

## ARTICLE 2

### DEFINITIONS

#### SECTION 201. 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.

#### SECTION 202. INTERPRETATION:

Unless otherwise expressly stated, the following words shall, for the purpose 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 any individual or group of individuals, a corporation, partnership, or any other similar entity. The word "lot" includes the words "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, Aintended, arranged or designed to be used or occupied.

#### SECTION 203. LIST OF DEFINITIONS:

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCESS DRIVE:** A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING:** A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the use of the main building (or when used as part of an approved home occupation).

**ACCESSORY SOLAR ENERGY SYSTEM or ASES:** An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 10kw shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy

output. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

**ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE:** A use incidental to, and on the same lot as, a principal use. A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or a principal use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; e) is located on the same lot as the principal building or use served; or, f) is a solar energy system primarily for on-site use.

**ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade, books, merchandise, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment within a segment or section devoted to the sale or display of such material.

**ADULT CABARET:** A club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes "Specified Sexual Activities" (as defined below), and/or reveals or displays "Specified Anatomical Areas" (as defined below).

**ADULT DRIVE-IN PICTURE THEATER:** An area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an emphasis on material depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein, which patrons observe such material from a location within automobiles or other motor vehicles, seated in autos or on outdoor seats.

**ADULT MINI MOTION PICTURE THEATER:** An enclosed building with a capacity for less than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity for more than 50 persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

**ADULT WALK-IN PICTURE THEATER:** An area neither enclosed nor open to the sky (e.g., a pavilion, tent, etc.), where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

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

**AIR RIGHTS:** The right to use space above ground level.

**ALLEY:** A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

**AMUSEMENT ARCADE:** An establishment which has as its principal business offering to patrons mechanical or electrical devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

**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.

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

**ANTENNA, SATELLITE DISH:** A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia.

Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

**APARTMENT:** A dwelling unit within a multi-family dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments.

**APARTMENT, ACCESSORY:** An independent dwelling unit, incorporated within an existing single-family detached dwelling without any substantial external modification, established for the purpose of providing an independent living unit.

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

**APARTMENT, GARDEN:** A multi-family dwelling, containing one (1) story dwelling units.

**AREA, BUILDING:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

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

**ASSISTED LIVING FACILITY:** A building or buildings with residential units where residents are provided meals, housekeeping, transportation and healthcare services. Independent units receive weekly housekeeping and emergency healthcare. Personal Care units are licensed by the Pennsylvania Department of Public Welfare and receive daily housekeeping and one hour of personal care per day. Special Care units are provided two or more hours of personal care per day due to physical or mental limitations. Activity rooms, kitchens, beauty parlor/barber shop, laundries, dining rooms and chapels may be provided in addition to business and administrative offices.

**AUTOMOBILE:** A self-propelled, free moving vehicle, primarily for conveyance on a street or roadway, to include vans, passenger cars, station wagons, motorcycles, all-terrain vehicles and pickup trucks, but excluding tractor cabs, trailers, dump trucks, excavating vehicles and equipment, and also excluding combination trucks and recreation vehicles with specifications as set forth in Table 2.2.7 of the current edition of the Commonwealth of Pennsylvania's, Department of Transportation, Bureau of Design, "Design Manual, Part 2, Highway Design."

**AUTOMOBILE GARAGE:** A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles.

**AUTOMOBILE SERVICE STATION:** Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for automobiles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing.

**AUTOMOBILE WASHING (CAR WASH):** A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for Automobile Service Stations.

**BANKFULL (STAGE):** The incipient elevation on the bank of a stream where flooding begins. The bankfull stage is associated with the flow that just fills the channel to the top of its banks, a point where the water begins to overflow onto a floodplain.

**BASEMENT:** That portion of a building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet. Also, any area of a building having its floor below ground level on all sides.

**BLOCK:** An area bounded by streets.

**BOARD:** Any body granted jurisdiction under a land use ordinance to render final adjudications.

**BOARDING HOUSE:** A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

**BUFFER YARD (See also SCREENING):** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A strip of land, identified on a site plan or by a zoning ordinance, established to separate visually one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use. Plantings, fences and/or mounds shall be six (6) foot (minimum) height at planting or establishment.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or property including covered porches or

bay windows and chimneys. Included shall be all manufactured homes and trailers to be used for human habitation.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot.

**BUILDING, FRONT LINE OF:** The line of that face of the building containing the principal entrance or entrances facing a street.

**BUILDING, HEIGHT OF:** 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 ridge for gable, hip and gambrel roofs. Chimneys, towers, spires, elevator penthouses, tanks and similar appurtenant structures or equipment may project above the maximum building height. Architectural screening of rooftop projections may also be exempted from height restrictions, provided that such structures are set back from the exterior wall of the building by a distance equal to or greater than their height.

**BUILDING LINE:** A line parallel to the front, side, or rear lot line so as to provide the required yards.

**BUILDING, NONCONFORMING:** A building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

**BUILDING SETBACK LINE:** The line within a property defining the required minimum distance permitted between any structure and the adjacent street right-of-way.

**BYOB CLUB:** Shall be any business facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises also commonly referred to as Bring Your Own Bottle Clubs; provided that a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B. Y. O. B. Club under the terms of this Ordinance.

**CARPORT:** A covered space, open on at least three (3) sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.

**CARTWAY:** That portion of a street or alley which is improved, designated, or intended for

vehicular use.

**CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

**CERTIFICATE OF USE AND COMPLIANCE:** A permit issued by the proper Township Official allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

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

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COMMERCIAL USE:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**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.

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

**COMPREHENSIVE PLAN:** An official document when adopted by the Board of Supervisors setting forth its policies regarding the long-term development of the Township; the preparation of which is based on careful studies of existing conditions and prospect for future growth of the Township. The plan when prepared, shall include, but need not be limited to plans for the use of land, transportation of goods and people, community facilities and services, and a map and statement indicating the relationship of the Township and its proposed development to adjacent municipalities.

**CONDITIONAL USE:** A use that, owing to some special characteristic attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to approval by the Board of Supervisors, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be

located.

**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.

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

**CONTROLLED SUBSTANCE:** A drug, substance or immediate precursor as defined in schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.A. §780.104, or any amendments thereto.

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

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

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

**COVERAGE:** That portion or percentage of the lot area covered by impervious materials, to include buildings and paved surfaces.

**DAY CARE CENTER:** See definition SCHOOL, NURSERY.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this zoning ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies.

**DENSITY:** The number of dwelling units per acre of land.

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



1. the Board of Supervisors
2. the Zoning Hearing Board; or
3. the Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures, and any lot or subdivision of land that would be subject to the Floodplain Management Ordinance; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

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

**DISABLED MOTOR VEHICLE:** A motor driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the Township or is incapable of being utilized for its intended purpose. Also included in this definition are trailers, semi-trailers or other articles, which would be classified as a vehicle under the Vehicle Code of Pennsylvania. The term disabled motor vehicle shall include disabled, junked, abandoned, non-operable, inoperative, wrecked, ruined or dismantled motor vehicles, and not having a valid license plate, a valid inspection or a valid registration.

**DISTRICT, ZONING:** A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Guilford Township Zoning Map.

**DOG KENNEL:** The sheltering of three (3) or more dogs that are more than six (6) months old.

**DRIVE-IN FACILITY:** 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 an automobile. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**DRUG PARAPHERNALIA:** Any objects, devices, instruments, apparatus or contrivances, whose primary and traditional use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania as subsequently amended. Drug Paraphernalia includes, but is not limited to, all types of illegal drug paraphernalia as defined by the state government of Pennsylvania and/or the federal government of the United States of America, now and in the future.

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding of controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as;
  - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - (b) Water pipes;
  - (c) Carburetion tubes and devices;
  - (d) Smoking and Carburetion masks;
  - (e) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - (f) Miniature cocaine spoons and cocaine vials;
  - (g) Chamber pipes
  - (h) Carburetor pipes;
  - (i) Electric pipes;
  - (j) Air-driven pipes;
  - (k) Chillums;
  - (l) Bongs;

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

**DWELLING GROUP:** A group of two (2) or more single-family, family, or multi-family dwellings occupying a lot in one ownership.

**DWELLING:** A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING, INDUSTRIALIZED HOUSING:** Any structure designed primarily for residential occupancy, except a manufactured/mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

**DWELLING, MANUFACTURED/MOBILE HOME:** A transportable, single-family detached dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) 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. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

**DWELLING, MULTI-FAMILY:** A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

**DWELLING, SINGLE FAMILY, DETACHED:** A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

**DWELLING, SINGLE FAMILY, ATTACHED (ROW):** A dwelling used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse).

**DWELLING, SINGLE-FAMILY, SEMI-DETACHED:** A dwelling used by one (1) family, having one (1) side yard, one (1) party wall common with another building.

**DWELLING, TWO FAMILY, DETACHED (DUPLEX):** A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

**DWELLING UNIT:** A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT:** A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**ELDERLY HOUSING:** Housing provided whether private or under one or more governmental programs in accordance with the Fair Housing Act of 1988, as subsequently amended, applicable to all occupants of the community over the age of 62.

**ELECTRIC SUBSTATION:** An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose or switching or modifying its characteristics to meet the needs of the general public.

**ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES:** Electric public utility transmission and distribution facilities including substations.

**ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

**EQUINE and COMMUNITY THERAPY CENTER:** An indoor and outdoor facility designed, improved and operated for the purpose of enhancing the physical, emotional, behavioral and cognitive skills of children and adults with disabilities and other mental health issues using horses and other domestic therapeutic animals as well as a diverse range of certified therapeutic programs and activities in a countryside setting. Such uses may also include therapy gardens, therapy pools, gymnasium, auditorium, classrooms, business training complex and food service facilities for therapy participants.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities, municipal or other governmental agencies or private corporations under contract to a municipality of gas, electric, telephone, steam, or water transmission or distribution system and sewer facilities, including buildings, enclosures, wells, pumping stations, 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 or municipal or other governmental agencies or firehouses or fire companies and emergency services under agreement with the Township or the public health or safety or general welfare. Landfills and landfill activities, and personal wireless or cellular telecommunications facilities are not considered essential services for the purposes of this definition.

**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.

**FAMILY:** A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, commune, or institution.

**FAMILY CARE FACILITY:** An institutional facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents under supervisory care may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision

but do not require medical or nursing care or general supervision.

A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

**FAMILY DAY CARE HOME:** A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**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 (1) property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line of any front, side or rear lot 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" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere herein.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

**FLICKER:** A repeating cycle of changing light intensity.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD, BASE:** A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

**FLOOD, BASE ELEVATION (BFE):** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent chance of being equaled or exceeded in any given year.

**FLOOD FRINGE:** That portion of the flood plain outside the floodway.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOOD PLAIN:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOOD PROOFING:** Any combination of structural and non-structural addition, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD, REGULATORY ELEVATION:** The base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1½) feet.

**FLOOD, SPECIAL HAZARD AREA (SFHA):** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99 or AH.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOR AREA:** 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 used as primary living and sleeping quarters. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, 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 (1) 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.

**FLOOR AREA RETAIL, NET:** All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

**FLOOR, LOWEST:** The lowest floor of the lowest fully 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.

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

**GARAGE, PRIVATE:** An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein.

**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.

**GARAGE, REPAIR (See also SERVICE STATION):** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered.

**GARDEN APARTMENT:** See definition APARTMENT, GARDEN.

**GARDEN STRUCTURES:** Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3) feet to any side or rear lot line; included in this category of structures



are arbors, aviaries, pergolas, trellises, barbecue shelters, and free-standing screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

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

**GLARE:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOVERNING BODY:** The Board of Supervisors of Guilford Township, Franklin County, Pennsylvania.

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

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating hereto.

**GRADE, HIGHEST ADJACENT:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROSS LEASABLE AREA:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**GROUND CLEARANCE:** The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

**GROUND FLOOR:** The floor of a building nearest the mean grade of the front of the

building.

**GROUP CARE FACILITY:** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**GROUP DAY CARE HOME:** A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**HAZARDOUS WASTE:** Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of these factors, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. cause or significantly contribute to an increase in mortality or morbidity in either an individual or, the total population; or
2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. 30.51 -30.62). The term "hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. 691.1 - 691.1001).

The term "hazardous waste" shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33

U.S.C. 1342) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 - 2394).

**HAZARDOUS WASTE CONSTITUENT:** A chemical component of a waste or chemical compound which qualifies a waste as hazardous under Pennsylvania Department of Environmental Resources (Pa DER) Hazardous Waste Management Regulations (HWMR) 75.261 (relating to criteria, identification and listing of hazardous waste), or which is listed as a hazardous waste or hazardous compound in 75.261 (relating to criteria, identification, and listing of hazardous waste).

**HAZARDOUS WASTE DISCHARGE:** A discharge of hazardous waste.

**HAZARDOUS WASTE IDENTIFICATION NUMBER:** The number assigned by the Environmental Protection Agency (EPA) or the number provided to the Pa DER by the EPA for assignment to each generator, transporter, and treatment, storage, or disposal facility handling hazardous waste.

**HAZARDOUS WASTE/INCOMPATIBLE WASTE:** A hazardous waste which is unsuitable for:

1. placement in a particular device or facility because it may cause corrosion or decay of containment materials such as container inner liners or tank walls; or
2. co-mingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

**HAZARDOUS WASTE/INDIVIDUAL GENERATION SITE:** The contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

**HAZARDOUS WASTE MANAGEMENT FACILITY:** A facility where storage treatment, or disposal of hazardous waste occurs.

**HAZARDOUS WASTE MANIFEST SYSTEM:** The manifest, instructions supplied with the manifest, and distribution system for copies of the manifest which together identify the origin, routing, storage, or disposal under the following Pa DER HWMR Subsections: 75.262 (e), 75.263 (d), 75.264 (j), and 75.265 (j) (relating to generators of hazardous waste, transporters of hazardous waste, new and existing hazardous waste management facilities

applying for a permit and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

**HAZARDOUS WASTE IDENTIFICATION ER:** The number assigned by the Pa DER to each hazardous waste listed and to each hazardous waste characteristic identified in HWMR 75.261 (relating to criteria, identification and listing of hazardous waste).

**HAZARDOUS WASTE PERMIT:** A written document issued by the Pa DER under the Act which authorizes the recipient to undertake the treatment, storage, or disposal of hazardous waste under the act. The term "permit" does not include interim status or a permit which has not yet been the subject of final Pa DER action, such as a draft permit or a proposed permit.

**HEAD SHOP:** Any business, the operation of which involves the sale, lease, trade, gift or display for sale, of any and all types of drug paraphernalia.

**HOME OCCUPATION:** Any use which can be conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than two (2) employees, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

**HOSPICE FACILITY:** A use licensed by the Pennsylvania Department of Health devoted exclusively to providing compassionate comfort and care for people facing a terminal illness.

**HOSPITAL:** An institution providing primary health services and medical or surgical care to persons, inpatients and outpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

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

**IMMEDIATE PRECURSOR:** A substance which under the regulations of the Pennsylvania Department of Health, is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacturer of a controlled substance.

**IMPERVIOUS MATERIAL:** Any substance placed on a lot which covers the surface in such fashion as to prevent, or wholly or partially obstruct natural absorption of surface water by

the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous or semi-pervious structures or materials.

**INCINERATOR:** An approved device in which combustible material, other than garbage, is burned to ashes.

**INDEPENDENT LIVING UNIT DEVELOPMENT:** A Planned Development that is primarily intended to accommodate senior citizens residing in separate and distinct residential dwellings in a setting that also provides various community amenities that serve the occupants and their guests without undue commercialization or intrusion to adjoining properties and adjacent neighborhoods.

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships, or a combination of these types.

**INDUSTRY, HEAVY:** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INDUSTRY, LIGHT:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**INSTITUTION:** An organization having a social, educational, or religious purpose and the building housing it.

**JUNKYARD (See also VEHICLE WRECKING YARD):** A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold. An open area where wastes, or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and

other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

LAND DEVELOPMENT (see SUBDIVISION): Any of the following activities:

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

LANDOWNER: The legal or beneficial owner or owners of land including the holder, or 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 persons having a proprietary interest in land.

LANDSCAPING: For the purpose of this Ordinance, landscaping is composed primarily of trees, shrubs and other planting which serve to provide aesthetic appeal and to safeguard public health, safety and welfare, by serving as a buffer between uses, controlling erosion, reducing glare, lowering temperature, softening sound, diverting wind and reducing pollutants. A landscaping layout may contain other elements including water, timber, rocks, grass, and street furniture.

LAND USE PERMIT: Written permission issued by the proper Township official for the construction, repair, alteration or addition to a structure.

LIGHTING:

1. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;
2. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;

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

**LOADING BERTH/SPACE:** An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open space as required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street. A designated parcel, tract or area of land established by a plat, deed, or permitted by law to be used, developed or built upon.

**LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

**LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The lines bounding a lot as defined herein.

**LOT, MINIMUM WIDTH:** The minimum required lot width measured at the building setback line. The width of lots abutting a cul-de-sac shall be measured as the chord distance length at the building setback line.

**LOT, NONCONFORMING:** A lot of record, the area or dimension of which was lawful prior to the adoption, revision, or amendment to this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the current requirements of the zoning district in which it is located.

**LOT OF RECORD:** A lot which has been properly recorded in the Office of the Recorder of Deeds of Franklin County, Pennsylvania.

**LOT WIDTH:** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required

building setback line.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

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

**MANUFACTURED/MOBILE HOME LOT:** A parcel of land in a manufactured/mobile home park/community/ subdivision, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile home.

**MANUFACTURED/MOBILE HOME PARK/COMMUNITY/SUBDIVISION:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes for non-transient use.

**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 a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MASSAGE:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

**MASSAGE PARLOR:** Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any



person, firm, association or corporation engages in or carries on the practice of massage.

**MEDICAL AND DENTAL CLINIC:** Establishments containing the offices of one or more physicians, dentists, physical therapists, pharmacists, optometrists, and other health care professionals, primarily engaged in furnishing outpatient medical, surgical, rehabilitative or other services to individuals.

**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.

**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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MIXED OCCUPANCY:** Occupancy of a building or land for more than one (1) type of use.

**MOTEL:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

**MUNICIPALITY:** Guilford Township, Franklin County, Pennsylvania

**MUNICIPAL USE:** Any building, structure, utility line, parcel of land, easement or Right-of-Way owned or dedicated to the Municipality or Authority thereof.

**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, pick up, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

**NURSERY, HORTICULTURE:** 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 OR CONVALESCENT HOME:** A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

**OBSCENE MATERIALS:** Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which:

1. Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or, in the case of articles or instruments, is designed for use in achieving artificial sexual stimulation; and
2. Taken as a whole, appeals to the prurient interest; and
3. Taken as a whole does not have serious literary, artistic, political or scientific value.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, 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 down stream to the damage of life and property.

**OCCUPIED BUILDING:** A residence, school, hospital, church, library, commercial building, municipal building, utility building or other building that is in use at the time of permit application.

**OFFICE:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OFFICE PARK:** A large tract of land that has been planned developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation parking, utility needs, aesthetics, and compatibility.

**OFFICE, PROFESSIONAL:** A room or rooms used for the carrying on of a profession including, but not limited to, physicians, physical therapists, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

**OFF-STREET PARKING SPACE:** A temporary storage area for a motor vehicle, trailer, or vessel that is directly accessible to a driveway, and which is not located on a dedicated street right-of-way.

**OPEN SPACE:** An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel. Land used for recreation, resource protection, amenity, and / or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

**OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

**PARKING LOT (See also GARAGE, PUBLIC):** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use. This includes the parking of vehicles for display, sale, and pre and post automobile repair and service whether new or used but not including “junked motor vehicles”.

**PARKING, SHARED:** The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**PARKING SPACE:** An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and town home residential uses shall be considered to have a means of access to a public street. An unobstructed space or area

other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle. This includes the parking of vehicles for display and sale, whether new or used and also pre and post automobile repair and service, but not including “junked motor vehicles”.

**PARTY WALL:** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PAVED:** A surface meant to be driven on that is made up of concrete, asphalt, or compacted aggregate.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE:** Act 247 of 1968 and as subsequently amended; referenced to herein as "The Act".

**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.

**PLANNED DEVELOPMENT:** Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

**PLANNING CODE:** The Pennsylvania Municipalities Planning Code, Act 247, as amended and reenacted by Act 170 of 1988.

**PLANNING COMMISSION:** The Guilford Township Planning Commission, appointed by the Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. Until such time as the Board of Supervisors establishes a Planning Commission, the Planning Committee shall serve in accordance with Act 247.

**PORCH:** A roofed structure projecting from the front, side, or rear wall of the principal building.

**PREMISES:** The property upon which the activity is conducted and occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains 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 in which the primary use of the lot on which the building is located is conducted. 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.

**PRINCIPAL USE:** The main use of land or structures, as distinguished from a secondary or accessory use. The primary use and chief purpose of a lot or structure.

**PRINCIPAL SOLAR ENERGY SYSTEM (PSES):** An area of land or other area used for a solar energy system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use or for use on-site if the output size is greater than 10kw. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**PRINCIPAL WIND ENERGY FACILITY (PWEF):** A system designed as the primary use on an area of land or other area, wherein the power generated is used primarily for off-site consumption. A Principle Wind Energy Facility consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**PRINT SHOP:** A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

**PRIVATE:** Not publicly owned, operated, or controlled.

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

**PRURIENT INTEREST:** Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

**PUBLIC:** Owned, operated or controlled by a government agency (Federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

**PUBLIC GROUNDS:** Public grounds include 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 governing body or planning agency, intended to obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Code, Act 247, as amended.

**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", as amended.

**PUBLIC NOTICE:** Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC UTILITY FACILITIES:** Public utility transmission and distribution facilities including substations and the like.

**QUADRUPLEX DWELLING:** A dwelling that is divided horizontally and/or vertically into four separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance.

**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 non-profit 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.

**RECREATIONAL VEHICLE:** A vehicle which is built on a single chassis, not more than 400 square feet (measured at the largest horizontal projections), designed to be self-propelled or permanently towable by a light-duty truck, and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

**RENEWABLE ENERGY RESOURCE:** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to the 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 fission and fusion processes.

**RESEARCH AND DEVELOPMENT:** Any establishment which carries on investigation in the natural, physical, technical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products.

**RESEARCH LABORATORY:** A building or group of buildings in which are located 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.

**RESTAURANT:** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes. 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:** A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. 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 generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

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

**RIGHT-OF-WAY, STREET:** A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**SADOMASOCHISTIC ABUSE:** Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SCHOOL:** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SCHOOL, NURSERY (DAY CARE CENTERS):** A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of



Pennsylvania.

**SCREENING** (See also **BUFFER YARD**): The method by which a view or element of one site is partially shielded, concealed, or hidden from an adjacent site or adjacent element. Screening may include one or a combination of materials such as walls, berms, mounds, and plantings provided such materials are sufficiently dense within 12 months of installation. Plantings, fences, walls, and/or mounds shall be a minimum height of six (6) feet upon planting or installation.

**SELF-SERVICE STORAGE FACILITY**: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares (mini-warehouses).

**SERVICE STATION** (see also **GARAGE, REPAIR**): Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted. Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

**SELF-SERVICE STATION**: An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SEXUAL CONDUCT**: Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

**SEXUAL EXCITEMENT**: The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

**SHADOW FLICKER**: Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

**SHOPPING CENTER**: A grouping of retail business and service uses on a single site with

common parking facilities. A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit. For the purposes of this Ordinance, a shopping center is defined as a group of three (3) or more stores on a single parcel of ground.

**SIGN:** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN, BUSINESS IDENTIFICATION:** A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

**SIGN, TALL, HEIGHT OF:** The vertical distance measured from the elevation of the nearest edge of the pavement of Interstate 81 directly opposite the sign location including the sign border and trim and standards.

**SIGN, NONCONFORMING:** 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 regulations of the adopted or amended Ordinance.

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

**SIGN, PROJECTING:** A sign which projects horizontally from and is supported by a wall of a building.

**SIGN, REAL ESTATE:** A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

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

**SIGN, SERVICE:** A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent information.

**SIGN, TALL:** A sign exceeding the maximum building height of the underlying Zoning District displaying information inviting attention to a business located on the premises on

which the sign is situated. These signs are only permitted in the Tall Sign Overlay Zone.

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

**SIGN, WALL:** A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than twelve (12") inches from such wall.

**SITE DEVELOPMENT PLAN:** A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

**SOLAR ACCESS:** A property owner's right to have the sunlight shine on his land.

**SOLAR ENERGY:** Radiant energy (direct, diffused and/or reflective) received from the sun.

**SOLAR ENERGY SYSTEM or SES:** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

**SOLAR FACILITY CONNECTION:** The electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

**SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLAR RELATED EQUIPMENT:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.

2. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR SKYSPACE: The space between a solar energy collector and the extent, which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT: A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SPECIAL EXCEPTION: A use that, owing to some special characteristics, is permitted in a district subject to approval of the Zoning Hearing Board as provided in Articles 8 and 10 of this Ordinance.

#### SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered:
  - (a) human genitals, pubic region
  - (b) buttock
  - (c) female breast below a point immediately above the top of the areola
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such

floor and the ceiling next above it.

**STORY, HALF:** A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two (2) opposite exterior walls are not over three (3) feet above the finished floor of such story.

**STREET:** A public or private right-of-way constructed to municipal standards which affords primary vehicular traffic or pedestrian access to abutting properties, which includes avenue, boulevard, road, highway, freeway, parkway, and viaduct, but shall not include an alley or the purpose of this Ordinance.

**STREET, COLLECTOR:** A major street or highway which carries traffic from minor streets to arterial streets, including the principle entrance streets of a residential development and streets for circulation within such a development.

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

**STREET GRADE:** The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint 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 the lot, also known as the right-of-way line.

**STREET, MINOR:** A street used primarily for access to abutting properties.

**STREET WIDTH:** The distance between street right-of-way lines measured at right angles to the centerline of the street.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For flood plain management purposes, a walled and roofed building, a gas or liquid storage tank, that is principally above ground, and manufactured homes.

**STRUCTURE, NONCONFORMING:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance

or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

**STUDIO:** A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

**STUDIO, DANCING OR MUSIC:** The use of a premise by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School", and other similar expressions.

**SUBDIVISION (See LAND DEVELOPMENT):** 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 residential dwelling, shall be exempted.

**SUBSTANTIAL IMPROVEMENT:** Any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds fifty percent (50%) of its market value either:

1. Before improvement is started; or
2. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

**SURFACE MINING:** The extraction of minerals from the earth, from waste or stock piles, or from pits or banks as activities conducted upon the surface of the land which require the removal of overburden, strata or material overlying, above or between the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, quarrying, leaching, box cutting, haul roads, berms, crushers, processing equipment, storage of materials or equipment related to mining, overburden storage and all activities related thereto. Mining activities carried out beneath the surface by means of shafts, tunnels, or other underground mine openings are not included in this definition.

**SWIMMING POOL:** A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four (24) inches, designed, used and maintained for swimming and bathing.

**TEMPORARY USE:** A use that does not continue for more than six consecutive months without written approval by the Zoning Officer.

**THEATER:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**TOP OF BANK:** The highest point or level of the stream bank, at a break in slope of the stream bank that represents bankfull stream flow. On stream channels where a break in slope is indiscernible the top of bank shall be represented by the elevation of the runoff flow for the storm having a 50-percent annual chance of being equaled or exceeded.

**TOTAL HEIGHT:** When referring to a wind turbine, the distance measured from the surface of the wind tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

**TRADITIONAL USE:** A use which is primary and inherent as opposed to secondary and incidental, and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

**TRUCK TERMINAL:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor

and/or trailer units and other trucks, are parked or stored.

**UNDEVELOPED LAND:** Any lot which has not been graded or in any other manner prepared for the construction of a building.

**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 State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

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

**USE, NONCONFORMING:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment or such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**USE, PERMITTED:** Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

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

**VARIANCE:** Relief granted by the Zoning Hearing Board from technical requirements of the zoning ordinance which if strictly adhered to would inflict unnecessary hardship upon the applicant. Procedures and criteria for granting such relief shall comply with the Pennsylvania Municipalities Code, Act 247, as amended.

**VEGETATIVE COVER:** Such cover shall consist of trees, shrubs, flowers, grass, or similar natural cover.

**VEHICLE WRECKING YARD (See also JUNKYARD):** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more vehicles,



which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a vehicle wrecking yard.

**WAREHOUSE:** A building used primarily for the storage of goods and materials.

**WAREHOUSING AND DISTRIBUTION:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WIND ENERGY CONVERSION SYSTEM (WECS):** A device, including wind turbine, which converts wind energy to mechanical or electrical energy through the use of a wind turbine generator, and includes the nacelle, wind rotor, wind tower, and transformer, if any.

**WIND ROTOR:** The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

**WIND TOWER:** The supporting structure of a wind turbine (WECS) on which a wind rotor and accessory equipment are mounted. The basic types of wind towers include self-supporting (free standing) or guyed.

**WINDOW SIGN:** Signs or lettering that adhere to a windows surface, and do not project out from the windows surface by more than one inch.

**YARD:** An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER:** A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round, shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

**YARD, EXTERIOR:** An open, unoccupied space between a building and the property boundary or street line.

**YARD, FRONT:** An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the building line projected to the

side lines of the lot. The depth of the front yard shall be measured between the front building line and the street line.

**YARD, INTERIOR:** An open, unoccupied space between buildings of a building group, all of which are located on the same lot.

**YARD, REAR:** A yard located between a primary or accessory building and the rear lot line upon which the building is located, as prescribed by the provisions of this Ordinance.

**YARD, SIDE:** An open unoccupied space on the same lot with a building and situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

**ZONING HEARING BOARD:** The Guilford Zoning Hearing Board appointed by the Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**ZONING MAP:** The map setting forth the boundaries of the Zoning Districts of the Township, which shall be part of this Ordinance.

**ZONING OFFICER:** The duly constituted Township official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.