

**ARTICLE XII  
DEFINITIONS**

**§ 1201 General Interpretation.**

1. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
  - A. Words in the present tense shall include the future tense.
  - B. The word "person" or "applicant" includes a profit or non-profit corporation, company, partnership, trust, individual, or other legal entity.
  - C. The word "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
  - D. The word "should" means that it is strongly encouraged but is not mandatory.
  - E. The word "lot" includes plot or parcel.
  - F. The word "shall" is always mandatory.
  - G. The words "street", "highway" and "road" have the same meaning and are used interchangeably.
  - H. The word "sale" shall also include rental.
  - I. The singular shall include the plural and vice-versa.
  - J. The masculine gender shall include all genders.
  - K. If a word is not defined in this Ordinance but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.
  - L. Any word or term not defined in this Ordinance or the Township Subdivision and Land Development Ordinance, as amended, shall be used with the meaning of standard usage within the context of the Section.
  - M. The words "such as", "includes", "including" and "specifically" shall provide examples but shall not by themselves limit a provision only to items specifically mentioned, if other items would otherwise comply with the provision.
  - N. If a word is defined in both this Ordinance and another Township ordinance, each definition shall apply to the provisions of each applicable Ordinance.

**§ 1202 Terms Defined.**

ABUT – Areas of contiguous lots that share a common lot line, excluding lots entirely separated by a street or a non-intermittent waterway.

**ACCESS DRIVE OR ACCESSWAY** – A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

**ACCESS POINT** – One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

**ACCESS STREET, MARGINAL** – A type of local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.

**ACCESSORY BUILDING** – A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building. Accessory Buildings over 500 sq. ft. shall comply with the Township Building Code Ordinance and or other township ordinances regulating building or structures as amended.

**ACCESSORY STRUCTURE** – A structure, such as a private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**ACCESSORY USE** – A use subordinate to the principal use or building and located on the same lot with such principal use or building.

**ACCESSORY USE CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE** – Unless otherwise specifically assigned, a use on the same lot with and customarily incidental to any permitted principal use within a particular zoning district.

**ACRE** – 43,560 square feet.

**ACT 247** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, or its successor legislation.

**ADJACENT** – Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

**AEU (ANIMAL EQUIVALENT UNIT)** – One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in 3 Pa. C.S. § 503.

**AFRICANIZED HONEY BEE** -- Hybrids of the African Honey bee (*Apis mellifera scutellata*) with various European Honey bees that are aggressive compared to the European subspecies.

**AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Also commonly referenced as Rural Agriculture

**AGRICULTURE** – Shall include "crop farming," "animal husbandry," "Concentrated Animal Operation," and "Concentrated Animal Feeding Operation." See definition of each. Also commonly referenced as Rural Agriculture

**AGRICULTURE EQUIPMENT SALES** – The retail sale of agricultural and/or landscaping machinery and equipment, including but not limited to lawnmowers and tractors. Such a use may include equipment repair services.

**AGRIGULTURE, SMALL-SCALE DOMESTIC** – The accessory use of a lot for the cultivation of food and/or horticultural crops not for sale on-site, which may include Composting, Aquaponics, Aquaculture and/or Hydroponics.

**AGRICULTURE SUPPORTIVE INDUSTRY/SERVICE** – Any agricultural-oriented commercial uses accessory to a nonresidential use, including but not limited to tree farms, bed and breakfasts, pumpkin patches, corn mazes, petting and feeding zoos, hayrides, orchards, and gardens. This use does not include any use specifically assigned within the same zoning district.

**ALLEY** – A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ANIMAL DAYCARE** – A facility that cares for pet animals in the absence of the pet owner or a facility that cares for pet animals in training.

**ANIMAL HOSPITAL, SMALL** – A building routinely used for the treatment, housing or boarding of animals. A "Small Animal Hospital" involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.

**ANIMAL HUSBANDRY** – The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Article V and beyond what is allowed within the definition of "crop farming." For the purposes of this Ordinance, the "keeping of livestock" shall have the same meaning as "animal husbandry". Animal husbandry shall not include a slaughterhouse, nor a stockyard used for the housing of animals awaiting slaughter.

**APIARY, HONEY BEE** – Any place where one or more colonies of bees are kept at a single location.

**APPLICANT** – The person, corporation, or legal entity responsible for a particular application for an approval or Permit under this Ordinance.

**APPLICATION** – A written form supplied by the Township for a Township approval, decision or permit, including any accompanying site plan and additional information and materials that the Township requires the applicant to submit.

**AUTO, BOAT, OR MOBILE/MANUFACTURED HOME SALES** – A building or area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following: motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers, construction vehicles or boats in an operable condition, or transportable mobile/manufactured homes in a livable condition. This use may include an Auto Service/Repair Garage and Auto/Truck/Body Collision/Repair Center as an incidental accessory use provided that all requirements of such uses are complied with. This use shall not include a Mobilehome Park or a Junkyard.

**AUTO SERVICE/REPAIR STATION** – A building and/or land where work is conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories, and safety and emission inspections.

**AUTO TOWING/YARD** – An establishment that provides for the removal and/or temporary storage of motor vehicles but does not include sale, permanent disassembly, or salvage of motor vehicles.

**AUTO/TRUCK/BODY COLLISION/REPAIR CENTER** – A building and/or land where repairs and installation of parts and accessories for motor vehicles, trucks and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "Auto Service/Repair Station." An Auto/Truck/Body Collision/Repair Center shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. This use may also include any use described in the definition of "Auto Service/Repair Station."

**BAKERY** – An establishment no greater than 3,000 square feet that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.

**BANK** – A freestanding building used for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**BASEMENT** – An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if more than fifty (50) percent of the perimeter walls at the basement ceiling height are five (5) feet or higher above the adjacent finished grade.

**BED AND BREAKFAST** – An owner-occupied operation within a single-family detached dwelling in which a minimum of two (2) and a maximum of ten (10) rooms, all without cooking facilities, are rented to guests on a daily basis in which breakfast may be served to the guests by the proprietor of the facility.

BEE – Any stage of the honey bee (*Apis mellifera*).

BEE, HONEY – All life stages, of the common domestic honeybee, *Apis mellifera* species (“European” honey bee).

BEEKEEPER -- A person who owns or has charge of one or more colonies of honey bees.

BERM (or EARTH BERM) – A mound or ridge of landscaped earth designed to act as a screen, buffer, or any similar purpose.

BEVERAGE DISTRIBUTION – As defined and regulated by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

BLAST OR BLASTING – The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives.

BOARD – The Zoning Hearing Board of Lower Nazareth Township.

BOARD OF SUPERVISORS – The Board of Supervisors of Lower Nazareth Township.

BOARDING HOUSE – A residential use in which: (1) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (2) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five or more consecutive days.

BREWERY – A facility which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

BREW PUB – An establishment which holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages for on-site and/or off-site consumption and which also offers food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

BUFFER YARD – A strip of land separating a land use from another land use or feature, and which is not occupied by any principal or accessory building, parking, outdoor storage or any use other than open space or concrete sidewalks. A buffer yard may be a part of the minimum setback distance but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. If a buffer yard requirement exceeds a yard requirement, the greater buffer yard requirement shall apply to the siting of a building.

**BUILDING** – Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than sixteen (16) cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**BUILDING COVERAGE** – The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

**BUILDING FACE** – The vertical area of a particular side of a building, but not including the area of any slanted roof.

**BUILDING, PRINCIPAL** – A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**BULK STORAGE OF FUEL** – Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to wholesale establishments or individual users.

**CAMPGROUND** – A development under single ownership of the land where tents and/or recreational vehicle sites are temporarily situated for transient visitors to the area, and which may include associated recreational facilities.

**CARPORT** – A building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

**CARTWAY** – The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**CAR WASH** – A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.

**CEMETERY** – Land or buildings used for the burial of deceased humans and/or noncremated animals other than the customary burial of farm animals as accessory to a livestock use.

**CENTERLINE OF STREET** – A line equidistant from and parallel to the existing rights-of-way lines on each side of the street.

**CHAIRPERSON** – Includes chairman, chairwoman, chair and acting chairperson (when applicable).

**CHRISTMAS TREE FARM OR TREE FARM** – A type of crop fanning involving the raising and harvesting of evergreen trees for commercial purposes. This may include the seasonal sale of trees produced on the premises.

**CLUSTER DEVELOPMENT** – A residential development meeting all of the requirements of this Chapter, including the provision of open space in return for reduced lot areas.

**CO-LOCATION** -- The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals (or other transmissions developed in the future) for communications purposes.

**COLONY** – An aggregate of honey bees consisting of workers, drones and a queen.

**COLONY, NUCLEUS** -- A hive that does not exceed the volume of 50 Liters (i.e., a single 10 frame standard 9 5/8” deep body or less).

**COMMERCIAL COMMUNICATIONS ANTENNA** – A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna.

**COMMERCIAL COMMUNICATIONS TOWER** – A structure that is intended to support equipment used for the purposes of transmitting or receiving cellular, radio, telephone, television, and other similar types of communications. Tower structures may include monopoles and lattice type construction steel structures. This land use includes telecommunications equipment which is attached to existing structures greater than 50 feet in height, including, but is not limited to, smokestacks, water towers, buildings, or other telecommunications, fire, and police towers.

**COMMERCIAL CROP STORAGE** – The temporary or seasonal storage of harvested materials.

**COMMERCIAL STABLE** – A building having stalls or compartments where horses are sheltered and fed for commercial operational purposes.

**COMMISSION** – The Planning Commission of the Lower Nazareth Township.

**COMMONWEALTH** – Shall mean the Commonwealth of Pennsylvania.

**COMPOSTING** – The controlled processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

**COMPREHENSIVE PLAN** – The document entitled the Nazareth Area Multi-Municipal Comprehensive Plan, or any part thereof, adopted by the Board of Supervisors, as amended.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – A CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23, as amended.

**CONCENTRATED ANIMAL OPERATION (CAO)** – An agricultural operation with eight (8) or more animal equivalent units [AEUs] where the animal density exceeds two (2) AEUs per acre on an annualized basis.

**CONDITIONAL USE** – A use which is allowed or denied by the Board of Supervisors within the provisions of Article I, after receiving the recommendation of the Planning Commission.

**CONDOMINIUM.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act. To ensure adequate provision for maintenance of roads and shared facilities, development of condominiums or conversion of an existing development into condominiums shall always be treated as a land development and a subdivision.

**CONSERVATION** – Any parcel or area of undeveloped land remaining in its natural state for perpetuity through agreements, deeds, or other legal means.

**CONSERVATION EASEMENT** – A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land in a manner approved by the Township Solicitor and Board of Supervisors. To meet a requirement of a Township ordinance, such easement shall run for a minimum period of ninety-nine (99) years. Such an easement shall be recorded in the County Recorder of Deeds Office.

**CONTRACTOR OFFICE/YARD** – An enclosed structure used for conducting business affairs and internal storage, which may also include a “Storage Yard” as accessory to the principal building.

**CONSTRUCTION** – Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of a pre-existing building, provided that further construction be diligently carried out.

**CONSTRUCTION TRAILER** – A structure not attached to a permanent foundation used as temporary construction offices for a non-permanent period. A construction trailer shall not be considered a lawful dwelling unit.

**CONVENIENCE STORE** – A one-story establishment that is designed and stocked to sell primarily food, beverages and general household supplies to customers.

**CONVENIENCE STORE WITH ENERGY RECHARGE** – A one-story retail store that is designed and stocked to sell primarily food, beverages and general household supplies to customers, and includes the sale and pumping of gasoline and/or accessory Electric Vehicle Charging Stations.



**CONVERSION** – To change from one use to another use, or to increase the number of dwelling units within a building, unless otherwise stated. This definition shall include an in-law apartment.

**COUNTY** – The County of Northampton, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** – The Lehigh Valley Planning Commission.

**CRAFTSMAN/ARTISAN STUDIO** – An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, carpentry, welding, sculpture, pottery, leathercraft, hand-woven articles, and related items by artisans and/or craftsmen.

**CRIMINAL TREATMENT CENTER** – A use, other than a prison, providing living accommodations and treatment facilities for persons needing such treatment because of offenses that are criminal in nature. This shall include, but not be limited to, drug rehabilitation centers, half-way houses for persons recently released from prison and treatment centers for drunk drivers, and juvenile delinquents.

**CROP FARMING** – The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as a Permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 504.

**CULTURAL/COMMUNITY CENTER** – A building and/or land open to the public which contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial.

**CURATIVE AMENDMENT** – A proposed zoning amendment made by the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

**CHILD CARE CENTER** – A child day care facility in which seven (7) or more children who are not related to the operator receive childcare for time periods of less than twenty-four (24) hours. A child day care center must have a certificate of compliance ("license") from the Pennsylvania Department of Human Services in order to legally operate.

**CHILD CARE HOME, FAMILY** – A childcare facility located in a home in which four, five, or six children who are not related to the caregiver receive childcare. A family child care home must have a certificate of compliance ("license") from DHS in order to legally operate.

**CHILD CARE HOME, GROUP** – A childcare facility in which seven through 12 children of various ages or in which seven through 15 children from 4th grade through 15 years of age who are not related to the operator receive childcare. A group childcare home must have a certificate of compliance ("license") from DHS in order to legally operate.

**DAY CARE, ACCESSORY** – The temporary caring of children no longer than 24 hours as an accessory use to Places of Worship/Assembly.

**DAY CARE CENTER, ADULT** – A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**D.E.P. (OR "DEP")** – Shall mean the Pennsylvania Department of Environmental Protection, and its relevant bureaus.

**DETACHED BUILDING** – A building that is surrounded on all sides by open yards and that is not attached to any other building.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.

**DISPENSARY FACILITY** – Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.

**DISTILLERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons of distilled liquor per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**DISTRIBUTED ANTENNAE SYSTEM OR DAS** -- A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.

**DISTRIBUTION CENTER, TYPE 1** – An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, repackaging, and labeling. This use may include the use of automated storage and retrieval systems.

**DISTRIBUTION CENTER, TYPE 2** – An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as order fulfillment, returned goods processing, packaging, repackaging, and labeling, but which does not include cross-docking or operations commonly referred to as "just-in-time" delivery.

**DISTRICT (OR ZONING DISTRICT)** – A land area within the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DRIVE-THROUGH FACILITY** – An accessory use in which any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a transportation vehicle on the premises.

**DRIVEWAY** – A privately owned, constructed, and maintained vehicular access from a street or access drive to only one (1) dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive".

**DRY CLEANING ESTABLISHMENT** – An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

**DRY CLEANING PLANT** – A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**DUMP** – Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by D.E.P. and that is not a permitted junkyard under this Ordinance.

**DWELLING** – A building on a permanent foundation or part thereof used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

#### DWELLING TYPES

This Chapter categorizes dwellings into the following types:

**ACCESSORY DWELLING UNIT** – A dwelling unit within the same lot as an owner-occupied single-family detached principal dwelling which is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory dwellings shall have direct means of entrance/exit, independent from the principal building.

**APARTMENT, ACCESSORY** – One (1) dwelling unit that is created within part of a principal dwelling, which shares a common entrance with the principal building.

**DUPLEX** – Two (2) dwelling units in one (1) principal building and on one (1) lot, where the dwelling units are either oriented as an “over-under” or a “side-by-side.”

**DWELLING, MULTIFAMILY (APARTMENTS)** – More than two (2) dwelling units on one (1) lot, whether within a single principal building or several buildings on the same lot.

DWELLING, SINGLE-FAMILY DETACHED – One (1) dwelling unit in one (1) principal building and which accommodates only one (1) family on one (1) lot.

DWELLING, TOWNHOUSE – One (1) dwelling unit in one (1) principal building on one (1) lot, where the following applies:

1. The dwelling unit is situated in the middle of a row of such dwelling units, and shares two (2) party walls; or
2. The dwelling unit shares one (1) party wall and is located at the end of a row of such dwellings.

FARMSTEAD – A principle building housing one (1) family, where up to three (3) farmsteads are permissible on a lot greater than 5 acres.

DWELLING UNIT – One (1) dwelling occupied by only one (1) family and a maximum of 2 persons who clearly function and are employed as domestic employees. See definition of "family". Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level.

EARTHMOVING AND OR GRADING – For the purposes of this Ordinance, "Earthmoving" as defined in applicable DEP regulations (Chapter 102 - Erosion and Sediment Control of 25 PA. Code of Regulations), and also shall include any one or more of the following activities:

1. Cutting down of trees or clearing of brush, other than clearing of grass and weeds,
2. Excavation of the ground, filling of the ground or "mineral extraction",
3. Grading, re-grading, any change in the ground surface elevation greater than one (1) foot, disturbance of topsoil or vegetative cover of the land,
4. For the purposes of this definition, the term Earthmoving shall apply to any soil, clay, overburden, sediment, dredge spoils or similar material,
5. Removal of tree stumps or brush with earthmoving equipment.

EASEMENT – Authorization by a property owner for the use by another for a specified utility, access or purpose of any designated part of the owner's property. See "Conservation Easement."

ELECTRICAL VEHICLE CHARGING STATION – A set of standard parking spaces with electric vehicle charging facilities situated in front of each parking space. Parking spaces dedicated to electric vehicle charging do not count toward any applicable minimum parking requirements.

EMERGENCY SERVICES – A building for the housing of fire, emergency medical or police equipment and vehicles, and for any related activities. This use may include housing for emergency personnel while on-call.

**EMPLOYEES** – The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ENCLOSURE** – Any type of structure used to surround a patio, pool or deck at any height.

**EQUIPMENT COMPOUND** -- An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory/related equipment is stored.

**ESSENTIAL SERVICES** – Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services.

**EXERCISE CLUB** – A facility that offers indoor or outdoor recreational facilities, including but not limited to the following: weight rooms, exercise equipment, non-household pool, sports courts and/or training for these activities.

**FAMILY** – An individual, or two (2) or more persons related by blood, marriage, adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than twelve (12) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

1. It provides non-routine support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap or disability, as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.
2. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.
3. It does not involve the housing of persons on a transient basis.
4. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

5. Family shall not include persons living together in a group-care facility, personal-care boarding home, or nursing home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

**FARM CAFÉ** – An establishment accessory to a nonresidential use that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A Farm Cafe may include the sale of alcoholic beverages. However, such sale may not be the primary or substantial portion of the total trade.

**FARM MARKET** – A retail sales use operated by a governmental agency, a nonprofit organization, or one or more Producers that primarily sells Farm Products and Value-added Farm Products directly to consumers.

**FARM PRODUCT** – Items sold at a Farm Market from a Producer. Farm Products shall include but are not limited to agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and seafood.

**FARM PRODUCT, VALUE-ADDED** – A product processed by a Producer from a Farm Product, including but not limited to baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee and other beverages, smoked or canned meats or fish, sausages, or prepared foods.

**FARM STORE/SHOP** – A retail establishment accessory to nonresidential use that primarily sells locally grown and/or produced food products and does not meet the definition of a Farm Market.

**FCC** – Federal Communications Commission.

**FENCE** – A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal or aluminum and/or plastic inserts. Man-made barriers constructed principally of brick, concrete, cinder block or similar materials shall be considered "walls." The term "wall" does not include engineering retaining walls, which are Permitted uses as needed in all Districts. The terms "fence" and "wall" do not include barriers of trees or shrubs. Fences shall not contain materials such as barbed wire or have potentially dangerous features such as spikes.

**FINANCIAL INSTITUTION** – An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds, but does not meet the definition of a Bank.

**FLEA MARKET** – A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

**FLOODPLAIN (100-YEAR)** – See definitions in the Township Floodplain Ordinance.

**FLYWAY BARRIER** -- A wall, fence, vegetation, hedge or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

**FOOTPRINT** – The perimeter of a building or structure.

**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.

**FULFILLMENT CENTER** – A type of distribution center that pick and pack items from shelves for individual delivery to “fulfill” online orders. They are typically smaller than distribution centers and focus on quickly delivering goods to individual customers and offer an array of services to help with this goal. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans. They are situated closer to consumer markets so individual items can be delivered quickly to people’s doorsteps.

**FUNERAL HOME** – A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (4) columbarium and (5) the storage of funeral vehicles.

**GARAGE, HOUSEHOLD** – A building which is used to store and which offers closed protection for three or less vehicles. Any building which stores more than three or more vehicles shall be considered an accessory structure. A private garage shall not exceed 1000 sq. ft. in area. Auto repairs conducted in a private garage shall be limited to personal vehicles owned by the occupants of the dwelling only to be defined as a household garage.

**GARAGE SALE (or YARD SALE)**– The accessory use of any lot for the occasional sale only of common household goods and furniture and items of a closely similar character. Any garage sale that does not meet this definition and cannot comply with Section 504 - Garage Sales - shall be regulated as a Home Occupation.

**GARDEN CENTER** – The retail sale of plants, flowers, gardening tools, soil, mulch, and similar items related to gardening and/or residential landscaping, which does not include wholesale.

**GARDEN CENTER, ACCESSORY** – The accessory retail sale of plants, flowers, gardening tools, soil, mulch, and similar items related to gardening and/or residential landscaping, which does not include wholesale.

**GLARE** – A sensation of brightness within the visual field which causes annoyance, discomfort or lass in visual performance, visibility and/or ability to focus.

**GRADE** – The mean curb level, unless otherwise noted. When a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

**GROCERY STORE** – Establishments where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also may offer other home care, personal care, and prescription pharmaceutical products.

**GROUP CARE FACILITY** – Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following: 1) Persons who do not meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act. 2) Persons who do meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household. 3) Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or a similar agency or institution.

**GROUP HOME** – The use of any lawful dwelling unit which meets all of the following criteria:

1. A maximum number of 8 persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"\* as defined by applicable Federal law.
4. Does not meet the definition of a "Treatment Center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

\*NOTE: As of 1992, the Federal Fair Housing Act defined "Handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21."

**HABITABLE CONDITION** – Where a dwelling unit is fit for human occupancy and is free of serious defects that might pose a risk to one's health and safety. Any dwelling unit that fails to provide heat, hot water, and/or plumbing shall not be considered habitable.

**HAZARDOUS WASTE** – Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes



subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act.

**HEALTH CARE ACCESSORY FACILITIES** – Facilities that support health care uses in the HCO District, such as transportation related facilities (including for emergency transportation, such as, but not limited to, ambulances, transport vehicles and helicopters), heliports, fueling facilities, driveways, parking structures, parking lots and loading areas, buildings and facilities for utilities, maintenance, vehicle storage, equipment storage and other support services, communications towers and antennas, temporary mobile treatment units or treatment tents and/or emergency services trailers or similar facilities to be erected only for the duration required to serve the needs of an emergency or public health occupants and/or for periodic training, as well as recreation trails and non-commercial recreation facilities, and utilities and stormwater management facilities.

**HEALTH CARE COMMERCIAL FACILITY AND USES** – Facilities and/or uses such as the following: gift and card shops, flower and plant shops, sale of common health care-related items, personal care items, the sale of convenience items and/or novelties, sale of items for fundraising, sale of food and beverages, cafeterias/cafes/food courts/restaurants or similar uses, coffee shop, vendor carts or kiosks for the sale of items listed above, bookstore, pharmacies/drug stores, stores for medical devices, medical uniforms, clothing, apparel and accessories, health food stores, convenience stores, florist, banks, financial institutions, automatic transaction machines, and personal care services such as barber shops or beautician shops, and laundry and/or dry cleaning as well as drive-through facilities for the above, or similar uses as approved by the Zoning Officer.

**HEALTH CARE EDUCATION FACILITY** – A (i) facility which provides education and/or research related to health care, health maintenance, wellness, dentistry and/or the business of health care, and (ii) a college, university or trade school affiliated with an accredited medical, dental or nursing school.

**HEALTH CARE OFFICE** – Office uses may include offices for health care related professionals, administrative support offices for uses allowed in the HCO District, and offices and laboratories for drawing and testing of specimens, diagnosis, or health care research.

**HEALTH CARE OUTPATIENT FACILITY** – A medical facility, separate from or in conjunction with a hospital, which provides, on an outpatient basis, services such as medical testing, diagnostic testing, (including overnight diagnostic testing), and may include drawing and/or testing of laboratory specimens, urgent or express care, surgery, treatment, rehabilitation, alternative medicine, and/or other health care related services. A health care outpatient facility may include overnight stays by patients.

**HEALTH CARE RESIDENTIAL FACILITY** – A hospice, nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility or similar living facilities, family lodging center, residence hall for students studying a health care field, accessory housing facilities for on-site medical staff, and hotel. A stand-alone nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility or similar living facility shall include an area of no less than seventy (70%) percent of the building footprint area, proximate to the building suitable and developed for passive recreation use such as walkways and benches.

**HEIGHT.** The vertical distance measured from the average elevation of the average proposed surrounding ground level to the highest point of a structure. See exemptions for certain types of structures in Section 603.

**HELIPORT** – An area used for the take-off and landing of helicopters, and related support facilities.

**HIVE** -- A receptacle or container, that includes modern moveable frames or combs, in which an active colony inhabits and exceeds a volume of 50 liters (i.e. a single standard Langstroth 9 5/8” deep body with 10 frames plus one additional hive body).

**HOME IMPROVEMENT/BUILDING SUPPLY, LARGE-SCALE** – A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery, and where Outdoor Storage and/or Display of Merchandise is incidental to the principal use.

**HOME IMPROVEMENT/BUILDING SUPPLY, MEDIUM-SCALE** – A facility between 6,000 and 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HOME IMPROVEMENT/BUILDING SUPPLY, SMALL-SCALE** – A facility less with less than 6,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HOME-BASED BUSINESS, LOW-IMPACT** – 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 1) may include no more than one (1) employee not residing on the premises and 2) involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

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

**HOME OCCUPATION** – A use conducted entirely within or administered from a dwelling or its accessory building, and that is clearly incidental and secondary to the principal residential use. A dwelling that only receives business mail at the address and does not involve the conduct of any other nonresidential use shall not be considered a home occupation or a home office and shall not by itself require a permit under this Ordinance for such activity. See § 504.

**HOSPITAL** – A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

**HOTEL** – A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed-and-breakfast" use. A hotel may also include within the principal building any non-residential use permitted by the applicable zoning district.

**HUMAN OCCUPANCY** – The residing of an individual overnight in a dwelling unit or living quarters.

**IMPERVIOUS COVERAGE** – The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

1. Areas being dedicated as common open space may be included in the acreages for determining impervious coverage of an adjoining lot.
2. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

**IMPERVIOUS SURFACE** – Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of .7 or greater. Any dispute over whether an area is "impervious" shall be decided by the Township Engineer. Areas of land paved for the sole purpose of non-commercial tennis courts, bicycle trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces, unless they would also be used for non-recreation uses (such as parking).

**INVASIVE PLANTS** – Plant species that are not native to the State, grow aggressively, and spread and displace native vegetation. For the purposes of this Ordinance, invasive plant species are identified on the PA DCNR Invasive Plant List as Rank 1 (severe threat) or Rank 2 (significant threat) as well as plant species listed on the PA Department of Agriculture's list of Noxious Weed List.

**JUNK** – Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, tires, aircraft, glass, industrial waste, machinery, equipment, containers, structures and other used building materials. Junk shall not include organic solid waste, grass clippings, leaves, tree limbs or household items intended to be recycled. Outdoor storage and outdoor processing of junk shall only be permitted within an

approved junkyard or solid waste disposal area. Junk shall not include solid waste customarily stored in a completely enclosed and sanitary container that is routinely awaiting collection.

**JUNK VEHICLE** – A motor vehicle that meets any of the following conditions:

1. Does not display a license plate, except for new or used vehicles located on commercial sales or trailer lots,
2. Does not have a valid State safety inspection sticker where that would be required for it to travel on a public street except for new or used vehicles on commercial vehicle sales or trailer lots,
3. Cannot be immediately moved under its own power, in regard to a vehicle designed to move under its own power, other than a vehicle clearly needing minor repairs,
4. Cannot be immediately towed, in regard to a vehicle designed to be towed,
5. Has been demolished beyond repair,
6. Has been separated from its axles, engine, body or chassis,
7. Includes only the axle, engine or body parts and or chassis, separated from the remainder of the vehicle.

**JUNKYARD**

1. Land or structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of one, two or all of the following conditions:
  - A. Junk that is not required by the State to be disposed of in a State-approved solid waste disposal facility.
  - B. Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an Auto/Truck/Body Collision Center or Auto Service/Repair Station.
  - C. One or more mobile homes that are not in a habitable condition.
2. Junk stored within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use.

**KEEPING OF PETS** – Domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family. This shall include dogs, cats, small birds, racing pigeons, gerbils, rabbits and other non-poisonous animals commonly sold in retail pet shops. See Section 504.

**KENNEL** – The keeping of domesticated animals in any residential use or district or on any non-residential lot or breeding of any number of animals for compensation or commercial uses. A nonprofit animal shelter is a type of kennel.

**LAND DEVELOPMENT** – The definition in the PA. Municipalities Planning Code, as amended, shall apply, as may be lawfully adjusted by the Township Subdivision and Land Development Ordinance, as amended.

**LANDOWNER** – The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a lessee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

**LAUNDROMAT** – A self-service facility containing washing machines and dryers and are open for use to the general public.

**LIBRARY** – A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility and are not normally offered for sale.

**LIMITED WINERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a winery that shall not exceed production of two hundred thousand (200,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**LIVESTOCK** – See Pennsylvania Code Chapters 7 and 25, as amended.

**LIVESTOCK OR POULTRY, RAISING OF** – The raising and keeping of livestock, poultry, or insect beyond the number and type allowed under the "Keeping of Pets" section of this Ordinance but at an intensity less than eight (8) animal equivalent units (AEUs) and where the animal density does not exceed two (2) AEUs per acre on an annualized basis.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as Permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** – The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot Area shall not include the following:

1. Areas within future or existing street rights-of-way,
2. Areas that are currently or will be dedicated as common open space, or
3. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

**LOT, CORNER** – A lot which has an interior angle of less than 135 degrees at the intersection of 2 street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

LOT, FLAG – A lot that does not meet the required lot width measured in accordance with this Ordinance. See definition for “Lot Width” and “Lot Frontage.”

LOT, INTERIOR – A lot other than a corner lot.

LOT, REVERSE FRONTAGE – Lot abuts two approximately parallel streets, but only has access onto one street, usually the less heavily traveled street.

LOT, THROUGH – A lot that abuts two (2) approximately parallel streets.

LOT DEPTH – The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

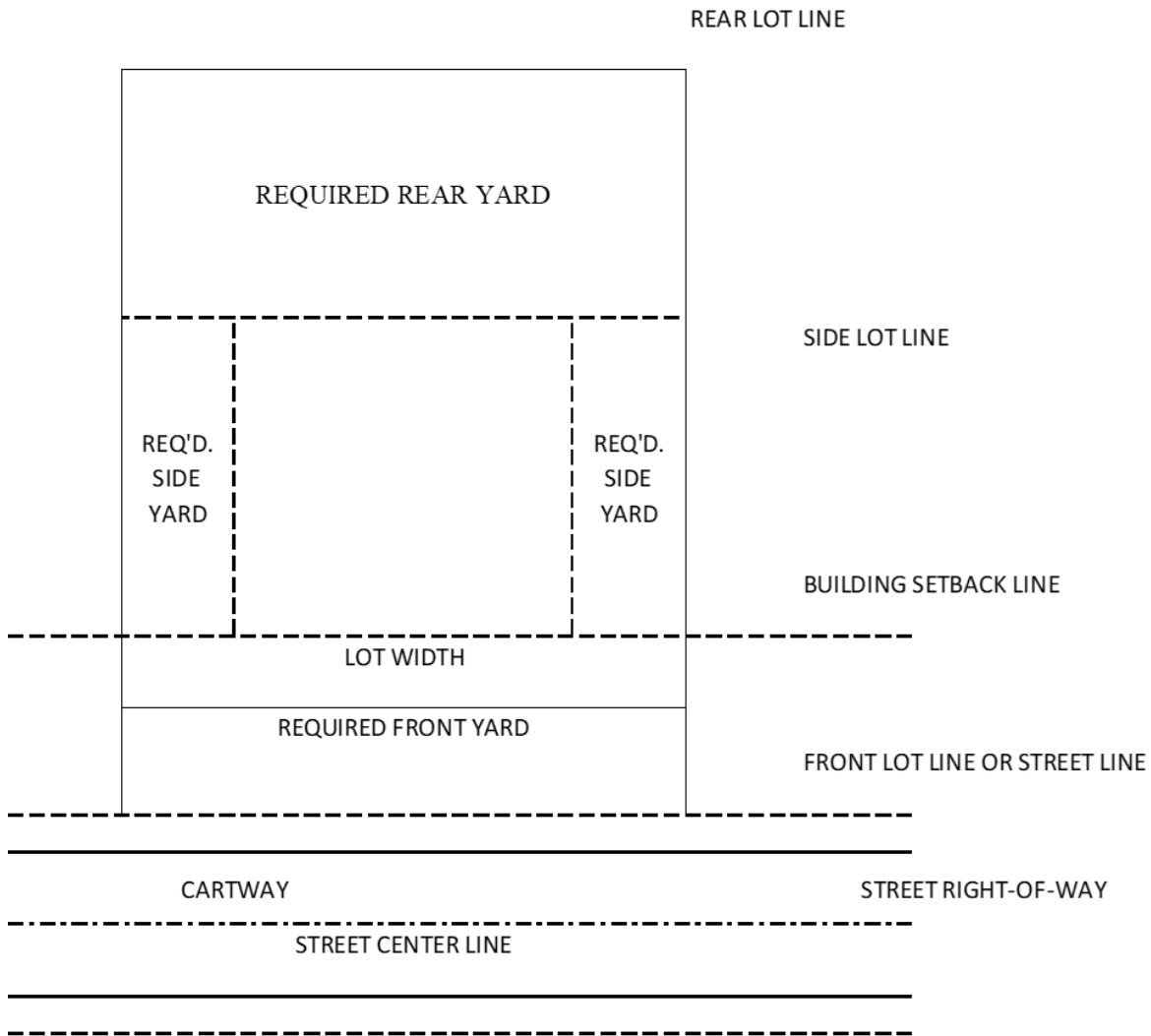
LOT FRONTAGE (Frontage) – A lot’s front lot line immediately adjacent to the street right-of-way.

LOT LINES – The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the future street right-of-way.

FRONT LOT LINE (Street Line) – A lot line immediately adjacent to the street right-of-way or any future street right-of-way.

REAR LOT LINE – A lot line opposite and most distant from the front lot line. (The rear lot line of any 3-sided lot shall be established such that it will be at least ten (10) feet long.)

SIDE LOT LINE – Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.



**LOT WIDTH.** The total distance measured along a lot's frontage.

**LUMBER MILL** – Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

**LVPC** – The Lehigh Valley Planning Commission.

**MANUFACTURE** – The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, recycling, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or Truck Depot/Terminal.

**MANUFACTURING, HEAVY** – An establishment engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins, liquors, other basic industrial processes, and any facility involving process resulting in the storage of hazardous materials or the generation of hazardous waste products, or the environmentally regulated process.

**MANUFACTURING, LIGHT** – Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

**MASONRY MAILBOX STRUCTURE** – Any brick, stone or block fabrication having the singular purpose of supporting a rural mailbox that conforms to U.S. Postal Service Standards.

**MEDICAL CLINIC** – A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

**MEDICAL MARIJUANA DISPENSARY FACILITY** – Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.

**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.

**MINERAL EXTRACTION** – The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

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

**MIXED-USE BUILDING** – A structure which contains two or more distinctly separate uses permitted within the zoning district, such as a commercial use and a residential use.

**MUNICIPAL USE, NON-UTILITY** – Any buildings or facilities owned and/or operated by the municipality, which do not meet the definitions of "Public Utility Facility" or "Essential Services."



MUNICIPALITIES PLANNING CODE – or (MPC) The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

NONCOMMERCIAL CROP STORAGE – The temporary or seasonal storage of harvested materials not for the purpose of commercial sale.

NONCONFORMING LOT – A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board,

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this ordinance, as amended, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include but are not limited to, signs.

NONCONFORMING USE – A use, whether of land or of a structure, which does not comply with the applicable use provisions in this ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment.

NURSING HOME – A business or an institution, licensed by the Commonwealth of Pennsylvania, for the care of human patients requiring skilled or intermediate nursing care as defined in Chapter 201, Section 201.3, of the Pennsylvania Code, Applicability, Definitions, Ownership, and General Operation of Long-Term Care Nursing Facilities, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICE, MEDICAL OR DENTAL – A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing practices for the examination and treatment of persons solely on an outpatient basis. Medical and dental offices do not include veterinary services or animal hospitals.

OFFICE, PROFESSIONAL – A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, photographic studios and/or television or radio broadcasting studios.

OFFICIAL CIRCULATION PLAN – The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification".

OFFICIAL ZONING MAP – The map as adopted by the Board of Supervisors which designates the location and boundaries of zoning districts.

OPEN SPACE, COMMON – A parcel or parcels of land within a tract which meets the standards within Section 616.

ORDINANCE – The Lower Nazareth Township Zoning Ordinance including the Official Zoning Map and Official Circulation Plan, as amended.

**OUTDOOR DISPLAY OF MERCHANDISE** – The display and/or storage of goods for sale on-site by the non-residential principal use.

**OUTDOOR STORAGE** – The accessory outdoor storage of items incidental to the principal nonresidential use.

**OUTDOOR STORAGE, DOMESTIC** – The outdoor storage of domestic items incidental to the function of the principal residential use, including but not limited to building materials used for home improvement, lawn-care machinery, firewood, and/or compost piles.

**PA** – Pennsylvania.

**PARKING** – Shall mean off-street parking unless otherwise stated.

**PARKING PICK-UP or CURBSIDE PICK-UP** – An accessory use in which a designated parking space on the same lot as the main use is used to provide service where the customer is delivered the product to their transportation vehicle.

**PACKAGE DELIVERY SERVICES** – An accessory facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**PAVED AREA** – All areas covered by gravel and/or impervious surfaces, other than buildings and concrete public sidewalks.

**PENN DOT** – The Pennsylvania Department of Transportation, or its successor, and its subparts.

**PERMIT** – A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

**PERMITTED BY RIGHT USE** – Uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A "nonconforming use" shall not be considered to be a "Permitted Use".

**PERSON** – Any individual, partnership, firm, business or similar entity, public or private agency, municipality, city, State or Federal agency.

**PERSONAL CARE BOARDING HOME** – A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. This use shall not meet the definition of Treatment Center.

**PERSONAL SERVICES** – An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to

businesses. Personal services include, but are not limited to barber and beauty shops, shoe repair shops, tattoo parlors, household appliance repair shops, and other similar establishments.

**PHARMACY** – An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

**PLACE OF ASSEMBLY** – A land use where people congregate for religious or cultural activities, entertainment, or meetings.

**PLACE OF WORSHIP** – A land use for religious activities taking place in buildings, synagogues, churches, religious retreats, monasteries, seminaries, and shrines used primarily for religious and/or spiritual worship and that are operated for non-profit and noncommercial purposes.

**PLANNING COMMISSION** – The Planning Commission for the Township of Lower Nazareth.

**PLANT NURSERY** – An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

**PRINCIPAL BUILDING (or PRINCIPAL STRUCTURE)** – The building/structure in which the principal use of a lot is conducted. Any building/structure that is physically attached to a principal building/structure shall be considered part of that principal building/structure. All principal buildings/structures shall also comply with the Township Building Code ordinance as amended.

**PRINCIPAL USE** – The dominant use(s) or single main use on a lot, as opposed to an accessory use.

**PROPERTY LINE** – Has the same meaning as "lot line."

**PUBLIC NOTICE** – Notice required by the Municipalities Planning Code as amended.

**PUBLIC RECREATION** – Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

**PUBLIC UTILITY FACILITY** – A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Public Utility Facilities include Electric substations, water towers/tanks/reservoirs, water pumping stations and/or treatment, sewage disposal pumping plants and/or treatment and power generation facilities, as well as facilities that support the emergency and/or supplemental distribution of public utilities.

**PUMPKIN PATCH** – A retail sales operation, generally conducted wholly outdoors, offering the sale of pumpkins and related holiday items.

**RECREATION, LARGE LAND AREA COMMERCIAL** – Recreation facilities accessory to an Agricultural Operation in which the recreation activity is primarily outdoors and conducted on

land typically requiring large land area, including but not limited to corn mazes, petting and feeding zoos, hayrides, or similar uses.

**RECYCLING COLLECTION CENTER** – A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a municipal-owned use or an emergency services station.

**RELATED OR RELATIVE** – Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

**RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE** – A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale (or Yard Sale), Basketball Backboard, Treehouse, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment, or a permitted Accessory Dwelling Unit. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

**RESIDENTIAL LOT LINES** – The lot line of a lot containing an existing dwelling, or the lot line of undeveloped land zoned as a Residential District.

**RESTAURANT, CAFÉ** – An establishment primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

**RESTAURANT, FAST-FOOD** – An establishment where most customers order and are served their food at a counter or in a motor vehicle, where permitted as an accessory drive-through facility in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**RESTAURANT, QUICK SERVE** – An establishment which is maintained, operated, or advertised or held out to the public as a place where food, beverage, or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

**RESTAURANT, SIT-DOWN** – An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A sit-down restaurant may include the sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met as defined herein.

**RETAIL, LARGE-SCALE** – A use within a building greater than 6,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein. Square footage associated with food-related merchandise exceeding 10,000 square feet shall be considered a grocery store.

**RETAIL, MEDIUM-SCALE** – A use within a building between than 3,000 and 6,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein.

**RETAIL, SMALL-SCALE** – A use within a building no greater than 3,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein.

**RETAIL SALES OF AGRICULTURAL PRODUCTS** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**RIGHT-OF-WAY** – The surface of and space above and below any real property in Lower Nazareth Township which the Federal government, Commonwealth, municipality or any municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, or any other public places, area of property under the control of the Federal, Commonwealth, municipality, or municipal authority, and non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/ or under the right(s)-of-way. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

**RIGHT-OF-WAY, EXISTING OR LEGAL** – The line separating a lot from the established official street right-of-way that will be owned by the Township or the Commonwealth after the completion of any proposed subdivision, land development or development of a use under this ordinance.

**RIGHT-OF-WAY, FUTURE** – Land that is required to be dedicated or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. See Section 607. If a future right-of-way is not required to be dedicated, then future right-of-way shall have the same meaning as existing right-of-way.

**RIPARIAN AREAS** – Land immediately adjoining and up-gradient from any type of river or stream that is vegetated with a combination of trees, shrubs and other herbaceous plants.

**SCHOOL, POST-SECONDARY** – An accredited or licensed educational institution recognized by the Pennsylvania Department of Education, having regular sessions with employed instructors, and providing general education above the level of the secondary school.

**SCHOOL, PRE-KINDERGARTEN** – An establishment that offers private educational services to children who are under the minimum age for education in public schools, which may also include a “Child Care Center.”

**SCHOOL, PRIMARY AND SECONDARY** – A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.

**SCHOOL, SECONDARY TRADE** – An institution licensed and/or accredited by the Pennsylvania Department of Education including professional schools, dance schools, and trade schools that offer alternative programs in conjunction with a traditional secondary education curriculum offered by a nearby secondary school as defined in this Chapter.

**SCREENING** – A year-round vegetative material of substantial height and density designed to buffer some use from adjacent properties or uses. See requirements in Section 605.

**SEPTAGE/SEWAGE** – Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with D.E.P. regulations.

#### **SETBACK LINE**

1. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
2. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 604.
3. Unless otherwise stated, setback distances are for both accessory and principal structures.
4. Private Streets. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private

street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

**SLOPE** – The vertical change of an area of land divided by the horizontal change, measured in percent.

**SHOPPING CENTER** – A use combining 3 or more retail, personal services, offices and restaurants.

**SIGHT DISTANCE** – An area required to be kept free of visual obstruction.

**SIGHT DISTANCE TRIANGLE** – A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

**SIGN** – Any device, object, or mode of visual communication that is used for the purpose of bringing a business to the attention of the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs herein. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. A sign does not include a Temporary Structure as defined herein.

**SIGN AREA** – See Section 1113.

#### **SIGN TYPES**

**BANNER** – A sign made of any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners and that is temporary in nature.

**BILLBOARD** – A type of off-premises sign.

**DIGITAL DISPLAY** – The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**FLAG** – Signs printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, text or symbols, and attached to a pole or staff anchored along only one edge or supported or anchored at only two corners.

**FLAG, COMMERCIAL** – Any flag other than a personal expression sign which directs attention to a specific business, product, service, event or activity, or other commercial activity.

**MURAL** – A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

**SIGN, A-FRAME** – A sign that typically consists of two faces connected and hinged at the top and have a message targeted to pedestrians.

**SIGN, ADDRESS** – A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

**SIGN, AWNING** – Signs that are painted on, or affixed to, an awning structure. See definition for “Structure, Awning.”

**SIGN, CANOPY** – Signs that are part of, or attached to, a canopy structure. See definition for “Structure, Canopy.”

**SIGN, DIRECTIONAL** – Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**SIGN, GROUND** – A freestanding sign permanently affixed to the ground and supported entirely by a base structure.

**SIGN, ILLUMINATED** – A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**SIGN, INCIDENTAL** – A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

**SIGN, LANDMARK** – A sign and sign structure attached to a building. This type of sign is designed to add interest and ingenuity and must be three-dimensional in construction. It is permitted with or without wording and used for the purposes of identifying a unique feature or distinct element of business operations.

**SIGN, LIMITED DURATION** – A type of sign that can be displayed on private property for greater than sixty (60) days but are not intended to be displayed for an indefinite period. Limited duration signs require a sign permit, which is valid for up to one year, and can be renewed annually.

**SIGN, MANUAL CHANGEABLE COPY** – A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**SIGN, MARQUEE** – Signs attached to a marquee structure. See definition for a “Structure, Marquee.”

**SIGN, MESSAGE CENTER** – A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.



**SIGN, OFF-PREMISES** – An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a noncommercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.

**SIGN, PERSONAL EXPRESSION** – An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**SIGN, PYLON** – A freestanding sign permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground.

**SIGN, PRIVATE DRIVE** – A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

**SIGN, PROJECTING** – Signs mounted to a building with two sign faces that are generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

**SIGN, PUBLIC** – A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

**SIGN, ROOF** – Building-mounted signs erected upon, against, or over the roof of a building.

**SIGN, SECURITY** – An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign.

**SIGN, TEMPORARY** – A type of non-permanent sign that can be displayed on private property for not more than sixty (60) consecutive days, up to two (2) times per calendar year. Temporary signs do not require a permit.

**SIGN, VEHICULAR** – A sign affixed to a parked vehicle used primarily or solely for advertisement.

**SIGN, WALL** – Signs mounted to a building that are attached to or painted on an exterior wall so that the sign faces are generally parallel to the building wall. A sign installed on a false or mansard roof is also considered a wall sign.

**SIGN, WINDOW** – Signs applied, painted, or affixed to a window. Signs that are placed inside a window, within three feet of the glass, facing outside the building, and are easily seen from the outside are considered window signs as well. Customary displays of merchandise behind a store window are not considered window signs.

**SITE PLAN** – A drawing (to scale) showing uses and structures proposed for a parcel of land as required by the regulations within this Chapter.

**SITE PLAN REVIEW** – Review of a site plan by the Planning Commission and/or the Board of Supervisors. See Section 122.

**SOLAR, UTILITY SCALE** – 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 primarily for off-site use. Commercial solar energy systems consist of one or more freestanding 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.

**SOLAR PHOTOVOLTAIC (PV) SYSTEM** – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to: solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**SOLICITOR** – Unless otherwise stated, shall mean the appointed Solicitor to the Lower Nazareth Township Zoning Hearing Board.

#### **SOLID WASTE**

1. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
2. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste:
  - A. Portions of trees or shrubs, leaves, mulch and rocks,
  - B. Substances legally disposed of into the air or water through a Federal or State pollution discharge Permit,
  - C. Customary residual wastes from a Permitted mineral extraction use or
  - D. Materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

**SOLID WASTE DISPOSAL FACILITY** – Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

**SPECIAL EXCEPTION** – A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.

STATE – The Commonwealth of Pennsylvania and its agencies.

STEEP SLOPE AREA – Those areas having slopes of fifteen (15) percent or more.

STOCK YARD, SLAUGHTERHOUSE, OR MEAT PACKING PLANT – A facility for the slaughtering and processing of animals and the refining and/or processing of their byproducts, which may include an enclosure with pens, sheds, and other buildings or structures for the temporary keeping of livestock.

STORAGE YARD – The accessory outdoor storage of items incidental to the principal nonresidential use.

STORY (AND HALF-STORY) – A floor level of a building having an average vertical distance of not less than 6 feet between the surface of any floor and the ceiling next above it, shall be considered a full story. Any such portion of a building having a maximum vertical distance of less than 6 feet shall be considered a half-story, except as provided in the definition of “Basement”.

STREET – A public or private thoroughfare which affords principal means of access to abutting properties or that is an expressway, but not including an alley or a driveway.

STREET CLASSIFICATION – The functional classification of streets into the following types, as shown on the Official Circulation Plan as adopted and amended by the Township for existing streets and as determined by the Township Engineer for future streets:

EXPRESSWAY – A limited access street on which access is provided only at interchanges.

ARTERIAL – A street whose function is to provide for the movement of high volumes of through-traffic and direct access to abutting properties; subject to necessary control of entrances, exits and curb use.

COLLECTOR – A street which provides for the movement of moderate volumes of traffic between arterials and local roads and direct access to abutting property.

LOCAL – A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

MARGINAL ACCESS STREET – A type of local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.

CUL DE-SAC STREET – A type of local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

STRUCTURE – Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

1. The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks/patios that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post or pier mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.
2. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

**STRUCTURE, TEMPORARY** – Any piece of work or object not defined as a “Sign” that is readily movable and used or intended to be used for a non-permanent period of time. A temporary structure is not attached to a permanent foundation.

**SUGAR SHACK** – A facility used for the processing of tree sap harvested on the same lot as where it was harvested.

**SUBDIVISION** – See the definition in the Township Subdivision and Land Development Ordinance.

**SUBDIVISION ORDINANCE** – The Lower Nazareth Township Subdivision and Land Development Ordinance, as amended.

**SUPERMARKET** – A retail establishment within a building greater than 25,000 square feet of gross floor area, that offers a wide variety of merchandise categories, including, but not limited to: automotive, apparel, Accessory Garden Center, cards and gifts, crafts, groceries, prescription drugs and sundries, jewelry, hardware, household decor, pet supplies, appliances, sporting goods, and similar products.

**SWIMMING POOL, ACCESSORY** – A man-made area, above or below ground, with walls of man-made materials intended to enclose water at least 48 inches deep and that is intended to serve the residents of only one (1) dwelling unit.

**TAVERN** – A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See also the definition of "restaurant."

**THEATER, INDOOR MOVIE** – A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

**TOWNHOUSE** – See “Dwelling Types.”

**TOWNSHIP** – The Township of Lower Nazareth, Northampton County, Pennsylvania.

## TRACT

1. The minimum amount of land required in some zoning districts to be approved or have been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the minimum tract size.
2. Access. A tract shall only include areas of land that in the approved preliminary plan included a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract.
3. Ownership. At the time of the approval of the preliminary plan, the tract shall have one "landowner" as defined by Article II. If more than one person, entity or corporation is involved as the "landowner," such applicant shall provide evidence acceptable to the Zoning Officer that there is a legally binding commitment between such entities to coordinate the access and development of the tract as shown in the approved preliminary plan.
4. Contiguous. All land area within a tract shall be contiguous, although the land may be separated by alleys, streets or waterways.
5. Municipal Boundaries. Only areas within the Township shall be considered to be within a tract for purpose of meeting the minimum tract area.
6. Measurement. The land area with a tract shall be calculated by totaling the "lot area" (as defined in this Article) of each lot within the tract and also any land proposed to be dedicated as common open space.

**TREE FARM** – An accessory use on a lot used to raise or harvest trees for wood products such as lumber, posts, and poses, fuel wood, and Christmas trees.

**TRUCK DEPOT/TERMINAL** – A use involving either a single or a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded-primarily from and reloaded onto tractor-trailer trucks.

1. A use that primarily involves loading materials from tractor-trailers onto smaller trucks or smaller trucks onto tractor-trailers shall be considered a "distribution" use.
2. A Truck Depot/Terminal may include an Auto/Truck/Body Collision/Repair Center as an incidental accessory use.
3. Storage or parking of two (2) or more empty trailers on a single lot that are not associated with any type of specific warehouse or distribution structure on that lot shall also be defined as operating a trucking terminal.

**USE** – The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. As used in this Ordinance, use includes buildings or structures.

**URBAN AGRICULTURE** – The accessory use of a lot for the cultivation of food and/or horticultural crops not for sale on-site, which may include Composting, Aquaponics, Aquaculture and/or Hydroponics.

**VARIANCE** – The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Municipalities Planning Code.

**VEHICLE, MOTOR** – Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

**VEHICLE, UNREGISTERED** – Any motor vehicle or trailer that does not display a license plate and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

**WALL** – See “Fence.”

**WAREHOUSE** – An enclosed structure used for the storage of merchandise or commodities for an extended period of time, typically over thirty (30) days and which does not include cross-docking operations or retail sales. Office Space associated with each warehouse unit may be included.

**WAREHOUSE, HIGH-CUBE TRANSLOAD & SHORT-TERM STORAGE WAREHOUSE** – A transload facility that has the primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. A transload facility typically has little storage duration, high throughput, and its operations are high efficiency. A short-term HCW is a distribution facility often with custom features built into the structure for the movement of large volumes of freight with only short-term storage of products. Some limited assembly and repackaging may occur within the facility.

**WAREHOUSE, HIGH-CUBE COLD STORAGE** – A cold store warehouse with substantial temperature-controlled environments for frozen food and other perishable products.

**WAREHOUSE, HIGH-CUBE PARCEL HUB** – Typically serves as a regional and local freight-forwarder facility for time sensitive shipments via airfreight and ground carriers. A site can also include truck maintenance, wash, or fueling facilities. Some limited assembly and repackaging may occur within the facility.

**WAREHOUSE, HIGH-CUBE FULFILLMENT CENTER (SORT & NON-SORT)** – A sort facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. A non-sort facility is a fulfillment center that ships large box items that are processed primarily with automation rather than through manual means.

**WATER SYSTEM** – A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

1. **Public Water Service.** Service by a central water system that is owned and operated by a Municipal Authority or a water company with a service area defined by the State Public Utility Commission which transmits water from a common source to more than 50 dwellings or principal uses.
2. **On-Lot or Non-Public Water Service.** Service by a water system that does not meet the definition of a "public water service". In most cases, this would involve an individual well serving an individual lot but may also include a common well or another duly approved system.

**WELLNESS AND FITNESS CENTERS** – Facilities that offer educational and/or interactive programs for health care, health maintenance, wellness, and/or other health-related subjects, and/or facilities that may include health spa, weight rooms, exercise rooms, exercise equipment, exercise pools, and/or other similar exercise club or fitness center facilities, and may offer rehabilitation, therapy, and/or health maintenance and physical performance related training programs.

**WETLANDS** – An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: The following was the official Federal definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. The regulations are enforced by the U. S. Army Corps of Engineers, the U. S. Fish and Wildlife Service and the Pennsylvania Department of Environmental Protection.)

**WHOLESALE SALES** – An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**WIND ENERGY SYSTEM, SMALL** – An aggregation of parts including the base, tower, generator, rotor, blades, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy and used as an accessory to a residential use.

**WIND ENERGY SYSTEM** – A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal structure which is sized and intended to be

used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a Commercial Wind Farm.

**WIRELESS FACILITY, MICRO** – A Small Wireless Facility that does not exceed two (2) cubic feet in volume and has an exterior antenna no longer than eleven (11) inches.

**WIRELESS FACILITY, SMALL** – The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

1. Each antenna associated with the deployment is no more than three cubic feet in volume.
2. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty (20) cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume under this paragraph.

**YARD** – An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

**YARD, FRONT** – A yard between the front lot line (which usually is the future street (right-of-way line) and the closest portion of the subject structure or use and that extends the full width of the lot and from side lot line to side lot line.

1. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
2. When a lot abuts onto 2 or more public streets, the Zoning Officer shall determine that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots. See Definition for “Lot, Corner.”
3. No accessory or principal building shall extend into the required front yard.

**YARD, REAR** – A yard extending the full-width of the lot and situated between the rear line and the closest portion of the subject building, and stretching between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building and an accessory structure shall not extend into the required rear yard for an accessory structure.

**YARD, SIDE** – A yard situated between the closest portion of the subject building and the entire length of the side lot line and extending from the front lot line to the rear lot line. Any lot line that is not determined by the Zoning Officer to be a rear line or a front line shall be deemed a side yard line. A building shall not extend into the specified required side yard.

**ZONING MAP** – The Official Zoning Map of Lower Nazareth Township. Northampton County, Pennsylvania.



LOWER NAZARETH TOWNSHIP ZONING ORDINANCE, Article XII  
Adopted December 13, 2023

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ZONING OFFICER/ADMINISTRATOR – The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

ZONING ORDINANCE – The Lower Nazareth Township Zoning Ordinance, as amended.