

ARTICLE 2

DEFINITIONS

Section 201. DEFINITION OF TERMS

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Section 202. INTERPRETATION

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity. The word "lot" includes the words "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied." Any words not included in the following definitions will be defined as described in the latest edition of Webster's Dictionary.

Section 203. LIST OF DEFINITIONS

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

ABUT: To physically touch or border upon; or to share a common property line.

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

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

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

ADULT ENTERTAINMENT USES: An establishment consisting of, including, or having the characteristics of any or all of the following:

ADULT BOOK STORE: An establishment having a substantial or significant portion of its stock-in-trade, including, but not limited to books, magazines, periodicals, visual representation, videos, or writings distinguished or characterized by emphasis in a patently offensive way on matter depicting, describing or related to specified anatomical areas or to specified sexual activities.

ADULT CABARET: (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features

topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to specified anatomical areas or to specified sexual activities for observation by patrons therein.

AGRICULTURE: The production, keeping or maintenance, for sale, or lease, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations of hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRICULTURAL SERVICES: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor management and equipment services.

AGRICULTURE COMMODITIES PROCESSING: Establishments engaged in the mechanical and/or chemical transformation of agriculture commodities (meat, poultry, fish, milk, vegetables, fruits, grains, etc.) into new products. The new products of the establishment may be finished in the sense that it is ready for utilizations or consumption, or it may be semi-finished to become a raw material for future manufacturing or processing.

AIR POLLUTION: The presence of contaminants in the air in concentrations that prevent the normal dispense ability of the air and that interfere directly or indirectly with public health, safety, or comfort or with the full use and enjoyment of individual property.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers.

AISLE: The traveled way by which cars enter and depart parking spaces.

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

ALLUVIAL SOILS: A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material. (Alluvium - A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay, and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated).

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

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

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

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

ANIMAL HOSPITAL: A building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

ANIMAL SERVICES: An establishment primarily engaged in performing services, except veterinary, for cattle, hogs, sheep, goats, poultry, pets, equines, and other animals.

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

ANTENNA, SATELLITE DISH: A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

APARTMENT: A dwelling unit within a multi-family dwelling. This classification includes apartments in Apartment Houses and Garden Apartments.

APARTMENT, ACCESSORY: An independent dwelling unit, incorporated within an existing single-family detached dwelling without any substantial external modification, established for the purpose of providing an independent living unit for a person or persons related by marriage or blood relative.

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

APARTMENT, GARDEN: A two (2) story multi-family dwelling, containing one (1) story dwelling units.

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

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

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to the 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 approval of a land development plan.

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

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

ARTS CENTER: A structure or complex of structures for housing the visual or performing arts.

AUCTION HOUSE: A place where objects of art furniture, and other goods are offered for sale to persons who bid on the objects in competition with each other. Auction House is a permanent structure for business.

AUTOMATIC VEHICLE WASH: A structure containing vehicles for washing vehicles and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE: A self-propelled, free moving vehicle, primarily for conveyance on a street or roadway, to include vans, passenger cars, station wagons, and pickup trucks, but excluding tractor cabs, trailers, dump trucks, and excavating vehicles and equipment.

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

AUTOMOBILE AND/OR MANUFACTURED MOBILE HOME SALES GARAGE: A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, manufactured/mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE AND MANUFACTURED/MOBILE HOME SALES LOT: An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or manufactured/mobile homes and where minor and incidental repair work, other than body and fender, may be done.

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

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AVERAGE SLOPE: The following formula shall be used to determine average slope:

$$S = \frac{.0023 \times I \times L}{A}$$

Where: S = Average slope in percent
.0023 = A factor for the conversion of square feet into acres
I = Contour interval (in feet) of a topographic map of the parcel
L = Combined length (in feet) of or along all contour lines measured within the parcel's buildable area
A = Acreage of the subject parcel's buildable area

BAR: Premises use primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principle use.

BARN: A usually large building for the storage of farm products for feed and usually for the housing of farm animals and farm equipment.

BASAL AREA: A cross-sectional area of trees calculated in square feet per acre as measured 4.5 feet from the ground using a calibrated prism or angle gauge.

BASE FLOOD ELEVATION: The 100-year flood elevation as indicated on the Flood Insurance Study and Flood Insurance Rate Map (FIRM), as revised, for Lykens Township, Dauphin County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

BASEMENT: That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than six and one-half (6 1/2') feet or is used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST: An establishment that provide overnight accommodations and a morning meal in a dwelling unit to transients for compensation.

BERM: A landscaped mound of earth or the act of pushing earth into a mound to shield, screen, and buffer to separate incompatible land uses. Berms may be used to provide visual interest, decrease noise, and control the direction of water flow.

BEST MANAGEMENT PRACTICE (BMP): a practice or combination of practices determined by the PA State Conservation Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface and ground water taking into account applicable nutrient requirements for crop utilization. Best management practices include, but are not limited to (1) conservation tillage, (2) crop rotation, (3) soil testing, (4) manure testing, (5) diversion, (6) manure storage facilities, (7) storm water management practices, and (8) nutrient application.

BLOCK: An area bounded by streets.

BOARD OF SUPERVISORS: The Lykens Township Board of Supervisors. (See Governing Body).

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

BOARDING STABLE: A structure designed for the feeding, housing, and exercise of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

BREEDING FARM: An agriculture establishment where animals are impregnated either naturally or by artificial insemination and the principle purpose of which is to propagate the species.

BRIDGE: A structure having a clear span of more than 20 feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression.

BUFFER: An area within a property or site generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view, sound, and/or light from the site to adjacent sites or properties.

BUILDABLE AREA: That portion of the lot exclusive of the required front, rear, and side yard setbacks, as established by the Zoning Ordinance, and all required or developer designated exclusion areas.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the grounds floor of all principle and accessory buildings on a lot.

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

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

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

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

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUSINESS SERVICES: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

CALIPER: The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

CAMPSITE: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of the individual occupying the campsite.

CAMPGROUND: 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.

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

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use, but not including shoulders, curbs, sidewalks or swales.

CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade on an adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

CEMETERY: Property used for the interring of the dead.

CHILD/ADULT CARE CENTER: A facility offering adult care, child care, and/or baby sitting services for six (6) or more individuals unrelated to the owner/operator and where tuition, fees, or other forms of compensation for the care is charged, and which meets all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

CHURCH: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CLEAR-SIGHT TRIANGLE: A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (Refer to Exhibit VI).

CLUB: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

COMMERCIAL: Pertaining to an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL LIVESTOCK AND POULTRY OPERATION (Also known as Concentrated Animal or Feeding Operations): Agriculture operations meeting the criteria established under the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations.

COMMISSION: The Lykens Township Planning Commission.

COMMON ELEMENTS: Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include but are not limited to:

- a. The land on which the building is located and portions of the building which are not included in a unit;
- b. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building;
- c. The yards, parking area, and driveways;
- d. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements;
- e. Installations of all central services and utilities;
- f. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- g. Such other facilities as are designated as common elements.

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 residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNITY CENTER: A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

COMPREHENSIVE PLAN: An official document adopted by the Board of Supervisors in accordance with the Municipalities Planning Code, Act 247, setting forth its policies regarding the long-term development of the Township; the preparation of which is based on careful studies of existing conditions and prospect for future growth of the Township. The plan shall include, but need not be limited to plans for the use of land, transportation of goods and people, community facilities and services, and a map and statement indicating the relationship of the Township and its proposed development to adjacent municipalities.

CONCESSION STAND: A structure or booth from which equipment is stored and refreshments are sold to the general public.

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

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property and common elements of a condominium.

CONGREGATE CARE RESIDENCES: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

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

CONSERVATION ORGANIZATION (conservancy): A private or quasi-public non-profit organization or area designated to preserve and protect natural resources from exploitation and damage through planned management

CONTOURS: A line (as on a map) connecting the points on a land surface that have the same elevation.

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

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

COOPERATIVE: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

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

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

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

COUNTRY CLUB: Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

COUNTY: County of Dauphin, Pennsylvania.

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

CRITICAL AREAS: An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible, subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species.

DAY CARE, HOME: A residence offering baby sitting services and child care services being licensed and approved by the Pennsylvania Department of Welfare.

DECISION: Final adjudication of any board or other body granted jurisdiction under the Municipalities Planning Code, Act 247 and any land use ordinance or this zoning ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the Dauphin County, Pennsylvania.

DENSITY: The number of families, individuals, dwelling units, or housing structures per unit of land.

DENSITY BONUS: The granting by an approving authority (Zoning Officer, Governeing Body, Zoning Hearing Board), as specified in the Lykens Township Zoning Ordince, of additional development capacity (lots, dwelling units) in exchange for the developer providing a public benefit or amenity.

DETENTION BASIN: A storage facility for the temporary storage of stormwater runoff.

DETERMINATION: Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (1) the Board of Supervisors; or (2) the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jursidiction for such appeal.

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.

DEVELOPER DESIGNATED EXCLUSION AREA: The unbuildable portion of a parcel voluntarily designated by the property holder and in excess of the required exclusion area.

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

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

(*) Public facilities include utility easements for sewer collection, water, electric, telephone and gas distribution, transformer, pumping stations, telecommunications, etc.

DISCOUNT CENTER: A single store, or group of stores, offering merchandise for sale at less than usual retail prices.

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

DISTRIBUTION CENTER: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

DRAINAGE: Surface water runoff; the removal of surface water or ground water from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE AREA: That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

DRAINAGE SYSTEM: Pipes, swales, natural features and man-made improvements designed to carry drainage.

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

DRIVE-IN FACILITY: An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

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

DRUG PARAPHERNALIA: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditional use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania. Drug Paraphernalia includes, but is not limited to:

a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- c. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- d. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- e. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- f. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- g. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as;
 - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburation tubes and devices;
 - (4) Smoking and carburation masks;
 - (5) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (6) Miniature cocaine spoons and cocaine vials;
 - (7) Chamber pipes
 - (8) Carburetor pipes;
 - (9) Electric pipes;
 - (10) Air-driven pipes;
 - (11) Chillums; and
 - (12) Bongs

DUMP: An unauthorized land site use primarily for the disposal by dumping, burial, burying, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

DWELLING: A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

DWELLING GROUP: A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, INDUSTRIALIZED HOUSING: A structure designed primarily for residential occupancy, and classified within Use Group R in accordance with the standards adopted under §29.41 (of the PA Industrialized Housing Act) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426).

DWELLING, MANUFACTURED: A transportable, single-family detached dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Also, a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426).

DWELLING, MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

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

DWELLING, SINGLE FAMILY, ATTACHED: A building used for one (1) family and having two (2) party walls in common with other buildings(such as a townhouse).

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

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

DWELLING, PATIO HOME: A one-family dwelling on a separate lot with open space setbacks on three sides with a court.

DWELLING, QUADRUPLEX: Four attached dwellings in one building in which each has two open space exposures and shares one or two walls with adjoining unit or units.

DWELLING, TOWNHOUSE: A one-family single family semi-detached or attached dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TRIPLEX: A building containing three (3) dwelling units, each of which has direct access to the outside or to a common hall.

DWELLING, TWO FAMILY, DETACHED (DUPLEX): A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

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

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

EASEMENT, CONSERVATION: An easement for the preservation of natural features that precludes future or additional development to the land.

EASEMENT, DRAINAGE: An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

ELECTRIC DISTRIBUTION FACILITIES: The electric lines and poles and transformers used to carry electricity at lower voltage levels (Primary distribution between 5 kV and 35 kV) from electric substations and transmission lines into buildings and neighborhoods (Secondary distribution 115 to 230 V). Electric public utilities distribution facilities may include substations and transformers.

ELECTRIC SUBSTATION: An assemblage of equipment through which electric energy is passed or "stepped down" for the purpose of switching or modifying electricity energy levels from transmission lines to distribution facilities in order to meet the needs of a building, group of buildings, or the general public. Substations are used for purposes other than generation or energy utilization.

ELECTRIC TRANSMISSION FACILITIES: Large metal or wooden towers which transfer electricity at high voltage (between 69 kV to 765 kV) from electric power stations to substations or from an area with a power surplus to one that is energy poor. Electric public utilities transmission facilities include substations.

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

ENGINEERING SPECIFICATIONS: The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

ENVIRONMENTAL ASSESSMENT: An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

ENVIRONMENTALLY SENSITIVE AREAS: An area on a development site with one or more of the following characteristics: (1) slopes in excess of 20 percent; (2) floodways and flood plains; (3) soils determined by the U.S. Department of Agriculture and Soil as having a high water table; (4) land incapable of meeting percolation requirements for on-lot sewage treatment; (5) stream corridors; (6) mature stands of native vegetation; (7) soils determined as prime agricultural soils by the U.S. Department of Agriculture and Soil Conservation Service; and (8) wetlands as delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

EROSION: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

EXISTING USE: The use of a lot or structure at the time of the enactment of the Zoning Ordinance.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

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

FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels.

FARM ANIMAL: Any animal normally or ordinarily nondomesticated, or kept on a farm such as, but not limited to livestock, cows, goats, sheep, poultry, ducks.

FARMLAND: A parcel of land used for agricultural activities.

FEEDLOT: A confined area, structure, pen or corral, used to fatten livestock prior to shipment.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination. The structure is erected for one or more of the following purposes: to screen or divide one (1) property from another to assure privacy; to protect the screened or divided property; or to define and mark the property line, when such structure is erected on or within two (2') feet of any front, side or rear lot line. For the purpose of this ordinance, a freestanding masonry wall, when located for one of the preceding purposes, is considered to be a fence. Also for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere in this Ordinance.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.

FISH FARM: An establishment or area devoted to the cultivation of fish and other seafood for commercial use.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, BASE (ONE-HUNDRED YEAR FLOOD): A flood that, on the average is likely to occur once every 100 years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

FLOOD HAZARD BOUNDARY AND FLOODWAY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration.

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

FLOOD PLAIN: (1) a relatively flat or low land area, comprised of the floodway area and the flood fringe area, which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

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

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7') feet and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the habitable floor area.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, storage, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO: The gross floor area of all buildings on a lot divided by the lot area.

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

FOOD PROCESSING: An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, timber harvesting, tree farms, forest nurseries, the gathering of forest products or in the performing of forest services.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and the rituals connected therewith with the burial or cremation.

GARAGE, PRIVATE: Means an accessory building or an accessory portion of the principal building including a carport, which is intended for and used for storing the private passenger vehicles of the family or families residents upon the premises, and in which no business, service, or industry connected with automobile vehicles is carried on.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles.

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

GARDEN STRUCTURES: Any accessory structure located in any side or rear yard not closer than three (3') feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, and freestanding screens or baffles and similar structures as however called. Unscreened, unroofed, unwallled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures.

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

GOLF COURSE: A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GOVERNING BODY: The Board of Supervisors of Lykens Township, Dauphin County, Pennsylvania.

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

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

GRADE, NATURAL: The elevation of the ground in its natural state, before manmade alterations.

GRADING PLAN: A plan for development, clearly depicting in detail all proposed grading including the location, extent, and treatment of all exposed slopes.

GRAVEL PIT: An open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-tract use.

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

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

GROUND COVER: A planting of low growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

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

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

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

The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. 30.51 -30.62). The term "hazardous waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. 691.1 - 691.1001). The term "hazardous waste" shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or source, special nuclear, or-by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 - 2394).

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

HAZARDOUS WASTE DISCHARGE: A discharge of hazardous waste.

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

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

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

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

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

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

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

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

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

HEALTH CLUB: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.

HEALTH SERVICES: Establishments primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

HEDGE: A boundary or natural fence of shrubs or low growing trees which may be used in screening, property protection, dividing property boundaries, and animal shelters.

HISTORIC AREA: A district, place, or site designated by local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form and architectural detail; or because of their being a part of or related to a square, park or area the design or general arrangements of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HOME OCCUPATION: Any use which can be conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than one (1) employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

HOME OWNERS ASSOCIATION: A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

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

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

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

IMPERVIOUS MATERIAL: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

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

INDUSTRIAL: Uses and structures related to fields of economic activity including forestry, fishing, hunting, trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

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

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

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications, and public facilities (e.g. fire houses, parks, etc.).

INSTITUTIONAL CARE FACILITY: A facility providing shelter, counseling, and other rehabilitation services for individuals, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents under such supervisory care include those who by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision, but do not require medical or nursing care. Such a facility must be licensed and approved by the Pennsylvania Department of Public Welfare or other state agency having jurisdiction over such activities. Such facilities are not included within the definition of schools as contained in this ordinance.

JUNK: Any discarded materials, machinery, scrap metals, articles or objects possessing value in part, gross, or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles, and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona-fide farming/agricultural operation.

JUNKYARD: Any place or establishment where junk is stored or accumulated, or where the business of selling, buying; or dealing in junk is carried on, or where four (4) or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

KENNEL, DOG: Any structure or premises in which dogs are kept, boarded, bred, groomed, or trained for commercial gain.

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 non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features:
- B. A subdivision of land.
- C. Exclusion of certain land development as defined above only when such development involves:
 - 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 not to exceed 5000 square feet of impervious coverage.
 - 3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered to be an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a 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.

LANDFILL: A parcel of land legally established for the support of and disposal of appropriate wastes approved by the Pennsylvania Department of Environmental Protection and in compliance with the Dauphin County Solid Waste Management Plan.

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 persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this act.

LAND USE PLAN: An element of the Lykens Township Comprehensive Plan that outlines the existing and proposed location, extent and intensity, and design objectives of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, conservation, private and public purposes or combination of purposes.

LAUNDROMAT: An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public.

LIGHTING:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;

- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
- C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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

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

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

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

LOT COVERAGE: That portion of a lot covered by buildings and/or other impervious improvements.

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

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, FLAG: A lot not meeting the minimum lot frontage requirements of the zoning district and where access to a public street is by a narrow, private right-of-way or driveway.

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

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street, or any other public space.

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

LOT, NONCONFORMING: A lot of the area or dimension of which was lawful prior to the adoption or amendment of this zoning 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.

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

LOT, REVERSE FRONTAGE: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the street right-of-way line.

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

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

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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

MASSAGE PARLOR: Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

MEDICAL CENTER: Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP ORGANIZATION: An organization operating on a membership basis with pre-established formal membership requirements, by-laws, and with the objective of promoting the interests of its members.

MINING: The extracting of minerals, including solids, such as coal and ores; liquids such as crude petroleum; and gases, such as natural gases.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

MIXED USE: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient

automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

MUNICIPALITY: Lykens Township, Dauphin County, Pennsylvania

NATURE PRESERVE: Areas in which human activities are very limited and where the natural environment is protected from manmade changes.

NIGHT CLUB: An establishment that provides meals, dispenses liquor, and in which music, dancing, or entertainment is conducted.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

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

NUTRIENT: a substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value, including, but not limited to livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge or combination thereof.

NUTRIENT MANAGEMENT PLAN: A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OCCUPANCY PERMIT: A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFFICE BUILDING: A building designed or used primarily for office purposes, no part of which is used for manufacturing.

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

OFFICIAL MAP: A legally adopted map that conclusively shows the location and width of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same, for the whole of the municipality.

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

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

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

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

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

OVERLAY DISTRICT: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

PACKAGE TREATMENT PLANT: Small, self contained sewage treatment facilities built to serve developed areas beyond the service area of larger regional plants.

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

PARKING AREA: Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT: Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE: An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall.

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

PERFORMANCE STANDARDS: A set of criteria or limits relating to nuisance elements which a particular land use or process may not exceed.

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

PERSON: Any individual or group of individuals, corporations, partnership, or any similar entity.

PERSONAL SERVICES: Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios, and beauty and barber shops.

PICNIC AREA: A place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax outdoors.

PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended.

PLANNING COMMISSION: The Lykens Township Planning Commission, appointed by the Board of Commissioners in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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

PLAYGROUND: An active recreation area with a variety of facilities, including equipment for younger children as well as court and field games.

POLLUTION: The presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

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

POTABLE WATER: Water suitable for drinking or cooking purposes.

PREMISES: Any lot, parcel, or tract of land and any building constructed thereon.

PRESERVATION TRUST: A locally formed nonprofit organization that acquires and manages land for preservation and public use.

PRIME AGRICULTURE SOILS: Soils classified as Class I or Class II land under the United States Department of Agriculture Soil Conservation Service Land Capability Classification System.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which the building is located. A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

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

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

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

PROFESSIONAL, OFFICE: The office of a number of a recognized profession maintained for the conduct of that profession.

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

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

PUBLIC GROUNDS: Public grounds include the following:

- 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 governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Code, Act 247, as amended.

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

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

PUBLIC SEWER AND WATER SYSTEM: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY: A closely regulated private enterprise with an exclusive franchise for providing a public service.

PUBLIC UTILITY FACILITIES: Telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

REAL ESTATE: Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.

RECREATION AREAS: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to a bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites pools, courts, tracks, playgrounds, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers, and similar table games.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8') feet and a body length of no more than thirty-five (35') feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motorhomes, and watercraft.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, or recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development".

RECYCLABLE MATERIAL: "Recyclable material" includes, but is not limited to, metals, glass, plastic and paper products, which are intended for refuse, remanufacture or reconstitution. Recyclable material does not include refuse, used clothing, furniture, appliances, vehicle parts, biodegradable wastes or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with applicable health and safety regulations.

RECYCLING CENTER: An establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics and other recyclable materials which would otherwise be disposed of and processed as municipal waste; a recycling center does not include storage or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property or non-residential use.

RECYCLING CONTAINERS: Mobile or stationary bins, boxes, or containers transported by trucks, vans, or trailers and used for the collection of recyclable material.

RECYCLING COLLECTION FACILITY: A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not typically use power-driven processing equipment. Collection facilities may include mobile or stationary recycling containers and kiosk-type recycling containers.

REPAIR SERVICES: Any building, premises, and land in which or upon which a business or industry involving the maintenance, servicing, or repair to products is conducted or rendered. Establishments primarily engaged in providing assistance, as opposed to products.

REQUIRED EXCLUSION AREA: The unbuildable portion of a parcel based upon critical area factors including, but not limited to, building setbacks, open space, wetlands, watercourses, buffers, screening, easements, rights-of-way, floodplain, and other protected resources or habitats.

RESIDENTIAL: Pertains to uses and structures of or related to residence or residences; used as a residence or by residents.

RESTAURANT: An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings,

or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, CARRYOUT: An establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended to be consumed off premises.

RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposal containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

RETAIL, OUTDOOR SALES: The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, lumber, and building materials.

RETAIL SALES: Establishments 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.

RIDING ACADEMY: An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

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

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

ROADSIDE STAND: A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

ROCK OUTCROPPINGS: The part of a rock formation that appears at the surface of the ground.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SCHOOL: A non-profit educational institution, either public or private, where the course of instruction parallels the requirements of the Department of Education of the Commonwealth of Pennsylvania for public elementary and/or secondary schools and, in the case of a private school, such institution shall have complied with the registration requirements of the Department of Education and adhere to the attendance laws of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE: Same as elementary and secondary school, except general education is provided above the level of the secondary school and may include junior college, college, or university.

SCHOOL, ELEMENTARY: Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.

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

SCHOOL, SECONDARY: Same as elementary school, except general education is provided for secondary grades.

SCHOOL, VOCATIONAL: Same as elementary and secondary school, except that the primary activity is training in a trade or vocation.

SCREENING (See also BUFFER YARD): The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms, or plantings.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

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

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

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

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

SIDEWALK: A paved, surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN: Any object, device, display or structure, or part thereof, visible from a public way, which is used to advertise, identify, display, direct or attract attention to a person, organization, institution, business, product, service, event or location. A sign includes writing, representation or any other figure of similar character within a building when located in a window.

SIGN, ADDRESS: A sign or nameplate, located on the premises, giving the name or address, or both of the occupants or building.

SIGN AWNING: A sign that is mounted or painted on, or attached to an awning, canopy or marquee.

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

SIGN, ANIMATED: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN, AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment or event, sold or offered at a location other than the premises on which the sign is located.

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

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DEVELOPMENT: An identification sign indicating the name of a residential, commercial or industrial development.

SIGN, DIRECTIONAL: A sign which is limited to providing a directional message, principally for pedestrian or vehicular traffic (i.e. "one-way," "entrance," and "exit.").

SIGN, FREESTANDING: Any nonmovable sign not affixed to a building (i.e. pole sign, ground sign, construction sign).

SIGN, GROUND: A self-supporting sign resting on the ground or supported by means of poles or standards in the ground.

SIGN, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION: A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, INFORMATION: A sign located on site commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, pick-up and delivery areas.

SIGN, INTEGRAL ROOF: A sign that is permanently mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN, NONCONFORMING: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

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

SIGN, POLITICAL: A temporary sign announcing or supporting a political candidate or issues in connection with any national, state or local election.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.

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

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

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

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

SILVICULTURE: The development and/or maintenance of forests.

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

SLOPE (See Average Slope): The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

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

SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

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

SPECIAL EXCEPTION: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to approval by the Zoning Hearing Board after the recommendation of the Planning Commission, and subject to special requirements, different from those usual requirements for the district in which the special exception may be located.

SPECIFIED ANATOMICAL AREAS:

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

SPECIFIED SEXUAL ACTIVITIES:

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

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which any horse is kept for remuneration, hire, exhibition, or sale.

STEEP SLOPE: Land areas where the slope exceeds 25 percent.

STORAGE FACILITY: A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

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

STORY: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling next above it.

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

STREAM: A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

STREAM, INTERMITTENT: A natural stream carrying water during the wet seasons and having at least one critical area feature.

STREAM, PERENNIAL: A stream that is present at all seasons of the year.

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

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

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

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE: The dividing line between the street and the lot, also known as the street right-of-way line.

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

STRUCTURE: Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, fences, factories, sheds, cabins, mobile homes, and other similar items.

STRUCTURE, NONCONFORMING: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

SUBDIVISION (See LAND DEVELOPMENT): 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 of the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

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

1. before improvement is started, or

2. if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUPERMARKET: A retail establishment primarily selling food as well as other convenience and household goods.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water management.

SWALE: A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing.

TAVERN: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served on, as accessory to the primary use.

TIMBER HARVESTING: The activity of cutting and removing trees and logs from a property to be converted into any forest product for commercial gain or private use or sale to others.

TOWNSHIP: Lykens Township, Dauphin County, Pennsylvania.

TRANSFORMER SUBSTATION: An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

UNATTENDED SELF-SERVICE FUEL FACILITY (Card-Lock Fuel System): An area of land or establishment where liquids used as motor fuels and other petroleum products are stored and dispersed into the fuel tanks of motor vehicles or other containers by persons other than the service station attendant and where no area available for the sale of other retail products.

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

UPLAND BUFFER: Areas elevated around a stream, waterway, or woodland existing in a natural state physically separating, visually shielding and protecting sensitive hydrological features from land uses.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING: A use, whether of land or structure, which does not comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such use was

lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

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

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

UTILITY, PUBLIC OR PRIVATE: (1) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service, (2) a closely regulated private enterprise with an exclusive franchise for providing a public service.

VARIANCE: The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

VEGETATIVE COVER: Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICLE, MOTOR: A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

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

VETERINARY SERVICES: Veterinary facilities as well as establishments providing support to the veterinary profession and animal care, such as veterinary laboratories, and miscellaneous types of veterinary supplies and services.

VETERINARY HOSPITAL: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use.

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

WATERCOURSE: A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

WATERSHED: A region or area bounded peripheral by a contour elevation devising line where surface water drains into a particular waterway or stream. A watershed is the total area drained by a stream or tributary.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

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, including swamps, marshes, bogs, and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the U.S Environmental Protection Agency and the U.S. Army Corps of Engineers.)

WHOLESALE BUSINESS: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILDLIFE PROPAGATION: Raising of nondomestic wildlife.

WILDLIFE HABITAT: Land set aside for animal habitation.

WILDLIFE PRESERVE: An area restricted for the protection and preservation of natural resources and wildlife.

WIND ENERGY CONVERSION SYSTEM (WECS): A device which converts wind energy to mechanical or electrical energy.

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

WOODLANDS: Areas covered with stands of trees, the majority of which are greater than twelve inches (12") caliper, covering an area greater than one-quarter acre; or small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

WOODLAND, MATURE: Woodlands consisting of thirty percent (30%) or more canopy trees having a twelve inch (12") or greater caliper, or any small concentration of tree without regard to size consisting of eight (8) or more trees having a sixteen inch (16") or greater caliper.

WOODLAND, YOUNG: Woodlands consisting of seventy percent (70%) or more canopy trees having a two and one-half inch (2-1/2") caliper or greater.

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

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

YARD, EXTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of

the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

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

ZONING: The demarcation of the Municipality into zones or areas, and the application of this Ordinance to establish regulations to govern the use of the land including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code.

ZONING DISTRICT: The part, zone, or geographic area as depicted on the Lykens Township Zoning Map within which certain zoning and development regulations apply.

ZONING HEARING BOARD: A group of three (3) Township residents appointed by the governing body as required by the Pennsylvania Municipalities Planning Code, Act No. 247.

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

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

ZONING PERMIT: A permit signed by the zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the municipal zoning or authorized variance therefrom.

ZOO: A place where animals are kept, often in combination of indoor and outdoor spaces, and are viewed by the public.