

ARTICLE 2 – DEFINITIONS

SECTION 2.0 INTERPRETATION, SEPARABILITY, AND CONFLICT

- A. The following rules of construction of language shall apply to the text of this Ordinance:
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural, and words used in the plural include the singular.
 3. Words used in the masculine form shall also include the feminine.
 4. The word "lot" includes the word "plot" or "parcel".
 5. The word "person" includes an individual, firm or corporation, partnership, limited partnership, trust.
 6. The word "shall" is always mandatory; the word "may" is always permissive.
 7. The words "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged, or designed to be used or occupied".
 8. A "building" or "structure" includes any part thereof.
 9. The phrases, "to erect", "to construct", and "to build" a building, each has the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
- B. If any section, paragraph, subdivision, or provision of this Ordinance shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision judged invalid, and the rest of this Ordinance shall remain valid and effective.
- C. This Ordinance shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.
- D. Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the Ordinance or Law with the most restrictive provisions or those imposing the higher standards shall govern.

SECTION 2.1 DEFINITIONS

The following words or phrases as used in this Ordinance are defined as follows:

ABANDONED OR JUNKED VEHICLE - Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition.

ABUSED PERSON SHELTER - A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ACCESSORY BUILDING - A building detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY STRUCTURE - A structure detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building, including but not limited to swimming pools, fences, freestanding decks, and portable car ports.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". An "Adult Arcade" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT BOOKSTORE OR ADULT VIDEO STORE - A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following -

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult Bookstore" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

The term Adult Bookstore shall include but not be limited to an Adult Video Store, and all such uses shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT BUSINESS - Any of the following -

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or where any "specified sexual activities" are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article II -
 - 1. adult arcade
 - 2. adult bookstore or adult video store
 - 3. adult live entertainment use or facility
 - 4. adult motel
 - 5. adult motion picture theater
 - 6. adult theater
 - 7. escort agency
 - 8. massage parlor
 - 9. nude model studio
 - 10. sexual encounter center

ADULT CARE FACILITY - See "Health Facility."

ADULT LIVE ENTERTAINMENT USE OR FACILITY - A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving -

- A. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities"; or,
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

An "Adult Live Entertainment Use or Facility" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT MOTEL - A hotel, motel or similar commercial establishment which -

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions

which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or,

B. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An "Adult Motel" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT MOTION PICTURE THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An "Adult Motion Picture Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT THEATER - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". An "Adult Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

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. The term shall not include livery or boarding stables, manufacturing or processing of agriculture products as a principal use.

AGRICULTURAL PRODUCTS PROCESSING/REFINING/MODIFICATION - An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills involving any process beyond sawing, tanneries, dairies and food canning and freezing operations.

AIRPORT - Any runway, land area, or other facility, designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY - A public or private thoroughfare affording only secondary access to abutting properties.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height or the moving of such building or structure from one location to another.

AMUSEMENT ARCADE - A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. The use of less than five (5) such devices shall be permitted as an accessory use to any lawful principal commercial use.

AMUSEMENT PARK - A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

APARTMENT - See "Dwelling."

ANIMAL EQUIVALENT UNIT - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. See *concentrated animal feeding operation* and Section 11.42.

ANTENNA - A fixed-base structure for the purposes of receiving or transmitting television, radio, and/or communication signals from orbiting satellites, other electro-magnetic, or digital transmissions.

ANTENNA, CELLULAR - See "Commercial Communication Device".

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

ARCHERY RANGE, INDOOR - See *Recreational Facility, Private*.

ARCHERY RANGE, OUTDOOR - Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor archery range for the purposes of this Zoning Ordinance.

AREA, COMMON - The space reserved for use by any and all residents of a housing development such as halls, stairways, and landings in apartment houses.

ATTIC - That space of a building which is immediately below and wholly or partly within the roof framing.

AUTOMOTIVE/REPAIR - A building or premises used for the repair of motor vehicles, including painting and the sale of related parts and accessories. A junkyard or auto salvage yard is not to be construed as a garage.

AVERAGE DENSITY DEVELOPMENT, RESIDENTIAL CLUSTER DEVELOPMENT - A zoning technique whereby any dimensional requirements in the zoning ordinance may be modified in a subdivision provided that the overall density requirements are met for the total parcel.

AZIMUTH, SOLAR - The angular distance between true south and the point on the horizon directly below the sun. Values to the east of south (in the morning) shall be negative. Values to the west of south (in the afternoon) shall be positive.

BANK - An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. (See "service establishment")

BAR - A business establishment licensed by the Commonwealth of Pennsylvania to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BASEMENT - A story partly below average finished grade, having at least ½ of its height measured from floor to ceiling, but no more than four feet, above average finished grade. Special grading, such as berms designed specifically for architectural, landscaping, and/or energy conservation purposes shall be excluded from this definition.

BED AND BREAKFAST - Any dwelling in which persons either individually or as families are housed or lodged for hire with meals normally included as part of the services rendered.

BETTING USE - A use where lawful gambling activities are conducted, including but not limited to off-track parimutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

BILLBOARDS - A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated.

BOARD - Any body granted jurisdiction under a land use ordinance, or under the "Act", to render final adjudications

BOARD OF SUPERVISORS OR SUPERVISORS - The Board of Supervisors of Wyalusing Township, Bradford County, Pennsylvania.

BOARDING HOUSE - A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three, but no more than six sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house, or rooming house shall be deemed a boarding house.

BUFFER - A strip of land that: separates one use from another use or feature, and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or driveway crossings.

It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

BUILDING - Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for shelter, housing or enclosure of persons, animals, or chattel.

BUILDING, ACCESSORY - See "ACCESSORY BUILDING"

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

BUILDING, HEIGHT - The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMI-DETACHED - A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING AREA - The area taken on a horizontal plane at the main grade level of the building exclusive of storage space, open porches, terraces, and steps, and in respect to dwellings, also exclusive of attached or built-in garages; multiply by number of stories in building to get total building area.

BUILDING GROUP - A group of two or more principal buildings and any buildings accessory thereto, occupying a lot with one ownership and having any yard in common.

BUILDING LINE - The line, established by statute, local law or Ordinance, beyond which a building shall not extend, as specifically provided by law.

BULK - A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structures, or tract of land.

BULK FUEL STORAGE FACILITY - 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 retail or wholesale establishments. This shall also include any retail distributor with storage tanks exceeding two thousand (2,000) gallons.

BUS TERMINAL - An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

CALIPER - The diameter of a tree's trunk measured twelve (12) inches above the ground.

CAMP - Any parcel of land on which may be located one or more cabins, camping vehicles, tents, or other accommodations of a design or character suitable for seasonal or other temporary living purposes including summer cabin colony, vacation resort, day camp, and travel trailer park but not including a mobile home park, boarding house, or motel.

CARPORT - A roofed building intended for the storage of one (1) or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

CARWASH - A building, premises, or portions thereof where automobiles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

CELLAR - See "basement."

CEMETERY - Land or buildings used for the burial of deceased humans or animals. The internment or scattering or remains of properly cremated humans is not regulated by this ordinance.

CHILD DAY CARE CENTER - a licensed facility in which care is provided for 7 or more persons under 16 years of age, at any one time, where the child care areas are not being used as a family residence. A facility in which care is provided for more than 6 but less than 12 children, at any one time, may be licensed/approved as a group day care home if care is provided in a facility where the child care areas are being used as a family residence and the provider meets the requirements of group day care home as licensed by the Pennsylvania Department of Public Welfare.

CHURCH OR PLACE OF WORSHIP - A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by state statute.

CLUB, COUNTRY - A public or private club for golfing, tennis, hunting, fishing, horseback riding, skiing, or similar sports.

CLUB/LODGE, PRIVATE - An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

CLUSTER DEVELOPMENT, RESIDENTIAL - A form of development for single-family residential development that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

COMMERCIAL COMMUNICATION DEVICE - Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following which are not appropriate subject of the zoning ordinance -

1. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
2. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
3. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than one hundred (100) feet in height.
4. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
5. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE - Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

COMMERCIAL COMMUNICATION DEVICE SUPPORT STRUCTURE HEIGHT - The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

COMMERCIAL USE - The use of a parcel of land/building for the purpose of retailing/wholesaling business or trade of products, commodities or services, and the preparation, processing, or repair of such articles, substances or commodities for on-premise transactions.

COMMON AREA - All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common

facilities, and recreation area.

COMMON FACILITIES - Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMMISSION - The Planning Commission of Wyalusing Township, Bradford County, Pennsylvania.

COMPLETE APPLICATION - An application which includes all information required by this Ordinance and any additional information deemed necessary by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, to determine compliance with this Ordinance.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. An animal equivalent unit is equal to one thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. See Section 11.42.

CONDITIONAL USE - Uses granted through the site plan approval process as specified in Article 4, Section 4.0.3 of the Zoning Ordinance.

CONTIGUOUS PARCEL - A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers such as existing roads and highways, rivers, areas with slopes greater than 35%, and not bisected by water bodies.

CONTRACTOR'S YARD - Any space, whether inside or outside a building, used for the storage or keeping of more than three pieces of construction equipment, machinery, or vehicles, or parts thereof which are in active use by a construction contractor.

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

CONVENIENCE STORE - A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of motor vehicle fuel but shall not include the repair or service of vehicles.

COVERAGE - The lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CREMATORY - Any place, however designated, operated for the purpose of reducing deceased bodies to ashes.

DAY CARE, ADULT - A use providing supervised care and assistance primarily to persons who are over age 60 and 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.

DAY CARE HOME/DAY CARE CENTER - a facility in which care is provided for more than 6 but less than 12 persons under 16 years of age, at any one time, where the child care areas are being used as a family residence. A facility in which care is provided for more than 6 but less than 12 persons under 16 years of age, at any one time, may be licensed/approved as a Day Care Center if care is provided in a facility where the child care areas are not being used as a family residence and the provider meets the requirements of a Day Care Center as specified by the Pennsylvania Department of Public Welfare.

- A. Day Care, as an Accessory Use - A type of "day care" use that provides care for 6 or less persons at one time who are not relatives of the care giver.
- B. (Child) Day Care Center, as a Principal Use - A type of "day care" use that provides care for 7 or more persons at any one time who are not relatives of the primary operator.

DECISION - The final adjudication of any board or other body granted jurisdiction under this Zoning ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of Bradford County.

DECK - An elevated (more than 6 inches) attached accessory structure constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building. See "patio."

DETENTION FACILITY - A publicly operated or sponsored facility used to house and/or rehabilitate individuals detained, sentenced by, or under the jurisdiction of the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses and similar facilities.

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

- (1) the governing body - Wyalusing Township Supervisors;
- (2) the Zoning Hearing Board; or
- (3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or Planned Residential Development provisions.

DEVELOPER - Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DISTRICT (OR ZONING DISTRICT) - A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

DISTURBANCE - Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DRIVE-IN THEATER - An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

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.

DRUG PARAPHERNALIA - Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

DWELLING - A building designated or used primarily as the living quarters for one or more families. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multi-family dwelling", "multiple dwelling", or "dwelling group" shall not be deemed to include motel, hotel, rooming house, or other accommodations used for more or less a transient occupancy.

DWELLING, IN-GROUND - A dwelling that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one wall open for a height of at least six feet and/or special light and ventilation designs.

DWELLING, ONE-FAMILY - A building containing one dwelling unit only.

DWELLING, ONE-FAMILY DETACHED - A building accommodating one dwelling unit and having two side yards.

DWELLING, ONE-FAMILY SEMI-DETACHED - A one-family dwelling having one party wall and one side yard.

DWELLING, TWO-FAMILY - A building containing two dwelling units.

DWELLING, MULTI-FAMILY - A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.

- (1) Residential Conversion to Apartments - Conversion of an existing single-family detached dwelling into three to five dwelling units and not exceeding two and one-half (2 ½) stories in height.
- (2) Townhouse - Multi-family dwelling of three or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common vertical party walls.
- (3) Apartment Building - multi-family dwellings of more than two and one-half (2 ½) stories in height but not exceeding the height limitations (in feet) of this Zoning Ordinance.

DWELLING GROUP - A group of three or more, but not over twelve attached single or two family dwellings with party walls between.

DWELLING UNIT - One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, sanitary and sleeping facilities. This shall include sectional, modular, and mobile home units provided they meet the standards of all other applicable ordinances. It shall not include motel, hotel and lodging establishments.

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

EASEMENT - A vested or acquired right to use land other than as a tenant for a specific purpose, such right being held by someone other than the owner who holds the title to the land.

EFFECTIVELY SCREENED - A particular use shall be considered effectively screened when barriers of sufficient height and opacity are provided so as to reduce the transmission of sound and light into adjacent properties to the point where the adjacent property owner is not disturbed.

EFFICIENCY APARTMENT - A dwelling unit without a separate distinct room for sleeping which is part of a multi-family structure.

EQUIPMENT RENTAL OR SALES YARD - See "CONTRACTOR'S YARD".

ESCORT - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY - A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An "escort agency" shall be considered an "adult business" for the purposes of this Zoning Ordinance.

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 alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, 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 PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see "semi-public building or use.")

FACTORY MANUFACTURED DWELLING - A permanent dwelling unit that is constructed off-site, consisting of one or more segments designed to be permanently anchored to and supported by a foundation.

FAMILY - One or more persons living in a single dwelling unit functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than one (1) lease among all of the occupants. A family shall not include more than four (4) persons who are not "related" to each other (see definition). (See provisions in Article 11 regarding maximum number of unrelated persons within a "group home." A "treatment center" shall not be considered a "family")

or a "group home." See also the definition of a "dwelling unit.")

FARM - Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry, dairy products and nursery stock. It includes necessary farm structures within the prescribed limits and the storage of equipment used in the farming operation. It does not include the raising of fur-bearing animals, livery, or boarding stables, riding academies, and kennels.

FARM ANIMAL - Any animal raised on a farm for a specific purpose and gain. Livestock included are cows used for dairy products, cattle used for meat (including veal calves), sheep used for wool, goats used for milk and meat, pigs used for meat, and horses used for labor. Poultry/fowl included are chicken and turkeys for meat and eggs, ducks and geese for meat.

FARM STAND - Direct commercial sales of agricultural commodities upon the property owned and operated by a landowner who produces not less than 50% of the commodities sold. Such direct sales shall be authorized without the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

FAST FOOD/DRIVE THROUGH RESTAURANT - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and includes facilities that enables customers to obtain food while remaining in their vehicles.

FENCE - A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed or wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." 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 hedges, trees or shrubs.

FLEA MARKET - An occasional or periodic sales activity held outside a fully enclosed building where stalls or sales areas are set aside, and rented or otherwise provided and which are intended for use by one or more unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets shall not include any operation which involves the sale of any obscene or pornographic material or any activity included in the definition of "adult business" contained in this Ordinance.

FLOOR AREA - The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the center lines of walls separating the buildings. In particular, the "floor area" of a building or buildings shall include:

- (1) Basement space.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment with structural headroom of six feet or more.
- (4) Penthouse.
- (5) Attic space (whether or not a floor has actually been laid) providing structural headroom of six feet or more.
- (6) Interior balconies and mezzanines.
- (7) Enclosed porches.
- (8) Accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom of less than six feet.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than six feet.
- (5) Uncovered steps; exterior fire escapes.
- (6) Terraces, breeze ways, open porches, and outside balconies and open spaces.
- (7) Accessory off-street parking spaces.
- (8) Accessory off-street loading berths.

FORESTRY - The management of forests and timberlands when practiced in accord with accepted silvicultural

principles (forest management), through developing, cultivating, harvesting, transporting and selling trees for commercial purposes; which does not involve any land development, the operation of a sawmill or the operation of any other wood manufacturing business.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for - a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE PARKING - A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

GARDEN CENTER, RETAIL - A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

GASOLINE FILLING STATION - An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to motor vehicle of gasoline or any other motor vehicle fuel or oil or other lubricating substances, including any sale of motor vehicle accessories, and (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GOLF COURSE - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges. (See definition of "Recreational Facilities, Private")

GOLF COURSE, MINIATURE - A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

GOLF DRIVING RANGE - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green.

GOOD OPERATING AND ROAD-WORTHY CONDITION - A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

GOVERNING BODY - refers to the Township Supervisors of Wyalusing, Bradford County, Pennsylvania.

GRADE LEVEL - The level where the average finished grade of the ground intersects the foundation wall at the main entrance.

GRAVEL PIT/STONE QUARRY - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building.

GREENHOUSE, COMMERCIAL - A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

GREENHOUSE, PRIVATE - A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

GROSS FLOOR AREA - The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

GROCERY STORE - A commercial retail use which provides for the sale of a full range of food products including meats, fruits, vegetables, dairy products, snack foods, beverages, and similar grocery items.

GROUP HOME - The use of any lawful dwelling unit which meets all of the following criteria -

- A. Involves the care of the maximum number of persons permitted by the "group home" standards of Article 11, and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. 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.
- D. Does not meet the definition of a "treatment center/clinic."
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others, or which have been incarcerated or are in the control of the criminal justice system.

*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."

*NOTE - A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall not be considered an "group home."

HEIGHT OF BUILDING - The vertical distance measured from the elevation of the average finished grade level to the highest point of the roof.

HEALTH FACILITIES - Publicly or privately operated establishments engaged in providing services for human health maintenance including hospitals, medical clinics, nursing homes, adult care facilities and personal care homes, but not including *treatment centers/clinics* or *abused person shelters* as defined by this ordinance.

HELIPORT - An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. Public Heliport - A heliport that does not meet the definition of a Private Heliport.
- B. Private Heliport - A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also known as a helistop.

HOME OCCUPATION - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice (limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of Section 11.13.1 of this Zoning Ordinance.

HOME BASED BUSINESS - See Section 11.13.2.

HORSE - Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules and donkeys.

HOSPITAL/SANITARIUM - An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing, and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury requiring bed care, but not including *treatment centers/clinics* or *abused person shelters* as defined by this ordinance. (See *health facility*).

HOTEL - A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

IMPERVIOUS SURFACE - Area covered by roofs, concrete, asphalt or other cover which has a coefficient of runoff of 0.7 or higher. The Township shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purpose of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

INDOOR ARCHERY RANGE - Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor archery range for the purposes of this Zoning Ordinance. Indoor archery ranges shall be considered private recreational facilities for the purposes of this Zoning Ordinance.

INDOOR SHOOTING RANGE - Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance.

INDUSTRIAL PARK - A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INDUSTRIAL USE - The use of a parcel of land and/or building for the purpose of manufacture, fabrication, extraction, assembly, warehousing and other processing or handling of materials.

INSTITUTIONAL OR PHILANTHROPIC USE - Those uses limited to churches, public or private schools covering kindergarten through grade twelve, libraries, and uses by the municipal, state, or federal government.

JUNK - Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to -

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include -

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.; and,
- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNK YARD - An area of land with or without buildings used for or occupied by the storage, keeping or abandonment of junk, including but not limited to scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. A lot on which two or more wrecked or broken down vehicles or major parts thereof are stored for three months or more shall be considered to meet this definition of a junk yard.

KENNEL - Any place at which there are kept four or more dogs more than four months of age or any number of dogs

that are kept for the primary purpose of sale or for the boarding, care, or breeding for which a fee is charged or paid.

LAND DEVELOPMENT - Any of the following activities -

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

The definition of land development shall not include -

- A. The addition of an accessory building on a lot or lots subordinate to an existing principal building;
- B. The conversion of an existing single-family detached dwelling or a two-family dwelling into not more than three (3) residential dwelling units, unless such units are intended to be a condominium.

LANDFILL - A disposal site employing an engineering method of disposing sanitary solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day. (See "solid waste facility".)

LANDOWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, or a lessee if he is authorized under the lease to exercise the rights of the landowner, or any other person having a proprietary interest in the land.

LAUNDRY, SELF-SERVICE - A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or apartment hotel.

LAUNDRY, DRY CLEANING PLANT - A building or premises where public laundry work is done directly for the public, by cleaning and ironing soiled and used clothes on order received from members of the public as customers.

LOT - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

LOT AREA - The computed area contained within the lot lines and the ultimate right-of-way line. The area within the right-of-way line shall not be computed as part of the lot area.

LOT, CORNER - A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angles or intersection does not exceed 135 degrees.

LOT, DEPTH OF - The mean horizontal distance between the front (street) right-of-way line and the rear lot line.

LOT LINES - The property lines bounding the lot.

- (1) LOT LINE, FRONT - The ultimate right-of-way line of the street or road.
- (2) LOT LINE, REAR - The lot line opposite and most distant from the front lot line.
- (3) LOT LINE, SIDE - Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a "side street lot line".
- (4) LOT LINE, STREET - A lot line separating the lot from a street.

LOT, THROUGH - A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE - See "COVERAGE".

LOT FRONTAGE - A lot line which is coincident with a road line.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines or the width of a lot measured along the rear line of the required front yard.

MANUFACTURED HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

MANUFACTURING AND INDUSTRY - Establishments 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 manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes.

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 predominantly 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 processes.

MASSAGE - The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship. (See also "personal services.")

MASSAGE PARLOR - An establishment that meets all of the following criteria -

- A. "Massages" are conducted (see definition);
- B. The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the State -
- C. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor or chiropractor;
- D. The massages are conducted within private or semi-private rooms; and
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

A "massage parlor" shall be considered an "adult business" for the purposes of this Zoning Ordinance.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which both parties themselves create and consider acceptable.

MEDICAL CLINICS - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight, but not including *treatment centers/clinics* or *abused person shelters* as defined by this ordinance.

MOBILE HOME - A single-family dwelling unit intended for permanent occupancy designed for transportation after fabrication, on streets and highways on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, locations on jacks or permanent foundations, connections to utilities and the like. A mobile home is distinguished from a trailer in that it shall be equipped with running water, bath facilities, flush toilet and appropriate sanitary utilities and connected to such provided at the site.

MOBILE HOME PARK - A parcel of land under management of a person which has been planned and improved for

the "rental" or "lease" of lots for two or more mobile homes to be parked and occupied as dwellings, and the provision of services for mobile homes for transient and/or non-transient use and providing utilities.

MOTEL - A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and used principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

MOTOR VEHICLE SALE AND SERVICE AREA - A premises, including open areas, other than a street or a way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles and recreational vehicles, and where mechanical repairs may be conducted as an accessory use incidental to the primary sales use.

MULTI-FAMILY PROJECT - Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project.

MULTIPLE OCCUPANT COMMERCIAL BUILDING - A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

MUNICIPAL BUILDINGS - Any building established and operated by any government agency.

NATURAL RESOURCE USE - The removal or recovery by any means whatsoever of soil, rocks, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including, but not limited to, coal, gas, oil, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, peat, soil, or other mineral. It may include the crushing, screening, washing, or grading of minerals but shall not include any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants, and manufacture of concrete and clay products.

NATURAL RESOURCE PROCESSING - The refinement of minerals to specifications for sale including the crushing, screening, washing, or grading of minerals; and may also include the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants, and manufacture of concrete and clay products.

NON-CONFORMING BULK - That part of a building, other structure or tract of land which was lawful prior to the enactment of the Zoning Ordinance or amendment thereto and does not conform to one or more of the applicable bulk regulations of this Zoning Ordinance, either following its effective date or as a result of subsequent amendment thereto.

NONCONFORMING LOT - Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Bradford County Recorder of Deeds prior to the effective date this Zoning Ordinance, as amended, reenacted and replaced.

NONCONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure Ordinance fully existed prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming 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 hereto, where such use was Ordinance fully in existence prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced.

NUDE MODEL STUDIO - Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A "nude model studio" shall be considered an "adult business" for the purposes of this Zoning Ordinance.

NUDITY OR A STATE OF NUDITY - The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

NURSERY, COMMERCIAL - A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSERY SCHOOL - Any place, however designated, operated for the purpose of providing daytime care or instruction for 2 or more children from 2 to 5 years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers, as licensed by the PA Department of Education and/or the Department of Public Welfare.

NURSING OR CONVALESCENT HOME - A building with sleeping rooms where persons are housed or lodged on a 24 hour basis and furnished with meals and/or nursing care for hire, but not including *treatment centers/clinics* or *abused person shelters* as defined by this ordinance.

OBSCENE MATERIALS - Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any "specified anatomical areas" and/or "specified sexual activities".

OFFICE BUILDING - A building used primarily for conducting the affairs of a business, profession, service, industry, government or like activity.

OFF-SITE SEWAGE DISPOSAL - A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or a system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single-family unit.

OFF-SITE WATER SUPPLY - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Dept. of Environmental Protection regulations.

ON-LOT SEWAGE DISPOSAL - A single system of piping, tanks, or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

ON-LOT WATER SUPPLY - A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

OPEN SPACE - Area not occupied by any building, structure, or parking area.

OPEN SPACE, COMMON - Area unoccupied by any building, structure or parking area which is available to the general public.

PARKING AREA, PRIVATE - An open area for the same uses as a private garage.

PARKING AREA, PUBLIC - An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 162 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PATIO - An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose. See "deck."

PERMANENT FOUNDATION - A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete, frost-free footer, or a solid reinforced concrete slab of a thickness meeting current Township

requirements.

PERSONAL CARE HOME OR CENTER - A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth, but not including *treatment centers/clinics* or *abused person shelters* as defined by this ordinance. (See *health facility*.)

PERSONAL SERVICE ESTABLISHMENT - An office, store, or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor, or dressmaker.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land to be developed as a single entity for a number of dwelling units, the development plan for which accommodates a higher density and/or smaller lot sizes, setbacks, lot coverage, and etc. than allowed in the zoning district, as permitted under the flexible zoning technique of Article 7 in this Zoning Ordinance.

PLANNED RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT - An area of land to be developed as a single entity for a combination of residential and non-residential uses can be planned, located, and developed as a unit in accordance with the provisions of Article 8 of this Zoning Ordinance.

POWER PLANT - Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, seventy-five (75) percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used.

PORCH - An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

PREMISES - A lot together with all the buildings and uses thereon.

PRINCIPAL BUILDING - The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

PRINCIPAL USE - A dominant use(s) or main use on a lot, as opposed to an accessory use.

PROFESSIONAL OFFICE - The office of a member of a recognized profession maintained for the conduct of that profession, including the following professions - accountant, architect, author, dentist, engineer, insurance agent landscape architect, lawyer, optometrist, planner, physician, realtor, and other such occupations as may be designated by the Township as part of the conditional use process by virtue of the need for specialized training and experience as a condition of the practice of the profession and that such profession will in no way adversely affect the safety or character of surrounding properties to a greater extent than the specific professions listed herein. The issuance of a federal, state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PUBLIC BUILDINGS AND USES - Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second

publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC UTILITY - A business or service which is of public consequence and need, such as electricity, transportation, religious, or charitable nature.

RACE TRACK - A road course, either oval, circuitous or straight, where motor vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for testing or competition; or any course where animals are raced for competition.

RECREATIONAL FACILITIES, PRIVATE - Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, animal farms, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, animal racing tracks, and the like, but excluding golf courses, theaters, public parks and playgrounds.

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

REFLECTOR, SOLAR - A device for which the sole purpose is to increase the solar radiation received by the solar collector.

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, nephew, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. It shall not include relationships such as second, third or fourth cousins.

RENDERING PLANT - Any commercial operation where animals, parts of animals or animal remains are reduced or converted by heating or by chemical process, which may include associated processes such as mixing and blending of custom products (e.g., bone meal and tallow).

RESEARCH INSTITUTE OR LABORATORY - A building for experimentation in pure or applied research, design, development, and production of prototype machines or devices or of a new product, and uses accessory thereto; with respect to the application of this Ordinance.

RESIDENCES - See "DWELLING".

RESIDENTIAL CLUSTER DEVELOPMENT - A flexible zoning technique whereby a subdivision may be laid out on smaller lot sizes than required in the Zoning Ordinance, provided that the overall density requirements are met for the total parcel.

RESTAURANT, DRIVE-IN - An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles. A drive-in restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.

Restaurant, Standard: 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 standard restaurant may include the accessory 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.

RETAIL BUSINESS - An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in Article 4.

RIDING ACADEMY, STABLE - Any establishment where horses are kept for riding, driving, or stabling for compensation.

RIGHT-OF-WAY - The property under ownership or easement normally (street width) used for movement of vehicles,

including, but not restricted to, the pavement area.

ROAD, COLLECTOR - All township roads or streets other than major roads and interior subdivision roads.

ROAD, MAJOR - All federal and state highways.

ROAD, MINOR - All other streets or road whether dedicated or not.

ROAD WIDTH - The width of the right-of-way or the distance between property lines on opposite sides of the street.

ROADSIDE STAND - A light structure with a roof, either attached to the ground or movable, not for year-round use at which only local produce is offered for sale to the general public.

SAWMILL - Any facility, including structures, machinery and associated equipment, where timber is sawed into boards. Any facility which includes the drying of boards in kilns or the fabrication of any product shall be considered *agricultural products processing/refining/modification*.

SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately operated schools of trade, vocation or business.)

SELF-STORAGE FACILITY - A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

SEMI-PUBLIC BUILDING OR USE - Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

SETBACK - The required distance from the nearest right-of-way or lot line measured at right angles or radially from such points to the nearest edge of any building located on such lot.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration -

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A "Sexual Encounter Center" shall be considered an "Adult Business" for the purpose of this Ordinance.

SHED - An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

SHOPPING CENTER OR MALL - A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SHOOTING RANGE, INDOOR - See *Recreational Facility, Private*.

SHOOTING RANGE, OUTDOOR - Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes, including but not limited to, target shooting ranges, skeet and trap shooting ranges and courses, and sporting clay shooting operations. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor shooting range for the purposes of this Zoning Ordinance.

SIGN - See Section 11.3

SINGLE OWNERSHIP - Possession of land under single or unified control, whether by sole, joint, common, or other ownership or by a lease having a term of not less than thirty years, regardless of any division of such land into parcels for the purpose of financing.

SITE PLAN - Maps and supporting information required under Article 9 for Conditional Uses as specified in Article 4 Use Regulations.

SLAUGHTER HOUSE - A use involving the killing of animals for the production of food or some other associated commercial product which is sold wholesale. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that involves the killing of animals for retail sales directly to customers at the butcher shop.

SOLAR COLLECTOR - A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply, and components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED - A solar collector, as defined herein, physically detached from the structure from which solar energy is to be supplied.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

SOLID WASTE FACILITY, PRIVATE - Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania (Act 101) governing the management and disposal of solid waste.

SOLID WASTE FACILITY, PUBLIC - Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania (Act 101) governing the management and disposal of solid waste.

SOLID WASTE STAGING AREA - Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

SPECIFIED ANATOMICAL AREAS - Any of the following -

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - Any of the following -

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections "A", "B" and "C" of this definition.

STORAGE YARD FOR FOREST PRODUCTS AND STONE - An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flag stone, landscaping stone, or wall stone are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

STORY - That portion of a building included between the surface of a floor and the ceiling next above it, having of a height of at least seven feet six inches.

STORY, HALF - The portion of a building situated above a full story and having at least two opposite exterior walls

meeting a sloping roof at a level not higher above the floor than a distance equal to ½ the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

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

STRUCTURE, PORTABLE - Any structure that is not permanently affixed to the ground but is designed to be moved from place to place.

SUITABLE VEGETATION - Vegetation in sufficient quantity and of sufficient maturity so as to prevent erosion, maintain the general character of the area, and provide effective screening when such purpose is warranted.

SUITABLY LANDSCAPED - Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment, limit erosion, and protect the general welfare.

TANNERY - Any establishment where raw animal hides are processed and/or made into leather.

TAVERN - A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur. (See also the definition of "restaurant".)

THEATER - A building or part of a building devoted to showing moving pictures or stage productions on a paid admission basis.

TOURIST RECREATIONAL FACILITY - A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of general passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

TOWNSHIP - Wyalusing Township, Bradford County, Pennsylvania.

TRAILER, HOUSE - See "MOBILE HOME".

TRAILER PARK - See "MOBILE HOME PARK".

TRADE SCHOOL - A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen (16). This shall include a dancing school, martial arts school or ceramics school.

TRAVEL TRAILER - A unit which is used or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports, such as a recreational vehicle.

TREATMENT CENTER/CLINIC - A use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one (1) year and who need such facilities because of (See also *health facility*.) -

- A. Criminal rehabilitation, such as a criminal half-way house/criminal transitional living facility or a treatment-housing center for persons convicted of driving under the influence of alcohol,
- B. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others or to themselves.

TRUCK STOP - Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A "truck stop" also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

TRUCK TERMINAL - A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

USE - This term is employed in referring to both:

- (1) The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied;
- (2) Any occupation, business activity, or operation conducted in any building or other structure, or on land.

VARIANCE - Means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this Ordinance.

VEHICLE - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

VEHICLE AND EQUIPMENT SALES OPERATION - The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

VEHICLE OR EQUIPMENT REPAIR OPERATION - An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VETERINARY CLINIC - A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

WAREHOUSE - A building, or part of a building or premises, for storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment to final retail sale operation and whether it is a public or private ownership and use.

WATER EXTRACTION AND BOTTLING - Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale.

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

- A. Community or Public Water. A public or private utility system designed to supply and transmit drinking water from a common off-lot source to two (2) or more dwelling units or uses.
- B. On-Lot or Individual Water. Service by a water system that does not meet the definition of a "community or public water." 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.

WAY - A thoroughfare, however designated, permanently established for passage of persons or vehicles.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WHOLESALE (STORE, BUSINESS, ESTABLISHMENT) - A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

WRECK - An unlicensed motor vehicle in such condition that it cannot be repaired or which has remained unrepaired for sixty days after the damage occurred or which by reason of age and prior use is unsuitable for use on the highway. An unlicensed motor vehicle is one for which the registration for the current year has not been issued and affixed thereto.

YARD, FRONT - A yard extending along the full length of the front lot line, between the side lot lines, not including any land within the right-of-way of public or private streets.

YARD, REAR - A yard extending along the full length of the rear lot line, between the side lot lines.

YARD, REQUIRED - That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD SALE - Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

YARD, SIDE - A yard situated between the building and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

ZONE - Area defined for the purpose of regulating permitted and conditional land uses.

ZONING OFFICER - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

NOTE: WORDS AND PHRASES NOT HEREIN DEFINED SHALL BE GIVEN THEIR STANDARD DICTIONARY DEFINITIONS OR COMMON USAGE MEANING.