly to the Court of Common Pleas.

DENSITY - The number of dwelling units per acre.

- a. DENSITY, GROSS - The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, exclusive of exterior public rights-of-way.
- b. DENSITY, NET - The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, floodplains or wetlands.

DEDICATION - The deliberate appropriation of land by its owner for general public use.

DEED - A written instrument whereby an estate in real property is conveyed.

DEED RESTRICTION - A restriction upon the use of a property placed in a deed.

DETERMINATION - A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- a. The governing body:
- b. The zoning hearing board: or
- c. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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. Same as Subdivider.

DEVELOPMENT - SEE "LAND DEVELOPMENT".

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

DRAINAGE EASEMENT - A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

DRIVEWAY - A private vehicular access between a public street and a garage, carport, or other parking space for one (1) single-family or two-family dwelling.

DRIVE-IN BUSINESS - A commercial establishment, including a drive-in eating establishment, offering articles or services which are either purchased or consumed on the premises and which has a greater area devoted to the purchase and consumption of such articles and services on the outside than on the inside of the building.

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

- a. SINGLE-FAMILY DETACHED - A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.
- b. SINGLE-FAMILY, ATTACHED (TOWNHOUSE OR ROW HOUSE) - A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.
- c. SINGLE-FAMILY SEMI-DETACHED - (Two-family or Duplex) - A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.
- d. MULTIPLE FAMILY - A building containing three or more dwelling units located on a single lot.

DWELLING UNIT - Any structure or part thereof, designed for occupancy by not more than one family for living purposes and having complete housekeeping facilities.

EASEMENT - A limited right of use granted on private land for public use or private use by another party or parties and within which the owner of the property shall not erect any permanent structures.

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

EATING ESTABLISHMENT - Any public eating place where food is prepared and sold for consumption either on or off the premises.

ECHO HOUSING - An 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.

EXISTING - For the purposes of this Ordinance, existing shall mean “in existence on the effective date of this Ordinance (October 1, 2003) unless another date is indicated”.

FAMILY - A single individual living alone as a separate housekeeping unit and doing his/her own cooking, or a collective body of people living together in a domestic relationship which may or may not be based upon birth, marriage, custodianship, adoption, or other domestic bond as a single housekeeping unit based on an intentionally structured relationship providing organization and stability and doing their own cooking with or without assistance from others. This definition does not include persons occupying a hotel, dormitory, lodge, or boarding house.

FARM - Any parcel of land which is used principally for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, farm dwellings and the storage of equipment customarily incidental to the primary use.

FARM DWELLING - A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

FARM DWELLING, ACCESSORY - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one or more full-time laborers (or any family member thereof) on the farm.

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

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

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

FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Flood plain areas include, but are not necessarily limited to, those areas identified as being-flood

prone on the Flood Hazard Boundary Map for Felton Borough as issued by the Federal Insurance Administration.

FLOOD-PRONE AREA - A relatively flat or low land area adjoining a stream, river, or watercourse which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude, without increasing the water surface elevation of that flood more than one (1) foot at any point.

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.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas are not devoted to the residential use, but including the area of roofed porches and roofed structures. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches, and further defined in Section 914. Earth-sheltered dwellings, designed as such, shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

FUNERAL HOME - A building devoted to the care, embalming, and holding of services for the deceased, including the sale of funeral equipment as an accessory activity.

GENERAL CONSISTANCY - That which exhibits consistency.

GARAGE, PRIVATE - An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation, or service is conducted for profit therein and no more than one (1) space therein for a vehicle or vessel is leased to a nonresident of the premises.

GARAGE, PUBLIC - Any structure, other than a private garage, that is used for storage, repair, rental, servicing or supplying of gasoline or oil for motor vehicles for compensation.

GOVERNING BODY - Felton Borough Council.

GREENHOUSE, NURSERY - A use primarily involved in horticulture, which may include the sale of plants grown on the premises and goods and materials used in their production.

GROUP HOME - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

- a. a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- b. a record of having such an impairment; or
- c. being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include alcoholism or drug treatment centers, work release facilities for convicts or exconvicts, or other housing facilities serving as an alternative to incarceration.

Operators of a group home shall provide verification to the Borough that a license has been obtained if one is required by an appropriate agency.

GUEST ROOM - A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests but in which no provision is made for cooking and not including dormitories for sleeping purposes. Residential noncommercial guestrooms shall be within or attached to the principal residence and shall be part of the residential utility (sewer, electronic, etc.) service line.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained

gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

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

HEALTH AND RECREATION FACILITY - A facility that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

HEIGHT, BUILDING - A building's vertical measurement from the mean level of the ground abutting the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- 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; or
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- 1) By an approved state program as determined by the Secretary of the Interior or
- 2) Directly by the Secretary of the Interior in states without approved programs.

HOME BUSINESS - An occupation, profession, activity or use conducted within a single-family detached dwelling unit or existing accessory building by the residents thereof and not more than two non-resident employees. Home business uses are intended to be of a service nature and may involve the incidental purchase and/or sale of goods on the premises. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no external evidence of the home business except a permitted sign, and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Since the use may be of such nature that may require regular visits by customers and/or deliveries, adequate off-street parking space shall be required in addition to the spaces required for the residential use.

HOME OCCUPATION - An occupation, profession, activity or use conducted within a dwelling unit solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and exterior appearance of the structure and premises shall remain residential in character. The use shall be of such nature that will not require regular visits by customers and/or deliveries and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.

HORTICULTURE - The growing of fruit, vegetables, flowers, ornamental plants, or trees for a profit.

HOSPITAL - A place for a diagnosis, treatment, or other care of humans and having facilities for in-patient care.

HOTEL - A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

IMPERVIOUS AREA - Any portion of a lot covered by material impenetrable by precipitation, including, but not limited to, buildings, structures, paved and non-paved parking lots and parking areas, pools, and other paved areas.

IMPERVIOUS COVERAGE - The percent of a lot covered by an impervious surface.

IMPERVIOUS SURFACE - Those surfaces which do not absorb precipitation. All buildings (including roof overhangs), parking areas, driveways, roads, sidewalks, and



concrete, asphalt and stoned areas shall be considered impervious surfaces within this definition.

INDUSTRIAL USE -

- a. GENERAL INDUSTRIAL USE - Manufacturing or storage uses which, because of their shipping, storage and other requirements should not be located in close proximity to residential areas.
- b. LIGHT INDUSTRIAL USE - Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

INTENSIVE AGRICULTURAL OPERATION - Any agricultural animal operation which exceeds two (2) animal equivalent units (AEUs) per acre on an annualized basis.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

JUNK - Any discarded materials or articles, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - Any unlicensed place where junk, as herein defined, is stored, accumulated, or disposed of. (SEE SALVAGE YARD). The deposit or storage on a lot (other than in a licensed salvage yard) of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that is required to and does not have a valid current registration plate or a certificate of inspection which is more than 60 days beyond the expiration date.)

KENNEL - Any building or buildings and/or land used for the boarding, breeding or training of a combined total of four or more dogs, cats, fowl or other small domestic animals at least four months of age and kept for purposes of profit, show, hunting or as pets but not to include riding stables or cases involving animals raised for agricultural purposes.

LAND DEVELOPMENT - Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

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

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

LANDSCAPING - Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes, and may also include mulch and/or decorative stone.

LANE - A private access and/or a vehicular drive exclusively serving agricultural production, horticultural and/or forestry related activities and farm occupations.

LAUNDRY, SELF-SERVICE - A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

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

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

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.

- a. LOT, CORNER - A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Front yards are required on all street frontages. One yard other than a front yard shall be deemed a rear yard, and the other, or others, side yards.
- b. LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.
- c. LOT, REVERSE FRONTAGE - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the minor street.
- d. LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA - The area contained within the property lines of an individual lot, excluding any area within a street right-of-way whether existing or future, but including the area of any easement.

LOT COVERAGE - A percentage which when multiplied by the lot area will determine permitted building coverage area.

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

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

MAINTENANCE GUARANTEE - Financial security filed by the developer with the Township to secure structural integrity of all required improvements as well as the functioning of said improvements for an initial period of time.

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

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

MAUSOLEUM - A building for entombment of the dead above ground.

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

MINERALS - The term includes, but is not limited to, any aggregate, earth, fill, coal, oil, and natural gas.

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

MIXED USE - Two (2) or more independent uses permitted in this zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied; for example, parking and special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of access, lot area, sign regulations, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

MANUFACTURED HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in the York County Subdivision and Land

Development Ordinance. Mobile homes placed on individual lots shall be considered single-family-detached dwellings, and be bound by the requirements there imposed.

MANUFACTURED HOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient vehicle travelers, and provided with accessory off-street parking facilities. The term includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile home parks.

MULTI-FAMILY OR TWO-FAMILY CONVERSION - A multi-family or two-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

MUNICIPAL ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality.

MUNICIPAL USE - Any use owned or operated by the Borough or an authority created by the Borough.

MUSEUM - A facility for the public display of items, materials, or information that are related to some historic, educational, cultural, or scientific purpose. Museums can include related accessory uses (e.g. restaurant, gift shop and etc.) so long as these remain incidental to the primary museum use. Museums can be operated as a business but shall not involve the retail sales of museum displays.

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

NO-IMPACT HOME-BASED BUSINESS - A home-based business as defined by the Pennsylvania Municipalities Planning Code, as amended.

NONCONFORMITY - A use, structure, or lot in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specially, the following types of nonconformities are distinguished:

- a. NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the enactment to this Ordinance of any amendment heretofore or hereafter enacted, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.
- b. NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore to hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, conforming signs.
- c. NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

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

NORMAL FARMING OPERATIONS - The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

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

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which

is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including 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-SITE SEWER SERVICE - On-site sewer service is the disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the PADEP.

ON-SITE WATER SERVICE - On-site water service is a safe, adequate and healthful supply of water to a single user from a private well.

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

OWNER - The owner of record of a parcel of land.

PA DEP - Pennsylvania Department of Environmental Protection

PA DOT - Pennsylvania Department of Transportation

PARCEL - A unit of land that meets all of the following criteria:

- a. Owned by the same owner or owners on (adoption date).
- b. Obtained by its owner or owners at the same time and by the same instrument (deed, will, etc.).
- c. Is contiguous - land shall be considered contiguous even though separated by public or private roads.

PARK, PLAYGROUND OR RECREATION AREA - An open air recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks.

PARKING GARAGE - A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

PARKING LOT - An open lot where passenger vehicles may be stored for short-term, daily, overnight off-street parking.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having direct usable access to a street or alley.

PARTY WALL - A wall, used jointly by two (2) parties under easement agreement, erected upon a line separating two (2) parcels of land, each of which is a separate real estate entity.

PERSON - An individual, corporation, partnership, association, estate, trust, or other legally recognized entity, and the officers of such corporation or the members of such partnership or association.

PERSONAL SERVICE BUSINESS - Personal service businesses shall include barber and beauty shops, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops or any other similar establishment providing personalized service to customers with the exception of tattoo and body piercing establishments.

PLACE OF WORSHIP - A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended.

PLANNING COMMISSION - The Planning Commission of Felton Borough.

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

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



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

PRESERVATION OR PROTECTION - Conservation and safeguards of natural and historic resources. Not to be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second, and third class as defined by the U.S. Department of Agriculture.

PROFESSIONAL OR BUSINESS OFFICES - An office which generally operation an appointment basis. Business offices shall include advertising agencies, optician's office, personnel agencies, photographer's studio, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting, services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, pubic or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

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 government functions and the Board of Education).

PUBLIC BUILDING - A building 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, and the Board of Education.

PUBLIC GROUNDS - includes the following:

- a. parks, playgrounds, trails, paths and other recreational areas and other public areas;

- b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c. publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the required public hearing.

PUBLIC SEWER - A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC USES - Includes public and semi-public uses that are specifically established to offer some public welfare, health, safety, recreation or educational services to the residents, businesses and landowners of Felton Borough. Such uses can include schools, parks, fire stations, municipal buildings and garages, and etc. Churches are not included in this definition.

PUBLIC UTILITY BUILDING - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

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

RECREATION, ACTIVE - Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at

prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE - Leisure time activities, usually of an informal nature and which can be carried out with no alteration or disruption to the area in which they occur, such as hiking and picnicking.

RECREATIONAL VEHICLE - Tent trailers, campers, travel trailers, and motor homes which provide for eating and/or sleeping for one or more persons are classified as recreational vehicles.

RECYCLING CENTER - Any facility that is involved in the recycling of paper, plastic, glass, and metal products, including the collection and storage of such materials on-site following recycling.

RECYCLING COLLECTION FACILITY - An accessory use which serves as a collection point for the temporary storage of refuse items, such as, but not limited to, bottles, cans, plastics, and newspapers, from which resources are recovered at another location.

RECYCLING PLANT - A facility that is not a junkyard or a salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glassware, metal cans, plastics, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

REPORT - A written document such as a letter, review, or memorandum made by any body, board, officer, or consultant other than a solicitor for the purpose of rendering a decision or a determination. All reports are deemed recommendatory and advisory only.

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

RETAIL STORE OR SHOP - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio-television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as retail stores or businesses are uses specifically provided

for elsewhere in this Ordinance, including, but not limited to, gasoline and motor vehicle service stations, vehicular sales and rental, restaurants, taverns, business offices, contractors offices, mills and lumber yards.

RIDING CLUB – An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

RIDING STABLE – An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered, but excluding riding clubs.

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

ROADWAY - The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. Often referred to as “cartway.”

SALVAGE YARD - A lot, land or structure, or part thereof, properly licensed by the Commonwealth of Pennsylvania, which is used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof (SEE "JUNK YARD").

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL - A place of instruction, either public or private, other than a commercial school.

- a. SCHOOL, COMMERCIAL - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing, or riding.
- b. SCHOOL, ELEMENTARY - Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.
- c. SCHOOL, NON-PUBLIC - A private place of instruction other than a commercial school.
- d. SCHOOL, NURSERY - Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.

- e. SCHOOL, SECONDARY - Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of adjacent property owners the structures and uses on the premises on which the screen planting is located.

SERVICE STATION - SEE "VEHICLE SERVICE STATION".

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

- a. SETBACK, FRONT - The distance between the street right-of-way line and the required front setback line projected the full width of the lot.
- b. SETBACK, REAR - The distance between the rear lot line and the required rear setback line projected the full width of the lot.
- c. SETBACK, SIDE - The distance between the side lot line and the required side setback line projected from the front yard to the rear yard.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

SHOOTING RANGE - A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development and training. For the purpose of this Ordinance, a firearm shall include any instrument that uses a propelling charge to move a projectile (e.g., rifle, gun, shotgun, pistol, air gun, or archery). A shooting range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN - Any structure, device, fixture or placard that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SOLID WASTE - Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 1505 of this Ordinance.

STOCKYARDS - An industrial use whereby livestock are imported to, stored upon and exported alive from the site. In no case shall any slaughtering or rendering operations be permitted.

STORAGE - A function involving the deposition of materials, goods and/or products for safekeeping.

STORY - That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

STREET - A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the street "right-of-way line".

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

- a. ACCESSORY - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.
- b. PERMANENT - A structure which cannot readily be removed.
- c. TEMPORARY - A structure which can readily be removed.

SUBDIVISION - The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL - Any pool or open tank containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment whose primary function is to dispense alcoholic beverages incidental to the fact that food is available for sale. This definition shall include those establishments which do not meet the criteria set forth by the Pennsylvania Liquor Control Board regarding eligibility for a Sunday sales permit (that is, where alcoholic beverage sales exceed 40 percent of the establishment's income).

TELEVISION ANTENNA - Any device used for receiving video transmissions.

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

- a. ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building. Accessory uses include, but are not limited to, such uses as fences and walls, swimming pools, detached storage sheds, detached garages, tennis courts, etc.
- b. PRINCIPAL USE - The main or primary use of property or structures, measured in terms of gross floor area, or where no gross floor area exists, measured in terms of net land area.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

VARIANCE - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the Zoning Provisions of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

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

VEHICLE PARKING LOT OR GARAGE - A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

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

VEHICLE SERVICE STATION - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASH - A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of all types of animals. No outdoor boarding of animals is permitted.

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

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 - An area between the permitted structures and the property lines.

- a. YARD, FRONT - The area contained between the street right-of-way line and the front face or wall of the principal structure.
- b. YARD, REAR - The area contained between the rear property line and the rear face or wall of the principal structure. On corner and through lots, the rear yard shall



be considered that area between the principal structure and the property line directly opposite the street of address.

- c. YARD, SIDE - The area(s) between any side face or wall of a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the streets.

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

ZONING DISTRICT - A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

ZONING HEARING BOARD - The Zoning Hearing Board of and for the Borough of Felton .

ZONING MAP - The Zoning Map of Felton Borough adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of the Borough.

ZONING PERMIT - A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.