

## ARTICLE III

### DEFINITION OF TERMS

#### 300. Definition of Terms

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purposes of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "Person" includes a corporation and/or partnership as well as an individual. The word "lot" includes the word plot or parcel. The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." The term "Board" shall refer to the Zoning Hearing Board. The term "Governing Body" shall refer to the Board of Township Supervisors of the Township of South Middleton. The term "Planning Commission" shall refer to the official Planning Commission of the Township of South Middleton. The terms "Municipality" and "Township" shall refer to the Township of South Middleton. The term "Zoning Officer" shall refer to the officer who shall administer this Zoning Ordinance.

- (1.) Access Drive: A driveway, street, or open space of not less than the width required herein, that provides vehicular access to and from a road and an abutting property. Access Drive includes acceleration and deceleration lanes. Access Drive shall also include all drainage facilities as may be necessary for the proper construction and maintenance of the roadway and abutting property.
- (2.) Accessory Brewery – A conditional use accessory to an agricultural operation where grains or other crops are grown licensed by the Pennsylvania Liquor Control Board (PLCB) as a brewery (G License only) pursuant to 47 P.S. § 4-431, as amended, which ferments beer and other malt beverages for consumption. This accessory use shall be limited to the following activities:
  - (a.) Delivery, storage, processing, and cooking of grain or other crops at the brewery in batches of no more than 500 gallons per batch;

- (b.) Fermentation of the cooked grain or other crops;
- (c.) Packaging of malt and/or brewed beverages in barrels, growlers, bottles, and kegs;
- (d.) Storage and warehousing of malt and/or brewed beverages in wooden barrels, kegs, holding tanks, and/or other holding devices not to exceed 50,000 gallons;
- (e.) Shipment of malt and/or brewed beverages from the brewery to others;
- (f.) Conducting tours of the brewery and providing, without charge, tasting samples (one (1) tasting sample per person per day) of malt and/or brewed beverages produced on the property;
- (g.) Sales of beer in growlers and other containers for consumption off the property;
- (h.) Sales of beer in bottles for consumption off the property;
- (i.) If and when permitted by the Pennsylvania Liquor Code or Pennsylvania Liquor Control Board regulations, sales of beer by the glass for on-premises consumption in no more than a twelve (12) fluid ounce container with a limit of no more than four (4) glasses per person per day (a total of 48 fluid ounces per person per day).

The foregoing limitations on an accessory brewery shall apply and control even if PLCB or other license or permit permits other activities.

- (3.) Accessory Building: A building subordinate to and detached from the main building on the same lot and used for the purposes customarily incidental to the main building.
- (4.) Accessory Distillery – A conditional use accessory to an agricultural operation where grains or other crops are grown licensed by the United States Alcohol and Tobacco Tax and Trade Board and by the Pennsylvania Liquor Control Board as a limited distillery (AL License only) pursuant to 47y P.S. § 5-505 and §r-505.4, as amended, which ferments and distills alcoholic beverages (for purposes of this definition “distilled spirits”) for consumption. This accessory use shall be limited to the following activities:

- (a.) Delivery, storage, processing and cooking of grain or other crops at the distillery in batches of no more than 500 gallons per batch;
- (b.) Fermentation of mash;
- (c.) Boiling (distillation) of fermented mash;
- (d.) Storage and holding of distilled spirits in tanks;
- (e.) Bottling and packaging of distilled spirits;
- (f.) Storage and warehousing of distilled spirits in wooden barrels, holding tanks, and/or other holding devices not to exceed 50,000 gallons for the purpose of, *inter alia*, aging the distilled spirits;
- (g.) Shipment and/or delivery of distilled spirits;
- (h.) Conducting tours of the distillery and providing, with or without charge, tasting samples (one (1) tasting sample per person per day) of distilled spirits produced on the property;
- (i.) Sales of distilled spirits produced on the property by the bottle for consumption off the property;
- (j.) Sales of distilled spirits produced on the property by the glass for consumption on the property with no more than one and one-half (1½ ) fluid ounces per glass and with a limit of no more than four (4) glasses per person per day (a total of six (6) fluid ounces per person per day);
- (k.) Sales of incidental items permitted (other than distilled spirits) to be offered for sale by regulation of the PLCB.

The foregoing limitations on an accessory distillery shall apply and control even if PLCB or other license or permit permits other activities.

- (5.) Accessory Equipment – Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinet and storage sheds, shelters or similar structures.

- (6.) Accessory Structure: See Accessory Building.
- (7.) Accessory Use: A use customarily incidental, subordinate to the principal use of the main building, and located on the same lot with such principal use or main building.
- (8.) Accessory Winery – A conditional use accessory to an agricultural operation where grapes or other crops are grown for the purpose of producing and bottling alcoholic cider, wine, and wine coolers (for purposes of this definition, collectively “wine”) licensed by the Pennsylvania Liquor Control Board as a limited winery (LK License only) pursuant to 47 P.S. § 5-505 and § 5-506, as amended. Processing includes crushing, fermenting, blending, aging, and blending grapes and other crops, storage and bottling of finished wine, and administrative offices and staff for the winery, warehouse, and wholesale sales. This accessory use shall be limited to the following activities:
- (a.) Crushing and fermenting grapes and other crops and blending, and aging of wine;
  - (b.) Delivery, storage, and processing of fruit and other materials used in winemaking at the winery;
  - (c.) Bottling and packaging of wine;
  - (d.) Storage and warehousing of wine in wooden barrels, holding tanks, and/or other holding devices for the purpose of, *inter alia*, aging the wine and storing wine in bottles;
  - (e.) Shipment and/or delivery of wine;
  - (f.) Conducting tours of the winery and providing, with or without charge, tasting samples of wine (one (1) tasting sample per person per day) produced on the property;
  - (g.) Sales of wine by the bottle for consumption off the property;
  - (h.) Sales of wine produced on the property by the glass for consumption on the property with no more than five (5) fluid ounces per glass and with a limit of no more than four (4) glasses per person per day (a total of twenty (20) fluid ounces per person per day);

- (i.) Sales of incidental items (other than wine) permitted to be offered for sale by regulation of the PLCB.

The foregoing limitations on an accessory winery shall apply and control even if PLCB or other license or permit permits other activities.

- (9.) Active Play Area: An area designed and constructed for outdoor recreational use including but not limited to playground equipment such as slides, swings, and climbing apparatus.
- (10.) Agriculture: The tilling of the soil, the raising of crops, forestry, horticulture, and gardening, including the commercial keeping and handling of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes dairies, greenhouses, and mushroom houses. Agriculture can involve the incidental slaughter of livestock that have been raised on the site for no less than two-thirds of their life span. The use of land as a place for the location of a dwelling is not an agricultural use.
- (11.) Alley: 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.
- (12.) Alterations - Structural: Any change in the supporting members of a building or structure, such as bearing walls, column, beams or girders.
- (13.) Alterations – Telecommunications: As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- (14.) Amendment: A change in use in a district that includes revisions to the zoning text or the official zoning map. The authority for any amendment lies solely with the Township Board of Supervisors.
- (15.) Animal Hospital: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.
- (16.) Antenna – Telecommunications equipment that transmits and receives electromagnetic radio signals use in the provision of all types of wireless telecommunications services.

- (17.) 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.
- (18.) Apartment Building: A building consisting of three (3) or more apartment units.
- (19.) Applicant: The person or entity filing an application.
- (20.) Application for Development: Every application, whether preliminary or final, required to be filed and approved before start of construction or development. This includes but is not limited to, an application for a building permit, for the approval of a subdivision or land development, or for the approval of a conditional use.
- (21.) Appointing Authority: The Township Board of Supervisors.
- (22.) 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".
- (23.) Automobile Sales/Repair/Service/Washing/Tire Sales: This definition includes the following uses:
- (a.) Automobile and/or Manufactured Home Sales: The display or sale of new and used cars, trailers, or other vehicles where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.
  - (b.) Automobile Repair/Service: The practice of mechanical and/or body repairs, storage, rental servicing, or supplying of gasoline or oil to automobiles, or other motor vehicles.
  - (c.) Automobile or Gasoline Service Station: The retail sale of gasoline, oil, other fuel, which may include facilities used for servicing automobiles and other vehicles.
  - (d.) Automobile Washing (Car Wash): The washing and polishing of automobiles and other vehicles including accessory services.
  - (e.) Tire Sales: The sale, service, repair, or replacement of tires or other related products.

- (24.) 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.
- (25.) Base Station – A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.
- (26.) Basement: Any area of the building having its floor below ground level on all sides.
- (27.) Berm: An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.
- (28.) Bed and Breakfast: An owner-occupied single family detached dwelling where not more than six (6) bedrooms are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks. Meals may be offered by the bed and breakfast establishment only to registered guests.
- (29.) Board: Board of Supervisors of South Middleton Township.
- (30.) Boarding House: A detached building arranged or used for sheltering or feeding, or both, for more than six (6) and not more than fifteen (15) individuals that do not constitute a family.
- (31.) Buffer: An area to be used as means of limiting the effects created by a use on adjoining properties, streets and uses, including but not limited to screening, fencing, and use of berms.
- (32.) Building: Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels, and including covered porches or bay windows, and chimneys.
- (33.) 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.
- (34.) Building Coverage: The ratio of the cumulative building area on a lot to the lot area, expressed as a percentage.

- (35.) Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.
- (36.) Building Setback Line: The line within a property defining the required minimum distance between any building and the adjacent right-of-way, and the line defining the side and rear yards, where required.
- (37.) Building - Main: A building in which is conducted the principal use of the lot on which it is located.
- (38.) Business and Personal Services: Actions or functions performed for a fee. Includes:
- (a.) barber shops;
  - (b.) beauty salons;
  - (c.) photographic studios;
  - (d.) coin operated laundromats;
  - (e.) tailor, dress-making, millinery, and dry cleaning laundry operations;
  - (f.) other establishments of similar nature as determined by Special Exception of the Zoning Hearing Board.
- (39.) Campground: A parcel of land used by campers for seasonal, recreation, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, trailer campers, tents or shelters, but not including a manufactured home park.
- (40.) Carport: An accessory building open on at least three (3) sides that may be attached to the main building and used for parking automobiles.
- (41.) Cellar: See Basement.
- (42.) Club: An organization established for social or fraternal purposes, whose buildings and services are for the use of members and their guests only. This definition includes service organizations.
- (43.) Cluster Development: A development design option which requires that buildings and lots be grouped together in a more efficient and environmentally sensitive configuration, and provides for the remaining area to be set aside for open space or agricultural uses.

- (44.) Collocation – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.
- (45.) Commercial Keeping And Handling of Livestock: Producing and/or maintaining animals other than for the personal use of the occupant(s) of the property on which such animals are produced and/or maintained. Commercial keeping and handling shall be conclusively presumed if more than twenty-five (25) poultry, livestock, and other animals, in the aggregate, are maintained on a tract of land.
- (46.) Community Campus Development – A mixture of institutional, commercial and residential uses developed pursuant to a coordinated and integrated master plan.
- (47.) Completed Application - An application that contains all information and/or data and meeting all criteria set forth necessary to enable an informed decision to be made with respect to an application.
- (48.) Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent passage of water and water vapor.
- (49.) Conditional Use: A procedure whereby uses are allowed or denied by the governing body pursuant to public notice and hearing and recommendations by the planning agency and pursuant to express standards and criteria.
- (50.) 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.
- (51.) Convenience Store: A business which offers for sale to the general public some or all of the following items: groceries, personal items, newspapers/magazines, limited health and beauty items,

prepackaged and/or canned food and goods as well as food prepared on site and lottery tickets.

- (52.) Convenience Store with gasoline sales: A business which offers for sale to the general public some or all of the following items: groceries, personal items, newspapers/magazines, limited health and beauty items, prepackaged and/or canned food and goods as well as food prepared on site, lottery tickets, and automobile fuel. Convenience stores with gasoline sales shall be defined to not include facilities with more than four (4) fuel islands or more than eight (8) fueling positions (see Travel Plaza), and not include facilities that are intended to provide fuel service for cargo transportation.
- (53.) Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
- (54.) Curb Level: The officially established grade of the curb in front of the mid-point of the lot.
- (55.) Dairy: A commercial establishment for the manufacture or processing of dairy products.
- (56.) Day Care: The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.
  - (a.) Day Care - Accessory: A day care facility that is operated as an accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) nonresidents of the site during any calendar day. These facilities are permitted by right in every zone.
  - (b.) Day Care - Family: A day care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision is offered to between four (4) and six (6) nonresidents of the site during any calendar day. Family day care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.
  - (c.) Day Care - Commercial: A day care facility that offers care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial day care facilities can be operated as principal uses or as accessory uses

associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day care be considered an accessory use to one dwelling unit. Commercial day care facilities shall include “group child day care homes” and “child day care centers”, as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.

- (57.) Density: A measure of the number of dwelling units that occupy, or may occupy, an area of land or portion of a lot where such use is allowed.
- (58.) Density Factors: Numerical values applied to residential dwelling unit types for computing permitted densities.
- (59.) Designated Flood Plain Areas: A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation in a one-hundred (100) year flood, as designated in Section 1401.
- (60.) Developer: Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- (61.) Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation mining, dredging or drilling operations, or storage of equipment or materials, and the subdivision of land.
- (62.) Development Plan: The provisions for development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.
- (63.) Driveway: A minor vehicular right-of-way, paved or unpaved, providing access between a street, or the end of a street, and a parking area or garage within a lot or property. This is also referred to as an access driveway.

Driveways shall be designated as follows:

- (a.) Minimum Use: A residential or other driveway that is used by not more than 25 vehicles per day.
  - (b.) Low Volume: A driveway that carries generated trips more than 25 but less than 750 vehicles per day.
  - (c.) Medium Volume: A driveway that carries generated trips more than 750 but less than 1,500 vehicles per day.
  - (d.) High Volume: A driveway that carries generated trips equal to or greater than 1,500 vehicles per day.
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- (64.) Dwelling: A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, motels, hotels, rooming houses, boarding homes, convalescent homes or other accommodations used for transient occupancy.
  - (65.) Dwelling Unit: One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
  - (66.) Easement: A right-of-way granted for limited use of land for public or quasi-public purpose.
  - (67.) ECHO Housing: An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.
  - (68.) Electrical Transmission Tower – An electrical transmission structure used to support overhead power lines consisting of 69 kilovolt or greater conducting lines, generally of steel construction and having a height of at least seventy-five (75) feet. The term shall not include any utility pole having a height of less than seventy-five (75) feet.
  - (69.) Engineer: See Professional Engineer and Township Engineer.
  - (70.) Equipment Compound – An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

- (71.) Essential Services: The erection, construction, alteration, or maintenance of public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam, or water transmission or distribution system, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police equipment, and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental 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, excluding wireless telecommunications facilities.
- (72.) Essentially Dry Space – A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- (73.) FAA – Federal Aviation Administration, or its duly designated and authorized successor agency.
- (74.) Facility Owner: The entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
- (75.) Family: One or more persons related to each other by blood, adoption, marriage, or otherwise by law, who are occupying the same dwelling unit and are living and cooking together as a single housekeeping unit, including of foster children, household servants, and not more than two additional persons who are not so related. Apart from the above, not more than four persons living and cooking together as a single housekeeping unit though not so related, shall be deemed to constitute a family. A "family" as herein defined specifically excludes a boarding or rooming house, lodging house, club, fraternity, hotel, or any similar group living arrangement.
- (76.) Farm: Any parcel of land which is used for gain in agriculture, including necessary farm structures within the prescribed limits, the storage of equipment customarily incidental to the primary use and may include up to one single-family dwelling without a special exception. For the purpose of this Ordinance, a farm shall not include riding academies, livery or boarding stables, or kennels.

- (77.) FCC: Federal Communications Commission, or its duly designated and authorized successor agency.
- (78.) FEMA: Federal Emergency Management Administration, or its duly designated and authorized successor agency.
- (79.) Fence: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this Ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance when the term “lot line” is used in relation to fences it shall be synonymous with “rear yard lot lines”, “side yard lot lines”, “front yard lot lines”.
- (80.) Finished Grade: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
- (81.) Flood: A temporary inundation of normally dry land areas.
- (82.) Flood Fringe: That portion of the flood plain outside the floodway.
- (83.) Flood Plain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (84.) Flood-proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (85.) Flood-Prone Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/ or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (86.) Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

- (87.) 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.
- (88.) Gardening: The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.
- (89.) Governing Body: The South Middleton Township Board of Supervisors.
- (90.) Group Home: A building or structure used by a parent charitable, religious, educational, or philanthropic institution to provide a supportive living arrangement for individuals where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons, those under treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused.
- (91.) Habitable Floor Area: The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, 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.
- (92.) Hazardous Material: Materials that have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, and arsenic and their common salts, petroleum products, radioactive material and any material, chemical, compound or the like which is included in or defined by existing state or federal law. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.
- (93.) Height: When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on

the tower or structure, even if said highest point is an antenna or lightning protection device.

- (94.) Historic Structure: Any structure that is:
- (a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b.) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (i.) By an approved state program as determined by the Secretary of the Interior; or
    - (ii.) Directly by the Secretary of the Interior in states without approved programs.
- (95.) Home Occupation: Any lawful occupation conducted in a dwelling by the occupant, as an incidental use.
- (96.) Homeowners Association: A nonprofit, private organization comprised of property owners within a cluster development or planned residential development, operating under State guidelines for the purpose of administering to the needs of residents and the maintenance of commonly-owned property and improvements.
- (97.) Hospital: A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium and preventorium.

- (98.) Hub Height: The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
- (99.) Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.
- (100.) Impervious Cover: Any natural or man-made material utilized to cover, pave, or re-surface any portion or area of a lot whether permeable or impermeable excepting only soil, plants, or vegetative coverings. Impervious cover shall include, among other materials, any form or mixture of concrete, stone, asphalt, tar, porous pavement, or other substance designed and intended to alter the natural state of the land.
- (101.) Impervious Surface: A surface covered with Impervious Cover that prevents the percolation of water into the ground.
- (102.) Impervious (Area) Coverage: The ratio of the total area on a lot which is in impervious cover, divided by the total area of the lot, expressed as a percentage. For the purpose of this definition, impervious coverage on a lot encompasses all impervious cover plus the entire building area, including roof overhangs, cornices, eaves, and gutter.
- (103.) Industrial Park: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets and with utility services, setbacks, side yards, landscaped yards, covenants controlling the architecture and uses.
- (104.) Industrial Use:
- (a.) General Industrial Use: Manufacturing, processing, fabricating, or storage uses which, because of their operations, shipping, storage, and other requirements, should not be located in close proximity to residential areas.
  - (b.) Light Industrial Use: Manufacturing, processing, fabricating, or storage uses which are characterized by uses of large sites, and processes that can be compatible with neighboring residential uses.
- (105.) Junk Yard: A lot, land, or structure, or part thereof, used for the collection, storage, and/or sale of waste paper, rags, scrap metal,

or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and/ or for the sale of parts thereof.

(106.) Kennel: Any use in which five (5) or more animals that are older than six (6) months (except relating to a farm and household pets) that are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

(107.) Land Development: Any of the following activities:

(a.) A subdivision of land;

(b.) Any improvement to one (1) or more parcels of land, or change or expansion of a use, that significantly affects the existing character of the parcel, as determined by the Township Engineer or Zoning Officer. Improvements that may affect the character include, but are not limited to, changes that would affect the following items;

- i. stormwater management,
- ii. grading,
- iii. landscape screening requirements,
- iv. parking requirements,
- v. impervious coverage,
- vi. potable water consumption,
- vii. sanitary sewer discharge rate,
- viii. uses regulated by the wellhead protection requirements,
- ix. traffic generation or distribution;

(c.) Excluded from this definition of land development are the following:

(i.) 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;

(ii.) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

(iii.) 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 sub-clause, 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.

- (108.) 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 conditions), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of This Ordinance.
- (109.) 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.
- (110.) Life Care Community: A development designed for the residence and care of the aged that provides a continuum of care and services. These facilities shall include independent living, assisted living and skilled nursing home facilities. These facilities may include a community center, personal service shops, recreation areas and common open areas. Age-restricted communities shall not be considered as life-care communities.
- (111.) Loading Space: An off-street space on the same lot contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.
- (112.) Lot: A piece or plot of land defined by metes and bounds or boundary lines and established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit. For the purpose of this Ordinance, separate parcels or tracts within a deed do not constitute separate lots.
- (113.) Lot Area: The area contained within the property lines of a lot excluding space within any public right-of-way, but including the area of easements.

- (114.) Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than one hundred and thirty-five degrees (135°) and the radius of the street or private road line is less than one hundred feet (100'0").
- (115.) Lot Coverage: See Impervious Coverage.
- (116.) Lot Depth: The average horizontal distance between the front and rear lot lines.
- (117.) Lot - Double Frontage: An interior lot having frontage on two (2) streets.
- (118.) Lot Frontage: The lot dimension measured along the building setback line parallel to and abutting a public street where public vehicular access is allowed.
- (119.) Lot - Interior: A lot other than a corner lot.
- (120.) Lot Lines: The lines bounding a lot as defined herein.
- (121.) Lot - Minimum Width: See Lot Frontage.
- (122.) Lot of Record: A lot that has been recorded in the Office of the Recorder of Deeds of Cumberland County, Pennsylvania.
- (123.) Lot - Reverse Frontage: A lot extending between and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.
- (124.) Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
- (125.) Manufactured 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. A manufactured home shall not be used for purposes other than originally designed. The term "manufactured home" does not include a "recreational vehicle". However, for the purposes of floodplain management only, this term includes park trailers, travel trailers, recreational, and other similar vehicles which are placed on a site for more than one hundred eighty (180) days.

- (126.) Manufactured Home Lot: A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.
- (127.) Manufactured Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- (128.) Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- (129.) Medical or Dental Clinical Facilities: 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.
- (130.) Mini-Storage/ Self-Storage Facility: A structure containing separate storage spaces of equal or varying sizes leased or rented on an individual basis.
- (131.) Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas oil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.
- (132.) Mixed Use: Occupancy of a building or lot for more than one use.

- (133.) Modification or Modify – The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.
- (134.) Motel: A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by tourists or transients; includes auto courts, motor lodges, hotels, and similar establishments.
- (135.) Municipality: South Middleton Township, Cumberland County, Pennsylvania.
- (136.) Municipal Use: An activity carried out and maintained by the Township of South Middleton.
- (137.) New Construction: Structures for which the start of construction commenced on or after November 4, 1981, and includes any subsequent improvements thereto.
- (138.) NIER: means Non-Ionizing Electromagnetic Radiation.
- (139.) Nightclub: Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer, wine, and liquor as an accessory use. This is also meant to include an “under 21” club which features entertainment.
- (140.) No-Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a.) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (b.) The business shall employ no employees other than family members residing in the dwelling.
  - (c.) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - (d.) There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lights.
  - (e.) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - (f.) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - (g.) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - (h.) The business may not involve any illegal activity.
- (141.) 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.
- (142.) Nonconforming Structure: A structure or part of a structure manifestly designed to comply with the applicable use or extent of use provisions of a prior Ordinance or amendment heretofore, where such structure lawfully existed prior to the enactment of this Ordinance or amendment hereto. Such nonconforming structures include, but are not limited to, nonconforming signs.
- (143.) Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or subsequent amendment hereto or prior to the

application of this Ordinance or amendment to its location by reason of annexation.

- (144.) Nursery: 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.
- (145.) Nursing or Convalescent Home: A building designed and used for the full-time care of human beings and which may include housing or lodging, meals, and nursing.
- (146.) Obstruction with Regard to the Flood Hazard District: Any wall, dam, wharf, embankment, levee, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.
- (147.) Occupied Building: A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.
- (148.) 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.
- (149.) One-Hundred (100) Year Flood: A flood that, on the average, is likely to occur once every one-hundred (100) years (i.e., a flood that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).
- (150.) Open Space: The unoccupied space open to the sky on the same lot with the building not including parking lots.
- (151.) Operator: The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
- (152.) Non-Participating Landowner: Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with a Facility Owner or Operator.

- (153.) Parking Space: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile or other vehicle.
- (154.) Person: An individual, partnership, public, or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (155.) Personal Services: See Business and Personal Services and Repair Services.
- (156.) Personal Stand Alone Wind Turbines: Wind turbines constructed primarily for use on the property upon which the Wind Turbine is located in accordance with Article XVI.
- (157.) Personal Wireless Facility: See definition for Wireless Telecommunications Facilities.
- (158.) Personal Wireless Services or PWS or Personal Telecommunications Services or PCS: Shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- (159.) 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.
- (160.) Planning Department: The Planning Department of South Middleton Township.
- (161.) Planting Strip: A grass or ground cover strip including but not limited to trees and shrubs not to exceed thirty inches (30") in height within ten feet (10') of the cartway.
- (162.) Plat: The map or plan of a subdivision or land development, whether preliminary or final.
- (163.) 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.
- (164.) Private: Not publicly owned, operated, or controlled.

- (165.) Professional Engineer: A person duly licensed as a Professional Engineer by the Commonwealth of Pennsylvania.
- (166.) Professional Office: A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. A professional office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises other than those items incidental to subordinate to the office use and make up less than ten (10) percent of the business revenues. Professional Offices shall include banks, credit unions, savings and loan institutions and insurance agencies.
- (167.) Property: When used in the definitions of accessory brewery, accessory distillery, accessory winery, it is the property where the accessory brewery, accessory distillery or accessory winery is located.
- (168.) Public: Owned, operated, or controlled by a government agency (Federal, State, or Local - including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).
- (169.) Public Grounds: Includes the following:
- (a.) parks, playgrounds, trails, paths and other recreational areas and other public areas;
  - (b.) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
  - (c.) publicly owned or operated scenic and historic sites.
- (170.) 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.
- (171.) 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.

- (172.) Public Street: A street, ordained or maintained or dedicated and accepted by the municipality, state or federal governments and open to public use.
- (173.) Recreation - Active: Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts, and swimming pools.
- (174.) Recreation - Passive: Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.
- (175.) Recreational Vehicle: A vehicle which is:
  - (a.) Built on a single chassis;
  - (b.) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (c.) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (176.) Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.
- (177.) Related Equipment: Any piece of equipment related to, incidental to, or necessary for, the operation of a Telecommunications Tower or Telecommunications Antenna. By way of illustration, not limitation, related equipment includes generators and base stations.
- (178.) Repair Services: Actions or functions performed for a fee. Includes:
  - (a.) radio, television, computer, and appliance repair shops;
  - (b.) plumbing shops;

- (c.) carpenter shops;
- (d.) shoe repair shops;
- (e.) other establishments of similar nature as determined by Special Exception of the Zoning Hearing Board.

(179.) Repetitive Loss: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

(180.) Replacement or Replace: The replacement of existing wireless telecommunication facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair, or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

(181.) Retail Business: Retail store and businesses shall be limited to shops and stores whose primary activity involve the sale or lease of:

- (a.) amusements and games;
- (b.) variety;
- (c.) apparel;
- (d.) drugs;
- (e.) food;
- (f.) antiques;
- (g.) music;
- (h.) sporting goods;
- (i.) convenience stores without gasoline sales;
- (j.) books, stationery, magazines, candy, and tobacco;
- (k.) garden supplies and flowers;
- (l.) hardware;
- (m.) appliances;
- (n.) household pets and supplies;
- (o.) leather goods;
- (p.) paint;
- (q.) photographs and photographic equipment;
- (r.) audio/visual equipment;
- (s.) toys;
- (t.) beverages;
- (u.) carpets, rugs, ceramics, and glass;

- (v.) art; and,
- (w.) confections.

The definition does not include the wholesale distribution or manufacture of the foregoing products. Among uses not to be interpreted as retail businesses and provided for elsewhere in this Ordinance are Adult Book Stores, Convenience Stores, Travel Plazas, Automobile Sales/Repair/Service/Washing /Tire Sales Facilities, Restaurants, Taverns, Nightclubs, Hotels, Motels, Business Services, Repair Services, Personal Services, Mortuaries, Mills, and Lumber Yards. Other establishments of a similar nature as those listed above may be permitted by Special Exception of the Zoning Hearing Board.

- (182.) Retirement (or Adult) Community: A development of individual or multiple dwellings, which may also include a community center, and which is designed for adult individuals and/or couples who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment.
- (183.) Riding Academy: An establishment where horses are kept for riding or driving, or are stabled for compensation.
- (184.) Right-of-Way or ROW: When used in the regulation of wireless telecommunications facilities, the surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the right(s)-of-way. For the purpose of this ordinance, ROW shall include streets and roads owned by Cumberland County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.
- (185.) Roof: An impervious cover of a building.
- (186.) Semi-Trailer: A detachable trailer for hauling freight, with wheels at the rear end, the forward end being supported by a motor vehicle when attached. This definition includes, but is not limited to; dry freight, refrigerated, flatbed, drop deck, dump, tanker, auto hauler

trailers and the rear trailer of a tandem trailer. This definition does not include recreational vehicles.

- (187.) School: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.
- (188.) Screening: The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them or open storage areas, and to provide privacy between two or more different land uses which abut one another.
- (189.) Seasonal Occupancy: Residing in a cabin, trailer camper, tent, or similar shelter for no longer than sixty (60) days whether continuous or interrupted in any 6-month period.
- (190.) Shadow Flicker: Alternating changes in light intensity caused by the moving Wind Rotor Blade casting shadows on the ground and stationary objects.
- (191.) Short Term Lodging Accommodation: A commercial use whereby an owner occupied dwelling unit provides rooms for transient occupancy for 30 days or less to individuals unrelated to the owners/occupants of the dwelling.
- (192.) Sign: Any structure, device, light or object, including the ground itself or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot.
  - (a.) Signs, as defined, shall not include the following:
    - (i.) Flags and insignias of any governmental agency or civic, charitable, religious, fraternal, or similar organization.

- (ii.) Legal notices identification, informational, or directional signs erected or required by governmental bodies.
  - (iii.) Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.
- (b.) Types of signs including the following:
- (i.) Attached Sign: A sign which is attached directly to or painted upon a building wall and includes awnings, projecting signs, and wall signs.
  - (ii.) Awning Sign: A sign on a fixed or retractable fabric shelter that is supported entirely from the exterior wall of an enclosed building. Signs are allowed to be silk-screened or sewn on the front and side drops on any otherwise permitted awning. The message shall not exceed nine (9) inches in height and five (5) feet in length. The awning must not exceed twelve (12) feet in height above the ground over which it is located, and must have a minimum of seven (7) feet of clearance to the ground where pedestrian traffic occurs below awning. The total area of each awning sign shall not exceed three and seventy-five hundredths (3.75) square feet.
  - (iii.) Billboard or Outdoor Advertising Sign: An advertising sign, structure, or symbol erected and maintained by an individual or corporation upon which space there is displayed by means of painting, posting, or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored, or sold from the lot or premises upon which the advertisement is displayed.
  - (iv.) Business Sign: A sign that directs attention to a use conducted, product or commodities sold, or service performed upon the premises.
  - (v.) Freestanding Sign: A sign supported vertically by one (1) or more uprights, poles or braces placed in or upon the ground.
  - (vi.) Illuminated Sign: A sign that provides artificial light directly or through any transparent or translucent

material from a source of light connected with such sign, or a sign illuminated by a light focused upon or directed at the surface of the sign.

- (vii.) Permanent Sign: Any sign which is intended to be displayed for a length of time in excess of sixty (60) days.
  - (viii.) Projecting Sign: A sign that projects horizontally from and is supported by a wall of a building. Projecting signs shall not exceed the height of the upper building face, extend above the roof eave, or extend above the lower sill of any upper story window, whichever is lowest. Projecting signs shall have a sign face that does not exceed a maximum of three (3) feet measured vertically, and shall have a minimum of eight (8) feet of clearance from the bottom of the sign to the ground. Such signs may extend a maximum of six (6) feet from the building face and extend over a sidewalk no more than 18 inches, whichever is less. The total area of each projecting sign shall not exceed twelve (12) square feet per side.
  - (ix.) Wall Sign: A sign that is painted or mounted parallel to a building wall and projects not more than twelve (12) inches from the wall.
- (193.) Single Family Attached Dwelling: A building used by one (1) family and having two (2) party walls in common with other buildings (such as row houses or town houses). End units shall have only one (1) party wall in common and shall have a side yard.
- (194.) Single Family Detached Dwelling: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards. Only one (1) single family dwelling shall be permitted for each legally subdivided building lot.
- (195.) Single Family Semi-Detached Dwelling: A building used by one (1) family, having one (1) side yard, and one (1) wall in common with another building.
- (196.) Social or Fraternal Organization or Lodge: See "Club".
- (197.) Special Exception: A use permitted in a particular zoning district pursuant to standards and criteria established in this Ordinance.

- (198.) Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, which such development is located in all, or a designated portion of a floodplain.
- (199.) Stealth or Stealth Technology: Minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- (200.) Storage Facility: Area or structure designed for storage of non-hazardous materials or finished product where the same are not broken down or aggregated into smaller or larger loads for transfer. This definition shall not include those facilities that meet the definition of "Truck Terminal" contained herein or storage of trucks, trailers, or both, as defined by this ordinance.
- (201.) Story: That portion of a building included between the surfaces of any floor and the surface of the floor next above it; if there is no floor above it, then the space between any floor and the ceiling immediately above it.
- (202.) Street: A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. This definition shall not include driveways.
- (203.) Street Line: The dividing line between the street and lot, also known as right-of-way line.
- (204.) Stripping of Topsoil: The removal of sod and topsoil from a tract or portion thereof.
- (205.) Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, or other similar items. However, for the purposes of flood plain management only, this item also includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
- (206.) Subdivision: The division or redivision 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.

- (207.) Substantial Additions to Manufactured Home Parks: Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.
- (208.) Substantially Changed or Substantial Change: A modification to an existing wireless telecommunications facility substantially changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for telecommunications tower outside the public rights-of-way, it increases the height of the facility by more than ten (10) percent, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for telecommunications towers in the rights-of-way, it increases the height of the facility by more than ten (10) percent or ten (10) feet, whichever is greater; (2) for telecommunications towers outside the public rights-of-way, it protrudes from the edge of the wireless telecommunications facility by more than twenty (20) feet, or more than the width of the tower structures are the level off the appurtenance, whichever is greater; for those telecommunications towers in the public rights-of-way, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site or the telecommunications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the telecommunications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.
- (209.) Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.

- (210.) Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include either:
- (a.) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  - (b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (211.) Tasting Sample: An individual serving of beer or other malted beverage not to exceed a total of twelve (12) ounces, an individual serving of alcoholic cider, wine, or wine coolers not to exceed a total of five (5) ounces, or an individual serving of distilled spirits not to exceed 1.5 ounces; which may be served in one or more glasses.
- (212.) Tavern: See Nightclub.
- (213.) Telecommunications: The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- (214.) Telecommunication Site: See definition for Wireless Telecommunications Facilities.
- (215.) Telecommunications Structure: A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities.
- (216.) Telecommunications Tower: See definition for Wireless Telecommunications Facilities.
- (217.) Theater: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

- (218.) Total Tract Area: The land area contained within the boundaries of a tract, exclusive of the areas of such permanent easements as are associated with overhead power transmission lined and underground pipelines, and land within the right-of-way of existing public roads that are present on the land at the time application for subdivision is made.
- (219.) Tower: See definition for Wireless Telecommunications Facilities.
- (220.) Township Engineer: The Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of Engineer on behalf of the Township.
- (221.) Travel Plaza: A retail business that provides auto and/or truck fuel and convenience items (see Convenience Store). "Travel Plazas" shall be defined to include facilities with more than four (4) fuel islands or more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation.
- (222.) Trellis: A structure or frame of latticework used as a screen or as a support for climbing plants.
- (223.) Truck: A motor vehicle, a semi-trailer(vehicle), or a combination of vehicles having a gross vehicle weight rating or gross combination weight rating in excess of 26,000 pounds primarily designed to carry cargo, freight, goods or material. For purposes of this definition, the gross vehicle weight rating shall be the value specified on the Federal Weight Certification label by the manufacturer as the loaded weight of a single vehicle and the gross combination weight rating shall be the value specified by the manufacturer as the load weight of a combination. This definition shall include the rear trailer of a tandem.
- (224.) Truck Repair and Service Facility: A structure used for purposes of providing repair, service, rental, leasing, inspection and/or washing of trucks. Such a use may include, but need not include as an accessory use, the sale of lubricants, tire, batteries, motor fuel and other petroleum products, truck accessories and equipment.
- (225.) Truck Terminal: An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. The definition includes distribution and warehousing facilities.

- (226.) Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the Wind Rotor.
- (227.) Two Family Detached Dwelling: A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.
- (228.) Two Family Semi-Detached Dwelling: A building used by two (2) families, with one dwelling unit arranged over the other, having one (1) side yard, and one (1) party wall in common with another building.
- (229.) Uniform Construction Code (UCC): The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC such references shall be based on the most recently adopted editions thereof.
- (230.) 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. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- (231.) Variance: The permission granted by the Zoning Hearing Board following a public hearing that has been properly advertised as required by Act 247, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.
- (232.) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or road.
- (233.) Veterinary Clinic: See Animal Hospital.
- (234.) WBCA: Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

- (235.) Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.
- (236.) Water Tower: A standpipe or an elevated tank situated on a support structure, both of which shall be constructed of steel, having a height of at least seventy-five (75) feet and be used as a reservoir or facility to deliver water.
- (237.) Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- (238.) Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
- (239.) Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, that could support the placement or installation of wireless telecommunications facilities if approved by the Township.
- (240.) Wireless Telecommunications Facilities: A structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices and includes a Telecommunications Tower and Antennas and Telecommunications Site and Personal Wireless Facility. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt as follows: exclusively for the Township's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this ordinance. Wireless Telecommunications Facilities within the Right-of-Way that qualify

as “Small Wireless Facilities” as defined in and as governed by Article XVI of this South Middleton Township Zoning Ordinance shall not be included in this definition.

- (241.) Wireless Telecommunications Facility Applicant (WTF Applicant): Any person that applies for a wireless telecommunications facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.
- (242.) Yard: Space that is not occupied by the principal use located on the same lot with the main building or structure.
- (243.) Yard - Buffer: A yard covered with vegetation and intended to provide an area of separation between different districts or uses.
- (244.) Yard - Front: An open unoccupied space on the same lot with a main building, situated between the street line and building setback line projected to the side lines of the lot. Covered porches whether enclosed or unenclosed, shall be considered part of the main building and shall not project into a required front yard.
- (245.) Yard - Rear: A yard on the same lot with a main building, situated between the rear lot line of the lot and the rear setback line of the building projected to the side lines of the lot. All lots shall have a designated rear yard.
- (246.) Yard - Required: A yard between the property line or street right-of-way of a width equal to the required setback.
- (247.) Yard - Side: A yard on the same lot with the building, situated between the required setback line and the side line of the lot and extending from the front lot line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line.
- (248.) 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).
- (249.) Zoning Map: The Official Zoning Map of South Middleton Township which is an integral part of this Ordinance and which is kept up-to-date and on display at the township office.