

ARTICLE II

DEFINITIONS

SECTION 2.01 - GENERAL INTERPRETATION

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

SECTION 2.02 - RULES OF INTERPRETATION

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The word "lot" includes the words "plot" and "parcel".
- H. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- I. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.

SECTION 2.03 - TERMS DEFINED

For the purpose of this Ordinance, the following terms shall have the meanings set forth below:

Accessory Use or Structure: A use or structure clearly incidental or subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

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

Advertisement: The outdoor display of any writing, printing, picture, painting, emblem, drawing, sign or similar device intended to invite or draw the attention of the public to any goods, merchandise, property, business, service, entertainment, amusement or industrial activity or establishment.

Advertising Structure: Any rigid or semi-rigid material with or without advertisement displayed thereon situated upon or attached to or which is part of real property for the purpose of furnishing a background, base surface or support upon which an advertisement may be posted or displayed outdoors.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities.

Alteration: Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

Apartment: A living unit in a multiple dwelling structure.

Apartment Conversion: Creation of two or more new living units by conversion of an existing structure.

Applicant: A landowner or developer (or his agent) who has filed an application for any permit required by This Ordinance or an application for site development plan review, use by special exception or a variance as allowed by this Ordinance, including his heirs, successors and assigns.

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

Appointing Authority: The Township Board of Supervisors.

Auction House: A building used for the conduct of auction sales of goods by a State-licensed auctioneer or apprentice auctioneer. Three types of auction houses are defined:

1. Livestock Auction: A building used solely for the conduct of auction sales of livestock.
2. Vehicle Auction: A building used solely for the conduct of auction sales of motor vehicles.
3. Auction House for Household and Other Goods: A building used solely for the conduct of auction sales of household and other goods, specifically excluding livestock and vehicles.

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

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: A story of a building where the floor is more than twelve inches but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level).

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

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

Billboards: Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

Board of Supervisors: The duly elected governing body of the Township of Middlesex.

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

Buffer Strip: A strip of land at least ten (10) feet in width which may be a part of the minimum setback distance, free of any principal or accessory building or required improvement other than screening.

Building: Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above.

Building Area: The horizontal area measured around the outside of the foundation walls plus the floors of roofed porches and roofed terraces, and including the area of accessory buildings if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half story, or less, of height.

Building Height: The vertical distance from the average finished grade of a building at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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

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

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

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

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

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

Camp: Any one or more of the following, other than a hospital, place of detention, school offering general instructions, or a trailer camp or trailer court:

Type 1 Any area of land or water of a design or character suitable for seasonal, recreational or other similar temporary living purposes; or

Type 2 Any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters, which are located in a Type 1 Camp area; or

Type 3 Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or by children, either as individuals, families, or groups.

Camping Ground: A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes in buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters, but not including a trailer camp or trailer court.

Camping Trailer: A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Cartway: The portion of a street right-of-way intended for vehicular use.

Cellar: Any space in a building the structural ceiling level of which is less than four (4) feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street. A cellar shall not be considered in determining the permissible number of stories.

Centralized Sewage System: A public or private utility system designed to collect, centrally treat, and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent.

Centralized Water System: A public or private utility system designed to transmit potable water from a common source to customers in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent.

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

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

Commercial Advertising Sign: Same as "Billboard" *supra*.

Commercial Camp: A business offering dormitories, cottages, cabins or similar nonpermanent accommodations, eating facilities, sanitary facilities and recreational and/or educational facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include "Trailer Camp".

Commercial Kennel: A business offering housing or boarding of domestic animals and which is operated for a profit.

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

Commercial Resort: A business combining lodging, eating and recreational facilities as a single enterprise and offered to the public for profit.

Commercial Vehicle: Any automobile, van, panel truck or other type of truck, tractor or trailer used for the delivery of goods whether or not such vehicle bears a business identification.

Commercial Veterinary Kennel: A building used for the treatment, housing or boarding of domestic animals by a veterinarian.

Commission: The Middlesex Township Planning Commission duly appointed by the Township Board of Supervisors.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Completely Dry Space: Space which will remain totally dry during flooding.

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

Conditional Use: A use permitted in a particular zoning district pursuant to conditions of the Zoning Ordinance.

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

County: The County of Cumberland, Commonwealth of Pennsylvania.

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

Court, Inner: An open space enclosed on all sides by exterior walls of a building.

Court, Outer: An open space enclosed on three sides by exterior walls of a building.

Day Care Center: A state-licensed center providing supervision and facilities for children during the day.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

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

Density: The average number of persons, families, or dwellings per unit of area (acre, square mile, etc.).

"Net residential density": Density of the building site.

"Gross residential density": Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

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

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

Development Plan: The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the

development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Driveway: A private drive providing access between a public or private street or access drive and a permitted use or structure.

Dwelling: Any building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, boarding homes, rooming houses, convalescent homes, motels, hotels or other accommodations used for transient occupancy.

Detached Dwelling: A dwelling which is completely surrounded by permanent open spaces.

Semi-detached Dwelling: A dwelling, one side wall of which is a party or lot-line wall.

Attached/Row Dwelling: A dwelling, the walls on two sides of which are party or lot-line walls.

End-row Dwelling: Same as semi-detached.

Dwelling, Multi-Family: A detached building or a group of attached and semi-detached buildings designed for or used exclusively for residence purposes by more than two families or housekeeping units.

Dwelling, Single-Family, Attached (Row): A building used by one family, and having two party walls in common with other dwellings (such as row house or townhouse), except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

Dwelling, Single-Family, Detached: A building used by one family, having only one dwelling unit, and having two side yards.

Dwelling, Single-Family, Semi-Detached: A building used by one family, having one side yard, and one party wall in common with another dwelling.

Dwelling, Two-Family: A building used by two families, with one unit arranged over the other and having two side yards.

Dwelling Unit: A structure or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". A travel trailer, a boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

Easement: The authorization by a property owner of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

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

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

Essentially dry space: space which will remain dry during flooding, except for the passage of some water vapor or minor seepage.

Family: One or more persons related to each other by blood, adoption, marriage, or otherwise by law, who are occupying the same dwelling unit and are living and cooking together as a single housekeeping unit, exclusive of foster children, household servants, and not more than two additional persons who are not so related. Apart from the above, not more than four persons living and cooking together as a single housekeeping unit though not so related, shall be deemed to constitute a family. A "family" as herein defined specifically excludes a boarding or rooming house, lodging house, club, fraternity, hotel or any similar group living arrangement.

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

Fill: Material placed or deposited on land so as to form an embankment or raise the surface elevation of the land including, but not limited to, levees, bulkheads, dikes, jetties, embankments and causeways.

Flood, Flooded, or Flooding: A temporary inundation of normally dry land areas.

Flood Fringe: That portion of the flood plain outside the floodway.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100 year flood.

Flood-prone Area: Same as "floodplain" supra.

Floodproof, Floodproofed, Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point.

Floor Area: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage and the operation and maintenance of the building.

Garage, Private: An accessory garage maintained only for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

Garage, Public: Any garage other than a private garage. A Public Garage may include servicing, repairs, washing or reconditioning of motor vehicles, and filling station facilities.

Governing Body: The Middlesex Township Board of Supervisors.

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

Group Home: A licensed dwelling providing supervised non-transient lodging or residential services for not more than seven (7) persons including supervisory personnel, but excluding domestic help limited to two (2) in number, in which some or all of the occupants are unrelated.

Habitable Floor Area: The sum of the gross horizontal areas of all rooms of a building used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets or unheated areas, such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet. The floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. However, the habitable floor area for a mobilehome or manufactured home is the same as the gross floor area as defined above.

Highway: Same as "Street" supra.

Hazardous Material: Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, and arsenic and their common salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

Homes Association: An incorporated non-profit organization operating under recorded land agreements through which (a) each lot and/or home owner in a cluster development or other described land area is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge if unpaid becomes a lien against the property.

Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

House Trailer: Same as "Mobile Home" supra.

Impervious Area: Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. For the purposes of this definition, all portions of parking lots and parking areas shall be considered as impervious area regardless of the degree of precipitation penetrability.

Industrial Use:

General Industrial Use: Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.

Light Industrial Use: Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

Interior Side: The side of a building which does not face a street or rear lot line.

Junk Yard: Any area where waste or discarded or salvaged materials are brought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discharged or salvaged materials as part of manufacturing operations.

Land Development: Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (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.
- c. Excluded from this definition of land development are the following:
 - (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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

Lodging House: A building or portion thereof, other than a hotel, containing not more than one (1) dwelling unit; where lodging is provided without meals for three (3) or more persons in addition to the family unit.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a dedicated street or road.

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

Interior lot: Any lot other than a corner lot.

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

Lot Area: The area contained within the property lines of a lot (as shown on the Plat), excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Lot Coverage: The percentage of the lot area that is occupied by the building area.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line: A legally defined line dividing one lot from another.

Front lot line: The line separating the lot from roads upon which it abuts.

Rear lot line: The lot line opposite and most distant from the front lot line.

Side lot line: Any lot line other than a front or rear lot line.

Lot Width: The mean horizontal distance of a lot between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

Manufacturing: Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

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

Membership Club and Camp: Buildings for lodging, eating, and sanitary facilities, and lands owned, leased, or used principally by a private, fraternal, or social organization for such activities as hunting, fishing, scouting, etc.

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

Minor repair: replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep but not including any addition, change, or modification in construction, existing facilities, or permanent fixtures or equipment.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For flood plain management purposes the term "mobile home" includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

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

Motel: A building or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient vehicle travelers, and provided with accessory off-street parking facilities. The term includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobilehome parks.

Motor Home: A portable, temporary dwelling to be used for travel or recreation, constructed as an integral part of a self-propelled vehicle.

Multiple Dwelling Structure: A building housing three (3) or more dwelling units.

Municipality: Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly of the Commonwealth of Pennsylvania.

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

Nonconforming Structure: A structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of This Ordinance or amendment hereto, or prior to the application of This Ordinance or amendment to its location by reason of annexation.

Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or subsequent amendment hereto or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Official Map: A map adopted by ordinance pursuant to Article IV of the Municipalities Planning Code, as amended.

On-lot Utilities:

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

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

100-Year Flood: A flood which is likely to be equaled or exceeded once every 100 years (i.e. that has a one percent chance of being equaled or exceeded in any given year).

100-Year Flood Elevation: The water surface elevations of the 100-Year Flood.

Open Space: That portion of land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

PaDER: The Department of Environmental Resources of the Commonwealth of Pennsylvania.

Parking Lot: An area of one or more parking spaces designed or used for the parking of motor vehicles and available to the public, whether for a fee or as an accommodation to clients or occupants.

Parking Space: An off-street space available for the parking of a motor vehicle and which shall have dimensions of not less than ten (10) feet in width and twenty (20) feet in length, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Penthouse: A structure located on the roof of the main building for purposes of living accommodations or housing of mechanical equipment. When the area of the penthouse exceeds 20 percent of the area of the roof or when the penthouse is to be occupied by persons, the penthouse shall be considered to be a separate story.

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

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

Planning Commission: Middlesex Township Planning Commission.

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

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

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

Private Property: Includes land owned or leased by a sewer authority, municipal authority, water authority or company, or a privately owned public utility such as an electric company, natural gas transmission company.

Property Line: A recorded boundary line of a plot.

Public Grounds: includes the following:

- a. parks, playgrounds, trails, paths and other recreational areas and other public areas;

b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

c. publicly owned or operated scenic and historic sites.

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

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

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall 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.

Radioactive Material: Any natural or artificially produced substance which emits radiation spontaneously.

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.

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

Right-of-way: The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

Roadway: Same as "Cartway" supra.

Rooming House: Same as "Lodging House" supra.

Setback Lines: Same as "Building Lines" supra.

Sign: Any structure, device, light or object, including the ground itself or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, word, model, number, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot, and shall be deemed to include signs which are affixed to the inside of

windows and glass doors and are intended to be seen from roadways or parking lots.

Signs, as defined, shall not include the following:

- (1.) Flags and insignias of any governmental agency or civic, charitable, religious, fraternal, or similar organization.
- (2.) Legal notices identification, informational, or directional signs erected or required by governmental bodies.
- (3.) Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.

Types of signs including the following:

Business Sign: A sign which directs attention to a use conducted, product or commodities sold, or service performed upon the premises.

Commercial Advertising Sign or "Billboard": An advertising sign, structure, or symbol erected and maintained by an individual or corporation upon which space there is displayed by means of painting, posting, or other method, advertising copy describing a wide variety of products or services which are not necessarily made, produced, assembled, stored, or sold from the lot or premises upon which the advertisement is displayed.

Ground Pole Sign: A sign supported vertically by one (1) or more uprights, poles or braces placed in or upon the ground.

Illuminated Sign: A sign that provides artificial light directly or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or directed at the surface of the sign.

Off-Premises Advertising Sign: A sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located or which is unrelated to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

Permanent Sign: Any sign which is intended to be displayed for a length of time in excess of sixty (60) days.

Projecting Sign: A sign which projects horizontally from and is supported by a wall of a building.

Roof Sign: Any sign or part thereof erected and maintained upon or above the roof of any building.

Temporary Sign: A sign which is displayed out of doors and intended to be displayed for a period of time not to exceed sixty (60) days.

Wall Sign: A sign which is attached directly to or painted upon a building wall and which does not extend horizontally more than twelve inches (12") therefrom nor extend above the roof line.

Sign Area: The area of the smallest triangle, rectangle or circle, or combination thereof, which can wholly enclose the surface of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three-dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle, or combination thereof, which can totally circumscribe the sign in the plane of its largest dimension.

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

Soil Survey: A scientific survey of soil conditions and characteristics prepared by an engineer or soil scientist and approved or certified by the Soil Conservation Service in the County.

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

Start of Construction: For flood plain management and flood insurance purposes only, the "Start of Construction" means either (1) the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or (2) the placement of a manufactured home on a foundation. Permanent construction as used in this definition does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story: A story is that part of a building between the surface of any floor and the next floor above it or, in the absence of an upper floor, then the finished ceiling or roof above it. A "split level" story shall be considered a second story of a building if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than 2 feet below the top plate, shall be counted as a half-story. A basement shall be counted as a story if it averages more than five (5) feet above grade.

Street: Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other way used or intended for use by vehicular traffic or pedestrians, whether public or private. The word "street" includes the entire right-of-way and is not limited to the cartway area.

Street Line or Street Right-of-way Line: The dividing line between a lot and a street.

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

Structural Alteration: Any change in the supporting members of a building, such as beams, columns, or girders.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted pursuant to the Middlesex Township Subdivision and Land development Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

Supervisors: The Middlesex Township Board of Supervisors.

Tent: A collapsible shelter of canvas or other material.

Tourist Home: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Township: The Township of Middlesex, Cumberland County, Commonwealth of Pennsylvania.

Trailer Camp: Any lot, parcel, or tract of land upon which two or more tents, camping trailers, travel trailers, pick-up coaches, motor homes or any combination thereof are located or parked for temporary occupancy. Such camp shall not rent or sell tents or trailers or permit the parking or storage of occupied or unoccupied mobile homes, nor shall it include any eating facilities other than an enclosed snack or lunch counter. This definition does not include camps of the types that are commonly known as "Summer Camps", or State and Federally operated facilities.

Transferable Development Rights: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel or recreation.

Usable Open Space: The unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

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

Variance: An approved modification of the provisions of This Ordinance for a particular property, and as provided in Section 912 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Vehicle Body Shop: A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

Vehicle Repair Garage: A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

Vehicle Service Station: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or manmade.

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

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

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

Yard: The open, unoccupied space on the plot between the property line and the front, rear and side building lines.

Front Yard: The unoccupied ground area fully open to the sky between the street line, or by the street line established by the Official Map of the Township, or an approved Subdivision Plat, and a line drawn parallel thereto.

Rear Yard: The unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto.

Side Yard: The unoccupied ground area fully open to the sky between any property line other than a street or rear lot line, and a line drawn parallel thereto between the front and rear yards.

Zoning District: A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

Zoning Hearing Board: The Zoning Hearing Board of and for Middlesex Township.

Zoning Map: The Zoning Map of Middlesex Township adopted hereunder, together with all amendments thereto subsequently adopted.

Zoning Officer: The zoning administrative officer or his authorized representative, including zoning inspector(s), duly appointed by the Township Board of Supervisors.

Zoning Ordinance: The officially adopted Middlesex Township Zoning Ordinance with any and all amendments thereto.

Zoning Permit: A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.