

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:

1. Words in the present tense include the future tense.
2. Words in the singular include the plural and words in the plural include the singular.
3. 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".
4. 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.
5. 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.
6. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
7. The word "lot" includes the words "plot" and "parcel".
8. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
9. The word "erect" shall mean to build, construct or relocate any structure or building.
10. 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. Several definitions are further described by sketches included as Appendix A:

Access Drive: An open space of not less than the width required herein which provides vehicular access from a street or private road to the main building on a lot.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping.

Accessory 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.

Accessory Structure: 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. (See Appendix A).

Accessory Use: A use customarily incidental and subordinate to the principal use or buildings and located on the same lot with this principal use or building.

Active Play Area: An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

Addition: Any construction that increases the size of a building or adds to a building.

Adult Arcade: Means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore, Adult Novelty Store, or Adult Video Store: Means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by and emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas;"
- b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sado-masochistic use or abuse of themselves or others;
- c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized by and emphasis on as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized by and emphasis on as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials characterized by and emphasis on depicting or description which depict or describe "specified sexual activities" or "specified anatomical areas;"

Adult Cabaret: Means a nightclub, bar, restaurant "bottle club," or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Motel: Means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant

or occupant to sub-rent the sleeping room for a period of time of less than ten (10) hours. Excluded from this definition are motels, hotels, or other similar commercial establishments that provide access to traditional adult programs that are provided by a local cable or satellite based television provider.

Adult Motion Picture Theater: Means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theatre: Means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by and emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

Agriculture or Agricultural Purposes: The cultivation of the soil and the raising and harvesting of the products of the soil including but not by way of limitation, nurserying, horticulture, forestry, and the breeding and raising of customary domestic animals, for the purpose of profit.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes enterprises that implement 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 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.

Agricultural Society: An organization for the improvement of agriculture and horticulture and the domestic arts by the exhibition of agricultural, horticultural, mechanical and artistic products.

Airport: A place or facility where aircraft can land and take off, which may be equipped with storage hangars, facilities for refueling and repair, and various accommodations for passengers.

Alley (or Service Drive): A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

Alluvial Soil: A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material. (2007-05 - 9/26/2007)

Alluvium: A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated. (2007-05 - 9/26/2007)

Alterations: As applied to a building or structure, any change or rearrangements 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 bearing walls, columns, beams or girders.

Amendment: A change in use in a district which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Penn Township Board of Supervisors.

Amusement Arcade: A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Animal Hospital: A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl.

Antique Business: A business for purchase and sale at retail of antiques. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent nature, except as are authorized by the Township for charitable institutions or civic organizations for nonprofit fund raising purposes as otherwise may be provided by laws of the Township.

Apartment, Conversion: A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

Apartment House (or Apartment Building): A detached building consisting of three (3) or more dwelling units. (See Appendix A).

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for the approval

of a subdivision, plat or plan, or for the approval of a development plan.

Appointing Authority: The Penn Township Board of Supervisors.

Area, Building (Building Coverage): See Building Coverage.

Area, Habitable Floor: The sum of the gross horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, basements, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

Area, Lot: See Lot Area.

Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No.164), known as the "Municipality Authorities Act of 1945".

Automobile: A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

Automobile Service Station: See Vehicle Service Station.

Automobile Parking Lot or Garage: See Vehicle Parking Lot or Garage.

Automobile Wrecking: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Axis of a Lot: A line joining the midpoints of the front and rear lot lines. A corner lot shall have two axes, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite side lot line. In the event that a front or rear lot line is not a straight line, the midpoint of such lot line shall be determined as the midpoint of a straight line drawn between each terminus of the front or rear lot line. (See Appendix A).

Babysitting: See Child or Adult Day Care Facility.

Basement: A story partly underground and having one-half or more of its height below the average level of the adjoining ground.

Bed and Breakfast Inn: An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided.

Bed and Breakfast Unit: A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Berm: An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

Billboard: See Off-Premise Sign.

Board: The Penn Township Zoning Hearing Board.

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

Brightness: A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

Buffer Area: A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses. (See Appendix A).

Building: A combination of materials having walls and a roof. Included shall be all mobile homes and trailers.

Building, Attached: A building that has two or more party walls in common.

Building, Detached: A building that has no party wall.

Building, Semi-detached: A building that has only one party wall in common.

Building Area: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

Building Coverage: That portion of a lot covered or occupied by structures. For the purpose of computation, building coverage excludes fences, free-standing walls, retaining walls, decks and unenclosed porches extending no more than eight feet from the building wall, playground equipment, wading pools no more than 30 inches above grade, cornices, eaves, gutters, stoops, terraces, balconies, fire escapes, and unenclosed steps. (See Appendix A).

Building Height: The vertical dimensions 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. (See

Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.

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

Building Set-back Line: The line within a property usually parallel to the right-of-way or property line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or property line. (See Appendix A).

Front Setback Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

Side Setback Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

Rear Setback Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

Bulk Regulations: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height and yard requirements.

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

Business Conversion: The conversion of all or a portion of an existing residential or nonresidential building for business use.

Business Office Building: A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

Business Services: Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

Caliper: The diameter of a tree trunk, measured in inches, six

inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter. (2007-05 - 9/26/2007)

Campground: A tract, or tracts of land, or any portions thereof, used for the purpose of providing sites for the temporary use of trailers, recreational vehicles, campers or tents, for camping purposes with or without a fee being charged for the leasing, renting or occupancy of such space.

Car Wash: See Vehicle Wash.

Caretaker Dwelling: A dwelling accessory and incidental to the principal use only for occupancy of bona fide caretaker or watchman and their families.

Cartway (or Roadway): That portion of a street or alley that is improved designated or intended for vehicular use.

Cellar: See Basement.

Center Line of Street or Road Cartway: A line midway between and parallel to the outer edges of the street or road cartway.

Center Line of Street or Road Right-of-Way: A line midway between and parallel to the two streets or road property or right-of-way lines, or as otherwise defined by the Board of Supervisors.

Certificate of Use: A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

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 which imposes other provisions of the Zoning Ordinance.

Child or Adult Day Care Facility: Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regular child or adult day care services other than the following are provided:

1. 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.
2. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence.

Child and adult day care facilities shall be further differentiated by the following two classifications:

Day Care Home: Any 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.

Day Care Center: 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.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Clinic/Medical Center: The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

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.

Club, Non-profit: Buildings or facilities owned and/or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. A non-profit club shall not include churches, synagogues, or other places of worship.

Commercial Greenhouse: A structure in which plants, vegetables, flowers, and/or similar materials are grown for sale, including retails sales of said materials on the premises.

Commercial Kennel: See Kennel, Commercial.

Commercial Recreation: A business such as a theater, arcade, bowling alley, pool hall, golf course, golf driving range, miniature golf courses, swimming pool or skating rink which offers recreational activities to the general public and which are operated for a profit.

Commercial Use: A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

Commission: The Penn Township Planning Commission

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.

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.

Community Activity Building: A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

Comprehensive Plan: The Comprehensive Plan adopted by the Board of Supervisors pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Conditional Use: A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional Uses are reviewed and approved by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated 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 Areas: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high

water tables, forest areas, endangered species habitat, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

Construction: The erection, reconstruction, extension, expansion, relocation or demolition of a building or structure, including the placement or removal of a pre-manufactured building or mobile home.

Convalescent Home: See Life Care Facility.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Conventional Residential Development: A residential subdivision or land development which does not comply with the open space development criteria established in Section 491 of this Zoning Ordinance, unless otherwise provided by this Ordinance.

Conversion, Multi-family: Single family dwellings converted for occupancy by two or more families.

Corner Lot: A lot fronting on two streets at their intersection, containing two front yards, one side yard, and one rear yard. (See Appendix A).

County: The County of Perry, Commonwealth of Pennsylvania.

County Planning Commission: The Perry County Planning Commission and its professional staff.

Courtyard: Any open space, unobstructed from the ground to the sky, that is bounded on two or more sides by the walls of a building that is on the same lot.

Courtyard, Inner: An open area, unobstructed from the ground to the sky, that is bounded on more than three sides by the exterior walls of one or more buildings.

Courtyard, Outer: An open area, unobstructed from the ground to the sky, that is bounded on not more than three sides by the exterior walls of one or more buildings.

Dedication: The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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.

Demolition: An organized and planned act of wrecking and removal of a building or structure from its present location.

Density: A measure of the number of dwelling units that occupy, or may occupy, an area of land.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

Density, Net Residential: 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, etc.

DEP: The Pennsylvania Department of Environmental Protection.

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: 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, greenways, bikeways, walkways, trails, 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: The required distance between facings and building walls measured at the narrowest point.

Distributed Electric Generation Facility: A facility that is able to produce less than 1 MW of electricity from any fuel source or through any technology and is used primarily at the site where the electricity is produced.

District (Zone): See Zoning District.

DPW: The Pennsylvania Department of Public Welfare.

Drainage Easement: A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

Drive-in Business: An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers that do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

Drive-Thru Service Facility: Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Driveway: A minor private vehicular cartway or roadway providing access between a street and a parking area or garage within a lot or property.

Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, but not including group quarters, hotels, motels, or other structures used for transient residence. (See Appendix A).

Dwelling, Apartment: A building designed and built to contain three (3) or more dwelling units, arranged above and/or adjacent to one another.

Dwelling, Multi-family (Multiple Family): A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by three (3) or more families.

Dwelling, One Family: See Dwelling, Single Family.

Dwelling, Semi-detached: One of two buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

Dwelling, Single Family, Attached (Townhouse or Row): 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.

Dwelling, Single Family, Detached: A building designed and built to contain one (1) dwelling unit and having no party

walls in common with any other unit, including an individual mobile home not located in a mobile home park.

Dwelling, Seasonal: See Seasonal Dwelling Unit.

Dwelling, Single Family, Semi-detached: A portion of a building containing one (1) dwelling unit that is attached side-by-side to another dwelling unit by the use of a common wall.

Dwelling, Townhouse: See Dwelling, Single Family, Attached (Townhouse or Row).

Dwelling, Two Family: A building located on one lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

Dwelling, Two Family, Attached: A building used by two families 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.

Dwelling, Two Family, Detached: A dwelling containing two (2) dwelling units, one of which is located above the other.

Dwelling, Two Family, Semi-detached: A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

Dwelling Unit: A building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) family.

Easement: A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in any manner that violates the right of the grantee.

Eating Establishment: See Restaurant.

Eating Establishment, (Drive-in): See Restaurant, Drive-in and Restaurant, Fast Food.

Eaveline: The point at which the roof converges with the side of the building.

Electric Power Generation Facility: A facility that is able to produce more than 1 MW of electricity from any fuel source or through any technology.

Engineer, Professional: A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

Engineer, Township: The Penn Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer in behalf of the Township.

EPA: The United States Environmental Protection Agency.

Escort: Means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: Means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities after PUC approval, municipal authorities, municipal or other governmental agencies, or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, municipal authorities, municipal or other agencies, or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare. Essential services **shall not** include Communications Towers and Communications Antennas, or Electric Power Generation Facilities as defined herein.

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: A parcel of land ten (10) acres or more in size which is used in the raising of crops, livestock, and livestock products, including necessary dwellings, farm structures and the storage of equipment customarily incidental to the principal use.

Farm Equipment Sales and Service: The distribution, sale and/or servicing of new and used equipment and machinery, including construction equipment, commonly used for agricultural purposes.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area of a Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable: See Area, Habitable Floor.

Floor Area, Total: See Floor Area of a Building.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which do not involve any land development.

Foot-Candle (fc): A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one foot. One lumen per square foot.

Funeral Home: A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

Garage, Private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Public: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Gardening: The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

Glare: The interference with proper vision, or eye discomfort, which comes directly from a light source or is reflected from a light source or is reflected from a glossy surface.

Governing Body: The Board of Supervisors of the Township of Penn, Perry County, Pennsylvania.

Grade: The slope expressed in a percent that indicates the rate of change of elevation in feet per hundred feet.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Green Area: The portion of a lot that may not be occupied or covered by buildings or paved areas.

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:

1. 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;
2. a record of having such an impairment; or
3. 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.

Heavy Commercial Use: A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing or storing of goods such as contractor's yards or storage tanks.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on an Communications Tower, including antennas mounted on the tower.

Heliport (Helipad): An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters, and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

Home Business: An occupation, profession, activity or use conducted within a single-family dwelling unit by the residents thereof and no more than two non-resident employees. 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.

Home Occupation: An occupation, profession, activity or use conducted within a single-family 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 the exterior appearance of the structure and premises shall remain residential in character.

Horticulture: See Gardening.

Hospital: An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

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.

Illumination: The density of luminous flux on a surface.

Impervious Area: Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. (See Appendix A).

Impervious Surface: Those surfaces that do not absorb water. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

Industrial Park: An industrial park is an industrial area -

1. organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries, and
2. designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

Industrial Uses:

General Industrial Use: A use:

- a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;

and/or

- b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;

and/or

- c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;

and

due to the nature of the processes, should not be located adjacent to residential areas.

Limited Industrial Uses:

- a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;

and

due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

but

- b. excluding the processing of extracted and/or raw materials. (2008-02 - 6/25/2008)

Intensive Agricultural Operation: See Section 1641.1 for definition.

Junk Yard: A lot, land or structure, or part thereof, properly licensed, 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 collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of parts thereof.

Kennel, Commercial: Any lot on which four or more adult animals (except relating to a farm) are for a fee kept, boarded, raised, bred, treated, or trained, including but not limited to dog or cat kennels.

Land Development: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. 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
 - b. 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.
2. A subdivision of land.
3. Excluded from this definition of land development are the following:
 - a. 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;
 - b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - c. 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 or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscaping: The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

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.

Lawn and Garden Sales and Service: The distribution, sale and/or servicing of new and used lawn and garden equipment and machinery and the sale of lawn and garden supplies.

Life Care Facility: A planned development designed for the elderly and/or disabled persons, which may include independent living in single-family units, congregate apartment living where residents share common meals, and/or full health and continuing care nursing home facilities. A Life Care Facility may also include accessory uses such as a community center, personal service shops, recreation areas and common open areas.

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 and having direct usable access to a street or alley.

Locational Requirements: When applied in this ordinance Locational Requirements are as follows:

With Locational Requirements: Is applied to essential service buildings and structures that are tied to a specific location; such as, a water filtration plant is generally located next to a water source or holding tanks.

Without Locational Requirements: Is applied to essential service buildings and structures that are not tied to a specific location; such as, a municipal maintenance garage **is not** required to be attached to a municipal administrative building. The garage could be located any where in the township.

Lodging House (Rooming House): A building or a portion thereof, other than an apartment hotel or a hotel, containing not more than one dwelling unit; where lodging is provided without meals for three or more persons in addition to the family unit.

Lot: A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit. (See Appendix A).

Corner Lot: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Flag (Panhandle) Lot: A lot or parcel which is designed in such a manner that it is connected to a public street by a

minimum twenty (20) foot wide strip of land (the panhandle) when no further subdivision is possible, and a fifty (50) foot wide strip of land when there is potential for further subdivision. The panhandle is an integral part of the lot but which is not used in determining the applicable minimum lot area. The minimum lot area shall be determined by using that portion of the lot where the minimum lot width dimension is achieved. The area of the panhandle shall, however, be included in the determination of maximum building coverage.

Interior Lot: Any lot other than a corner lot.

Reverse Frontage Lot: A through lot that does not have access to one of the streets on which it fronts.

Through Lot: A lot extending between and having frontage on two minor streets.

Lot Area: The total horizontal area contained within the property lines of a lot excluding space within any public or private street right-of-way, but including the area of any easement.

Lot Coverage: See Building Coverage.

Lot Depth: The average distance measured between the front and rear lot lines.

Lot Frontage: The lot dimension measured along the street line of any street abutting a lot.

Lot Line: A line dividing one lot from another lot or from a street or alley.

Lot Line, Front: On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Rear: A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long drawn within the lot between the two side lot lines, which is parallel to, or in the event of a curved front lot line, equidistant to, to the front lot line.

Lot Line, Side: Any lot line that is not a front or rear lot line.

Lot Width: In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum front building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each

front lot line and its opposite side lot line. Such distance shall be measured along a straight line that is at right angles to the axis of a lot. The mean lot width shall not be less than the required lot width.

Luminaire: A complete lighting unit, lighting unit assembly (including reflectors, bulb, glassware, socket, etc.) and accessories for mounting.

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.

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

Massage Parlor: Means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

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 Clinics and Facilities: 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.

Microwave Antenna or Satellite Communication: A ground-based reflector, together with its pedestal and any other attachments and parts thereof, used or intended to receive or transmit radio or electromagnetic waves from an overhead satellite or other sources.

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

Mixed Occupancy: Occupancy of a building for more than one use.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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.

Mobilehome Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobilehome Subdivision: An area designed exclusively for mobile homes and mobile dwelling units where lots are sold and not rented.

Modular Housing Unit: A structure designed primarily for family dwelling, eating, sleeping and with complete year-round facilities. It is constructed at a location other than the building lot and transported to the building lot in one or more segments where it is permanently set upon a foundation. The means of transporting a modular housing unit is not an integral part of the structure.

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.

Motor Home: A self-contained and self-propelled vehicle constructed atop a bus or truck chassis, having sleeping, cooking and toilet facilities or combinations thereof.

Municipality: The Township of Penn, Perry County, Pennsylvania.

Nature Preserve and Wildlife Sanctuaries: An area maintained in a natural state for the preservation of both animal and plant life. (2007-05 - 9/26/2007)

Nightclub: A bar, restaurant, coffeehouse, or similar establishment where a dance floor or entertainment is provided.

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent-of-use provisions in this Ordinance or any amendment heretofore or here-after 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 reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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: A use, structure, lot or dimension 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.

Nonconformity, Dimensional: A lot or structure that is non-conforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

No-Impact Home-Based Business: See Home Occupation

Nude Model Studio: Means any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

Nursery, Greenhouse: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

Nursing Home: See Life Care Facility.

Office Park: A tract of land designed and developed from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

One Hundred Year Flood: A flood that, on the average, is likely to occur 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).

On-Farm Occupation: Any occupation in addition to the primary agricultural use of a property whereby the farmer in residence engages in an occupation that is secondary to the primary agricultural use. On-Farm occupations may involve the following uses:

1. Facilities for the service and repair of farm machinery and equipment, and small engines.
2. Facilities contributing to the agrarian lifestyle characteristic of the residents of Penn Township. Such facilities include, but are not limited to:
 - a. Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet.
 - b. Hat shops.
 - c. Blacksmith and tool sharpening shops.
 - d. Carriage, buggy, wagon and related appurtenances manufacturing, sales and service.
 - e. Carpenters.
 - f. Woodworking, furniture, and cabinet making shops.
 - g. Metalworking shops.
 - h. Country housewares, hardware and dry goods stores with retail display area not exceeding 1000 square feet.
 - i. Butcher shops.
 - j. Tailor and shoe shops.
 - k. Grain mills
 - l. Processing and/or sale of locally produced agricultural products
 - m. Veterinary offices which primarily treat farm animals; stables; kennels
 - n. Feed supply, feed and fertilizer distribution.

On-lot Utilities:

Sewage Disposal System: Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot.

Water Distribution System: A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

Open Area: A percentage which when multiplied by the lot area will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

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 or other surfaces designed or intended for vehicular travel.

Open Space, Common: See Common Open Space.

Open Space, Restricted: See Restricted Open Space.

Ordinary Waterline: The point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. (2007-05 - 9/26/2007)

PADEP: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Park: A rise of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or permit uses considered commercial recreational rises. (2007-05 - 9/26/2007)

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, and further defined below:

Park, Playground, or Recreation Area, Commercial: Recreational facilities operated as a business and open to the general public for a fee.

Park, Playground or Recreation Area, Restricted: Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.

Park, Playground or Recreation Area, Public: Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

Parking Area: An area on a lot utilized for the parking of vehicles for a single unit of occupancy.

Parking Compound: An area on a lot containing any use other than agricultural or one (1) single-family detached dwelling for the

parking of three (3) or more vehicles. Also known as a "parking lot".

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

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking Space: An all-weather surface designed and constructed according to all applicable regulations for the storage of one vehicle.

Party Wall: A common shared wall between two separate structures, buildings, or dwelling units.

Permanent Foundation: The term permanent foundation as it relates specifically to mobile homes shall include a "skirt" around the perimeter of the mobile home which shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobile home so as to provide a weather-tight joint on all four sides.

Personal Services: Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

Picnic Area: A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors. (2007-05 - 9/26/2007)

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.

Plan: See Plat.

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

Planning Code: The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended by Act 170 of 1988.

Planning Commission: The Penn Township Planning Commission.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Premises: The area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

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

Prime Agricultural Land: Land used for agricultural purposes that contain soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

Principal Building: A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

Principal Use: See Use, Principal.

Public: 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 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:

1. parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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 be not more than thirty (30) days and

the second publication shall not be less than seven (7) days from the date of the 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 Utility: Any business activity regulated by a government agency in which the business is required by law to: 1) serve all members of the public upon reasonable request; 2) charge just and reasonable rates subject to review by a regulatory body; 3) file tariffs specifying all of its charges; and 4) modify or discontinue its service only with the approval of the regulatory agency.

Public Utility Facilities: Facilities of a public utility that are used to provide public utility service.

Public Water: A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection or regulated by the Pennsylvania Public Utilities Commission.

Ravine: A valley with sharply sloping walls created by the action of stream waters. (2007-05 - 9/26/2007)

Reconstruction: The act of rebuilding or replacing a building or structure that was damaged, demolished or removed.

Recreation, Active: Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields. (2007-05 - 9/26/2007)

Recreation Areas: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee. (2007-05 - 9/26/2007)

Recreation, Passive: Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar tale games. (2007-05 - 9/26/2007)

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.

Recycling Center/Yard: A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, metal cans, and construction debris, are collected, stored, flattened, crushed, and/or bundled.

Recycling Collection Point: An accessory use which serves as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location.

Recycling Plant: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glassware, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Reflector: A surface or element of a luminaire designed to direct light in a desired direction.

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

Repair: The replacement or renewing of any interior or exterior part of a building or structure such as windows, doors and roofing, and siding.

Repair Services: Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

Required Open Space - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance. (2007-01 - 1/31/2007)

Research and Development: Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products. (2008-02 - 6/25/2008)

Research Laboratory: A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. (2008-02 - 6/25/2008)

Restaurant: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, Drive-in: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Fast Food: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not served at the same table or counter where the items are consumed.

Restricted Open Space: Open space operated for restricted use in conjunction (1) with a particular non-profit organization and open only to its members and guests or (2) with a particular housing development and open only to the residents and guests of said development.

Retail Business: Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

Riding Academy: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, school, ranch or similar establishment.

Right-of-way, Private: A private thoroughfare for vehicular traffic and/or pedestrian traffic.

Right-of-way, Street: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

Sawmill, Commercial: A plant, with portable or fixed machines, where lumber is machine-cut into boards. Timber is typically hauled to the plant via trucks from off-property locations.

Sawmill, Private: A portable machine used for sawing timber into boards, from the property on which the machine is located on.

School, Commercial: A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing.

School, Elementary: Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

School, Non-public: A private place of instruction other than a commercial school.

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.

School, Secondary: Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

Screening: The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

Seasonal Dwelling Unit: A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.

Self-service Storage Facility: A building or group of buildings that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Sexual Encounter Establishment: Means a business or commercial establishment, that as one of its primary purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business: Means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escorts, escort agency or nude model studio.

Shopping Center: A group of retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. A shopping center shall consist of an "anchor" store and five (5) or more other businesses.

Shopping Mall: A shopping center with stores, offices, and/or service businesses on both sides of an enclosed or open pedestrian walkway.

Sketch Plan: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal.

Sign: A device for visual communication that is used to bring to the attention of the public, a product, service, business or cause. Signs do include lettering, logos, trademarks, or other symbols which are an integral part of the architectural design of a building, which are applied to a building, or which are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features which may be identified with a particular business; signs within a building which are obviously intended to be seen primarily within the building; flags of governments or government agencies; governmental signs; corporate flags and displays of merchandise behind store windows or outside. Specific sign types are defined as follows:

Agricultural Products Sign: A sign which identifies agricultural products used on the farm and/or agricultural services provided to the farm, such as seed suppliers, dairies, or similar products or services.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a visual effect or scene.

Banner: Any sign of lightweight fabric or similar material that is usually mounted to a pole or building at one or more edges, and containing no commercial message. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboard: An off-premise, permanent advertising sign which contains a message unrelated to a business or profession, commodity, service, or entertainment conducted, sold, or offered upon the lot where such sign is located.

Building Marker: Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.

Building Sign: A sign attached to or painted on a building which has a use in addition to supporting the sign, including wall signs and roof signs, and which directs attention to any

business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign.

Business Sign: A sign which directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see Center Sign.)

Business Special Event Sign: A temporary sign that carries information about a special event, such as, grand openings, sales, or seasonal events, associated with a business, or a group of two or more businesses located under a single roof. A temporary business special event sign shall not count towards the overall amount of signage permitted for a single business or multi-tenant facility.

Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

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

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Contractor Sign: A temporary sign which carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

Development Sign: An identification sign at the entrance to a residential development. (Also see Identification Sign.)

Election Sign: A temporary sign that directs attention to a candidate or candidates for public office, a political party, or a ballot issue.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Farm Identification Sign: See Identification Sign.

Freestanding Sign: A sign that is either attached to one or more uprights placed in the ground or is completely detached from any structures.

Garage/Yard Sale Sign: A temporary sign that directs attention to the personal goods on the premises on which the sign is located.

Government Sign: An off-premises sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign, or an historical marker.

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

Identification Sign: A sign located at the entrance of a non-residential development used to identify the name of the complex and display information about the individual businesses, organizations, agencies, or institutions located in the complex, but not including a business sign. Identification signs have been broken into two classifications, major and minor, based on their size and location. (Also see Development Sign and/or Public Use Sign).

Incidental Sign: An informational sign which displays a message such as "enter", "open", "telephone", "restrooms", "no hunting", "no parking", "no trespassing", "warning", a listing of hours when open, an onsite direction, or anything similar.

Luminous Sign: Any sign which contains a light shining from any source within the body of the sign.

Marquee Sign: Any sign attached to, in any manner, or made part of a marquee.

Nonconforming Sign: Any sign lawfully existing on the effective date of this ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulation of the adopted or amended ordinance.

Nonprofit Organization Sign: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.

Off-Premise Sign: A permanent sign, which directs attention to a product, service, business, or cause which does not apply to the location at which it is displayed.

Open House Sign: A temporary sign which provides information about a real estate open house, including the words "Open House", the day and time of the open house, and the name of the Realtor.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

Permanent Sign: A sign intended to be displayed for an unlimited period of time.

Pole Sign: A freestanding sign that is supported by one or more poles, uprights, or braces.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Public Use Sign: An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.

Public Utility Sign: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g., an electric company, sewer authority, or telephone company).

Real Estate Sign: A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental, or property available for

or in the process of development, but not including an open house sign.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this ordinance.

Roadside Stand Sign: A temporary sign that directs attention to a Temporary Roadside Stand as permitted by the ordinance.

Roof Sign: A sign attached to or painted on a roof.

Special Event Sign: A temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a "sale" sign at a store.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign: A sign intended to be displayed for a defined period of time.

Wall Sign: A sign attached to or painted on the wall of a building.

Window Display: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Sign Setback: The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Supervisors, Planning Commission or Zoning Hearing Board in unusual or special cases.

Slope: In administering the Steep Slope Conservation District, the percent slope is calculated from the number of units of

vertical rise for every 100 equal units of horizontal distance. For example, if it rises 20 feet in every 100 feet, it is a 20% slope.

Special Exception Use: A use in one or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to the provisions of this Ordinance.

Specified Anatomical Areas: As used in this Ordinance, means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As used in this Ordinance, means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

Story: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has more than one-half of its height above the average level of the adjoining ground.

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.

Stream: A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water. (2007-05 - 9/26/2007)

Stream, Intermittent: A natural stream carrying water during the wet seasons and having at least one critical area feature. (2007-05 - 9/26/2007)

Stream, Perennial: A stream that is present at all seasons of the year. (2007-05 - 9/26/2007)

Street: A strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes 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, Cul-de-sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street, Major:

1. **Arterial Street:** A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for inter-communications among large areas.
2. **Collector Street:** A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance street of a residential development and streets for circulation within such development.
3. **Limited Access Highway:** A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

Street, Minor: A street used primarily for access to the abutting properties.

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: The dividing line between the street and lot, also known as right-of-way line.

Strip Shopping Center: A group of two or more retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Structure: Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory: See Accessory Structure.

Structure, Principal: A structure or, 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.

Subdivider: The Applicant and Developer.

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.

Substantially Completed: Where, in the judgement of the municipal engineer, at least 90% (based on 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.

Supervisors: The Penn Township Board of Supervisors (Governing Body)

Tavern, (Cocktail Lounge): 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).

Theater: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

Trucking Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Principal: The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

Use, Temporary: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

Variance: Relief from any provisions of this Ordinance which is granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code.

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: Commercial: 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.

Warehouse: A building used primarily for the indoor storage of products, supplies and equipment. (2008-02 - 6/25/2008)

Warehousing, Distribution and Wholesaling: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation. (2008-02 - 6/25/2008)

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 manmade. (2007-05 - 9/26/2007)

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

Wetlands: Those areas that are inundated 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 vegetation typically adapted for life in saturated 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 a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

An area restricted for the protection and preservation of natural resources and wildlife. (2007-05 - 9/26/2007)

Wholesale: Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public. (2008-02 - 6/25/2008)

Wildlife Propagation: Raising of non-domestic wildlife.

Wind Energy Conversion System: A device that converts wind energy to electrical or mechanical energy.

Wind Rotor: A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and, along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

Woodland, Mature: Woodlands consisting of thirty (30) percent or more canopy trees having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper. (2007-05 - 9/26/2007)

Woodland, Young: Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater. (2007-05 - 9/26/2007)

Woodlands: Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens. (2007-05 - 9/26/2007)

Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Ordinance. Distances that represent minimum yards throughout this Ordinance shall include all portions of a lot that are within such distances as measured at right angles from the respective lot line. (See Appendix A).

Yard, Front: A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front of the principal building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line to the rear of the principal building.

Yard, Side: A yard lying between the side lot line and the nearest side of the principal building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

Zoning District: A portion of the Township 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 Township of Penn.

Zoning Map: The Zoning Map of Penn Township 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 Township.

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.