

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 06-2021-639

**AN ORDINANCE
OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING PART 2,
“DEFINITIONS”, OF CHAPTER 27 (ZONING ORDINANCE) OF THE
SALISBURY TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the Township’s Department of Community Development has proposed changes to Part 2, “Definitions”, of the Township’s Zoning Ordinance; and

WHEREAS, the Planning Commission recommended approval of the proposed changes to Part 2, “Definitions” of the Zoning Ordinance at their meeting held on May 11, 2021; and

WHEREAS, a public hearing was held on June 24, 2021 for input from the public on the proposed changes to Part 2, “Definitions” of the Zoning Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed changes to Part 2, “Definitions”, of the Township’s Zoning Ordinance.

Now, THEREFORE, be it ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that Part 2, “Definitions” of Chapter 27 of the Salisbury Township Code of Ordinances shall be amended in its entirety as follows:

ARTICLE I.

Part 2, “Definitions” of Chapter 27 shall be amended, to read as follows:

**Part 2
DEFINITIONS**

§27-201 - General Interpretation.

1. For the purposes of this Chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied", as applied to any land or building, include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" and "may" mean that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. The singular shall include the plural and vice versa. The masculine gender shall include the feminine and neuter, and vice versa.
- F. If a word is not defined in this Part but is defined in the Township Subdivision and Land Development Ordinance (Chapter 22), as amended, the definition in that Chapter shall apply. If a word is not defined in this Part but is defined in the applicable Stormwater Ordinance, as amended, the definition in that Chapter shall apply. If a word is defined in both this Chapter and another Township ordinance, each definition shall apply to the provisions of each applicable ordinance. If a term is not defined in this chapter but is defined in the Pennsylvania Municipalities Planning Code, as amended, (MPC), then the MPC definition shall apply.
- G. Any word or term not defined in this Part or the sources listed in Subsection F above shall be used with a common dictionary meaning of standard usage.
- H. The words "such as," "includes" and "including" shall provide examples but shall not by themselves limit a provision only to items specifically mentioned if other items would otherwise comply with the provision.

§27-202 - Terms Defined.

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABUT: Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, alley, or waterway. See definition of "adjacent".

ACADEMIC CLINICAL RESEARCH CENTER: An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

ACCESSWAY: A privately owned, constructed, and maintained vehicular access roadway accessing more than three dwelling units on the same lot, more than two dwelling units on separate lots, or any commercial, institutional, or industrial principal uses. The term “accessway” and its regulations shall also apply to the “pole” portion of a flag lot, regardless of the use or number of units on the lot. May also be referred to as “shared driveway” or “access drive”.

ACCESS EASEMENT: A paved or gravel access that is not a public street, and that legally and permanently guarantees the right for occupants of a certain lot(s) or building(s) to traverse such easement across property that such occupants may not own in order to reach a street.

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

ACCESSORY BUILDING OR STRUCTURE: Any building or structure detached from and subordinate to a principal building or structure on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building or structure. Any portion of a principal building or structure used for an accessory use shall not be considered to be an accessory building or structure.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory use may or may not be located within a principal structure.

ACRE: Forty-three thousand five hundred sixty (43,560) square feet.

ADDITION: An extension or increase in floor area or height of an existing building or structure beyond the walls or roof of an existing building or structure.

ADJACENT: Includes contiguous lots that share a common lot line or that are separated only by a street, alley, or waterway. May also be referred to as “adjoining”.

ADULT DAY-CARE CENTER: A use providing supervised care and assistance primarily to persons who are over age 60, handicapped or need such daily assistance because of their limited physical or mental abilities. This use shall not include a treatment center or the care of persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

ADULT LIVE ENTERTAINMENT USE: A use including live entertainment involving persons (which may include, but are not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or completely nude female breasts or engaging in simulated or actual specified sexual activities (see definition in this section) related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

ADULT MOVIE THEATER: A use involving the presentation, typically to three or more persons at one time, of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities (see definition in this section) for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

ADULT STORE: A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities" (as defined in this Part).

ADULT USE: This shall include only the following: adult store, adult movie theater, massage parlor or adult live entertainment use.

AFTER-HOURS CLUB: A commercial use or membership club that permits the consumption of alcohol during and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. See also the applicable 1990 state law that generally prohibits this use if admission is charged. This term shall not regulate a use without a liquor license in which the premises are vacated by 2:30 a.m.

AGE-RESTRICTED COMMUNITY: A residential development limited exclusively to persons aged 55 years and older and their spouses. May also be referred to as a "retirement village".

AGRICULTURE: Crop farming, plant nursery and animal husbandry. See definition of each.

AIRPORT: An area of land which is designated, used or intended to be used for the landing and takeoff of motorized fixed-wing aircraft weighing more than 50 pounds each, and any related aircraft support facilities such as for maintenance, refueling and parking. A public airport shall be one that does not meet the definition of a private airport. A private airport shall be one that is limited to a maximum total of 15 flights and/or takeoffs in any seven-day period and that is not available for use by the general public. See also "heliport."

ALLEY: A public right-of-way providing secondary access to the side or rear of one or more abutting properties, which has a maximum right-of-way width of 20 feet. Regardless of whether an alley is given a street name, no new principal building shall have its only frontage onto an alley. See also "street classification".

AMATEUR RADIO ANTENNA: A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens-band radio frequencies. This includes any accessory supporting structures. This term shall not include an antenna that is mobile and attached to a state-licensed motor vehicle.

ANIMAL CEMETERY:

- A. Land or buildings used for the interment or burial of the remains of noncremated animals.
- B. This term shall not include the following, which shall be permitted by right as accessory uses in any district:
 - 1) The burial of one or two animals on a lot of less than 30 acres;
 - 2) The burial of up to nine animals on a lot of 30 or more acres; and
 - 3) The spreading of remains of animals cremated in a sanitary fashion.
- C. See also any applicable regulations of the Pennsylvania Department of Environmental Protection.

ANIMAL HOSPITAL: Any establishment offering veterinary services. Animal hospitals

can treat all types of animals and can include overnight boarding of animals, other than dogs, that are not sick or recovering. Any other boarding of dogs shall be regulated as a kennel.

ANIMAL HUSBANDRY: See "livestock, raising of."

APARTMENT: See "dwelling types."

APPLICANT: A landowner or developer who has filed an application with the Township, including all heirs, successors, assigns, and designated agents.

ASSISTED LIVING FACILITY: A residential facility licensed as such by the Commonwealth of Pennsylvania and which provides meals, supervision and support services for four or more elderly persons or other persons needing such care. See the state definition and regulations in 55 Pa. Code Ch. 2800 or its successor section. For the purposes of this chapter, personal care homes and assisted living facilities are regulated in the same manner.

ATTIC: That part of a building which is immediately below and wholly or partly within the roof framing. See the definition of "floor area."

AUDITORIUM, COMMERCIAL: A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not including a use that meets the definition of an indoor theater, accessory meeting rooms of a hotel/motel or adult live entertainment use. See the definitions of "restaurant, standard" and "restaurant, fast-food."

AUTO RECONDITIONING: The completion of minor repairs to a motor vehicle for primarily cosmetic reasons, such as removal of scratches, small dents and fabric tears. Use may include auto detailing and non-automated auto wash but shall not involve body work or engine repairs.

AUTO REPAIR GARAGE: A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage may include, but not be limited to, any use that involves any of the following work: major mechanical or body work, grinding, straightening of body parts, spray painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. See restrictions on auto repair in residential districts in "Residential Accessory Structure or Use," §27-403.

AUTO SERVICE STATION: A building and/or land where gasoline is sold, and where

no repairs are conducted, except work that may be conducted that is similar in character to the following: sale and installation of oil, lubricants, antifreeze and similar accessories. This use may include the sale of ready-to-eat food for consumption off the lot and common household products as a clearly accessory use, provided that the total parking requirements of Part 6 are complied with. An accessory use providing motor fuel only to vehicles operated by that business shall not be considered to be a gasoline service station.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOMES SALES: A building or area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard. The occasional sale of a single such vehicle on a lot is a permitted-by-right accessory use in all districts.

AVERAGE GROSS RESIDENTIAL DENSITY: In a PRD, the number of proposed and existing dwelling units divided by the number of acres in the PRD proposed for residential use.

BASEMENT: An enclosed floor area partly or wholly underground. See definitions of "story" and "floor area."

BED-AND-BREAKFAST: The use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access to transient visitors to the area for a maximum of 10 temporary guests at any one time, and which does not provide any cooking facilities or meals other than breakfast to guests. This use shall only include a use renting facilities for a maximum of 14 days in any sixty-day period to any one person. The use shall not include the regular on-site provision of meals for compensation to persons who are not permanent residents or guests, unless the requirements for a restaurant are also met.

BEEKEEPING: The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

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

BILLBOARD: An off-premises sign with any total sign area greater than 50 square feet.

BLAST OR BLASTING: The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives, other than lawful fireworks displays.

BOARD: Unless otherwise stated, the Zoning Hearing Board of Salisbury Township.

BOARD OF COMMISSIONERS: The Board of Commissioners of Salisbury Township.

BOARDER: An individual, other than a member of a family occupying a dwelling unit or owning a lodging facility, who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility and who also may be furnished meals or other domestic services in return for compensation.

BOARDINGHOUSE OR ROOMING HOUSE: A residential use in which two or more individual rooms that do not meet the definition of a "dwelling unit" are rented for habitation or the occupancy of a dwelling unit by greater than the permitted maximum number of unrelated persons. This term includes uses commonly known as "single room occupancy housing." This term shall not include a use meeting the definition of a "hotel," "dormitory," "motel," "life care center," "personal care home," "assisted living facility," "bed-and-breakfast use," "group home" or "nursing home." A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days. If a boardinghouse includes six or more units, an on-site manager shall be provided, who is not a temporary boarder.

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

BUFFER ZONE: In regards to cutting of trees, the land surrounding the immediate perimeter of a logging operation in which no cutting of trees or other vegetation shall occur, except for the isolated cutting of individual trees which are dead, damaged, sick, infected or constitute a danger to neighboring properties or the public in general.

BUILDING: Any structure, excluding a swimming pool, having a permanent roof and/or permanent walls, a footprint greater than or equal to 10 square feet, and a height greater than or

equal to 6 feet. The term “permanent walls” includes, but is not limited to, screens, windows, glass, and lattice work. The term “permanent walls” does not include covering over footers or support poles for a deck or porch less than or equal to 3 feet high. All buildings are structures but only those structures that meet this definition shall be considered buildings.

BUILDING COVERAGE: The percentage obtained by dividing the maximum footprint covered by all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

BUILDING LENGTH: The horizontal, exterior measurement between the two most-distant portions, other than portions measured diagonally, of any building, typically measured in the general direction that is most closely parallel to the lot length.

BUILDING LINE OR BUILDING SETBACK LINE: See "setback line."

BUILDING WIDTH: The horizontal, exterior measurement between the two second most-distant portions, other than portions measured diagonally, of any building, typically measured in the general direction that is most closely parallel to the required lot width.

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

BULK RECYCLING CENTER: A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

BULK STORAGE: Storage beyond what is reasonably needed for customary use on site. This includes storage of substances intended to be sold or resold for use off site.

BUSINESS SERVICES: A for-profit operation that provides building cleaning and maintenance, office equipment sales and service, photocopying, or similar work, and that mainly serves other businesses.

CAMPGROUND: A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups

of persons under age 18 and their counselors.

CARE AND TREATMENT FACILITIES FOR YOUTH: A use involving residential and/or outpatient counseling and support facilities primarily for persons age 18 or younger who primarily need such special services because of emotional or behavioral concerns or because of inadequate care provided by families. Such facilities may also include counseling and support facilities for the families of the youth, as well as programs for persons of any age who have aged out of the program. Such facilities may also include child day-care facilities, diagnostic assessment, residential group homes, on-site and off-site recreation programs and educational programs for such youth.

CAREGIVER: The individual designated by a patient to deliver medical marijuana.

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

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

CEMETERY: Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this chapter.

CERTIFIED MEDICAL USE: The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CHAIRPERSON: Includes Chairman, Chairwoman, Chair and Acting Chairperson (when applicable).

CHRISTMAS TREE FARM: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises. Shall not be included in the classification of “tree harvesting”.

CLINICAL REGISTRANT: An entity that:

- A. Holds a permit both as a grower/processor and a dispensary; and
- B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

COLLEGE OR UNIVERSITY: An institution of higher learning licensed by the State Department of Education to provide academic or professional degrees or certificates and which primarily serves persons age 18 years and older. See also the definition of "trade school." Such use involving health care or dental training may occur as an accessory use to a hospital, provided that dormitories and other student residential facilities shall only be allowed where specifically permitted in the district regulations.

COMMERCIAL COMMUNICATIONS TOWER: A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, a radio common carrier tower or an antenna used for transmitting commercial radio or television signals, microwave signals, cellular telephone communications and/or satellite communications. A commercial communications tower shall not include an amateur radio antenna or a satellite dish antenna (as defined by this section) or an emergency services radio antenna if such are accessory to a permitted use.

COMMERCIAL DISTRICT: The C1, C2 and C3 Districts.

COMMERCIAL OUTDOOR RECREATION: An area which has a total building coverage of less than 15%, is used principally for active or passive recreation and is used for a profit-making purpose. This term may include uses such as mini-golf and paintball courses but shall not include a motor vehicle racetrack.

COMMERCIAL USE: Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

COMMISSION: The Planning Commission of Salisbury Township.

COMMON OPEN SPACE: See "open space, common."

COMMUNITY CENTER: A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may

include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a treatment center.

COMPREHENSIVE PLAN: The document entitled the "Salisbury Township Comprehensive Plan," or any part thereof, adopted by the Board of Commissioners, as amended.

CONDITIONAL USE: A use which is allowed or denied by the Board of Commissioners within the provisions of Part 1, after review by the Planning Commission.

CONDOMINIUM: A set of individual dwelling units or other areas of buildings, each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

CONSERVATION: The careful and sustainable management of any alterations to important natural features and/or the restoration of natural areas.

CONSTRUCTION: Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a preexisting building.

CONSTRUCTION AREA: The total land areas proposed to be used for and/or within any and all of the following:

- A. Areas within the proposed lot that are within 15 feet of any or all of the following existing or proposed features:
 - 1) Principal buildings or principal structures (other than the required rear yard in Subsection C below).
 - 2) Accessory structures or uses existing or proposed at the time of development of the principal building or structure.
 - 3) An accessory building of more than 500 square feet of building coverage.
- B. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved areas (including driveways) serving nonresidential uses, other

than walkways.

- C. Areas within the proposed lot that are within 40 feet of the rear of a principal building.
- D. Areas within a directly abutting portion of a proposed public or private street, from the center line inward to the closest lot line of the abutting lot.
- E. Gravel or paved areas (including driveways) serving residential uses other than walkways.
- F. Areas proposed to be graded.

CONVENIENCE STORE, MAJOR: A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a retail indoor floor area of greater than 1,500 square feet but less than 6,000 square feet, and which includes the sale of gasoline. Such use shall also meet the requirements for an auto service station. See "retail store" for similar uses that do not meet this definition.

CONVERSION: To change or adapt land or structures to a different use.

COOKING FACILITY: An area or room equipped for the storage and preparation of food within a building. A cooking facility must contain a properly functioning sink, range, and refrigerator. A permanently-installed cooktop and oven may be included in lieu of a range. May also be referred to as a "kitchen".

COUNTY: The County of Lehigh, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION: The Lehigh Valley Planning Commission, Lehigh-Northampton Counties.

CROP FARMING: The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of "crop farming" shall also include orchards, vineyards and accessory wine processing, and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. A principal crop farming use may also include customary accessory keeping of animals but shall not include a "kennel," unless the requirements for such use are also met.

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

CURATIVE AMENDMENT: A proposed zoning amendment made to the Board of Commissioners by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

DAY CARE: A use involving the supervised care of children under age 18 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. See also the definition of "adult day-care center."

A. The following types of day care are permitted by right without additional regulation by this chapter:

- 1) Care of children who are permanent residents of the dwelling.
- 2) Care of children within a place of worship during weekly religious services.
- 3) Care of one to three children within any dwelling unit.
- 4) Care of children after or before school within a lawful primary or secondary school.

B. **FAMILY DAY-CARE HOME** A type of day-care use that:

- 1) Provides care for four to six children at one time who are not permanent residents of the home.
- 2) Provides the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

C. **GROUP DAY-CARE HOME** A type of day-care use that:

- 1) Provides care for between seven and 12 children at any one time who are not permanent residents of the home.
- 2) Provides the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

D. DAY-CARE CENTER A type of day-care use that:

- 1) Provides care for seven or more children at any one time who are not permanent residents of the home.
- 2) Does not provide the care within a family dwelling unit.
- 3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

DAYS: Calendar days.

DENSITY: The total number of dwelling units divided by the lot area, unless otherwise stated.

DEP: The Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

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

DETENTION FACILITY: Such use shall be limited to facilities owned and operated by a county, state or federal government or its agents and shall be limited to the following:

- A. A juvenile detention facility as described and regulated in 62 P.S. § 2077.
- B. A minimum-security prison facility - a jail, prison or detention facility operated by a county, state or federal government or its agents and used for the confinement of persons for safe custody. The term does not include a facility used for the detention or confinement of juveniles. Only "eligible offenders" or those

who do not demonstrate a present or past pattern of violent behavior shall be incarcerated in a minimum-security prison. "Eligible offenders" do not include any person awaiting trial for, or convicted of, murder, voluntary manslaughter, rape, statutory rape, aggravated assault, robbery, burglary of the first degree as provided in 18 Pa.C.S.A. § 3502 (relating to burglary), involuntary deviate sexual intercourse, arson, extortion accompanied by threats of violence, assault by prisoner, assault by life prisoner, kidnapping, aggravated indecent assault, or escape, or drug trafficking. No person shall be incarcerated at a minimum-security prison if such person's previous conviction history cannot be determined or has not yet been determined. No person shall be incarcerated in a minimum-security prison unless such person has been evaluated to determine that no history of violent behavior exists and no present probability of violent behavior exists.

DISPENSARY: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

DISTRIBUTION: The processing of materials so as to sort out which materials are to be transported to different locations, and the loading and unloading of such materials. This term shall not include a trucking company terminal.

DISTRICT OR ZONING DISTRICT: A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

DOG DAY CARE: A use that involves the keeping of more dogs than are allowed under "pets and accessory animals, keeping of" in §27-403, that is only operational between 6:00 a.m. and 10:00 p.m. (unless the regulations for a "kennel" are also met), and that provides recreational opportunities for the dogs. The facility may also include accessory care of cats, birds and similar domestic pets.

DORMITORY: Residential facilities that are only inhabited by faculty and/or full-time students of an accredited college, university or medical training facility or state-licensed teaching hospital or accredited public or private primary or secondary school.

DRIVEWAY: A privately owned, constructed, and maintained vehicular access from a street or access drive to serve one to three dwelling units on the same lot

DUMP: Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by the Pennsylvania DEP and that is not a permitted junkyard under this

chapter.

DWELLING: A building used as non-transient living quarters, but not including a boardinghouse, group home, hotel, motel, hospital, nursing home, dormitory, fraternity house, sorority house, or recreational vehicle. May also be referred to as a “residence”, “residential building”, or “residential structure”. This Chapter categorizes dwellings into the following types:

- A. **DUPLEX** – Two dwelling units, accommodating one family each, with all dwelling units within a single building on a single lot. All dwelling units shall share a common outside access and common yard area. The building shall have open areas on all sides. May also be referred to as a “two-family detached dwelling” or “multi-family detached dwelling” but does not include “twin dwellings”, “townhouses”, “garden apartments”, “mid-rise apartments”, or “high-rise apartments”. This category shall also include mixed-use buildings with one permitted non-residential unit and one dwelling unit within the same building provided the commercial use is a permitted use within the zoning district.
- B. **TRIPLEX** – Two dwelling units, accommodating one family each, with all dwelling units within a single building on a single lot. All dwelling units shall share a common outside access and common yard area. The building shall have open areas on all sides. May also be referred to as a “three-family detached dwelling” or “multi-family detached dwelling” but does not include “townhouses”, “garden apartments”, “mid-rise apartments”, or “high-rise apartments”. This category shall also include mixed-use buildings with one permitted non-residential unit and two dwelling units within the same building provided the commercial use is a permitted use within the zoning district.
- C. **GARDEN APARTMENTS** - Four or more dwelling units, accommodating one family each, within a single building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. All dwelling units shall share a common outside access, or multiple outside accesses, and common yard area. This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser. The building shall be on a single lot; however, the individual dwelling units may be sold for condominium ownership and/or leased. May also be referred to as “Low-Rise Apartments”.
- D. **HIGH-RISE APARTMENTS** – Four or more dwelling units within a single building that are separated by only horizontal floors or by a combination of

horizontal floors and vertical walls. All dwelling units shall share a common outside access, or multiple outside accesses, and common yard area. This shall include only buildings that are higher than 60 feet or five stories (whichever is less). The building shall be on a single lot; however, the individual dwelling units may be sold for condominium ownership and/or leased.

- E. MID-RISE APARTMENTS - Four or more dwelling units within a single building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. All dwelling units shall share a common outside access, or multiple outside accesses, and common yard area. This shall include only buildings that are higher than 35 feet or 3 1/2 stories and less than 60 feet or five stories (whichever is less). The building shall be on a single lot; however, the individual dwelling units may be sold for condominium ownership and/or leased.
- F. MOBILE HOME - A type of dwelling that meets all of the following requirements:
 - 1) Is transportable and/or can be relocated;
 - 2) Has an attached axle(s);
 - 3) Is designed for permanent occupancy;
 - 4) Is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing;
 - 5) 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 with or without a permanent foundation; and
 - 6) Is not a recreation vehicle.
- G. SINGLE-FAMILY DETACHED DWELLING - One dwelling unit accommodating one family that is within a separate building and having open areas on all sides. The building shall contain no other dwelling units or uses, except home-based businesses as permitted within the Salisbury Township Zoning Ordinance. "Single-family detached dwelling" shall not include a dwelling unit that meets the definition of "mobile home".

- H. TOWNHOUSE - One dwelling unit accommodating one family that is attached to two or more dwelling units, with each dwelling unit being completely separated from each other by vertical, unpierced walls. Side yards shall be adjacent to each end unit and each dwelling unit shall have independent outside access. Each unit may be on a separate lot with the property line running through the common walls or combined with other townhouses on a single lot. May also be referred to as "rowhouse".
- I. TWIN DWELLING - One dwelling unit, accommodating only one family, that is attached and completely separated by a vertical, unpierced, wall to one additional dwelling unit. One side yard shall be adjacent to each dwelling unit and each dwelling unit shall have independent outside access. Each unit may be on a separate lot with the property line running through the common wall or combined with other twin dwellings on a single lot. May also be referred to as a "single-family semidetached dwelling".

DWELLING UNIT: A residential unit within a dwelling occupied by persons meeting the definition of "family". Each dwelling unit shall have its own sanitary and cooking facilities as well as separate access to the outside, or access to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate habitable area that is completely separated by interior walls so as to prevent interior access from the remainder of the habitable area. Each dwelling unit shall only have one cooking facility and be served by only one sanitary sewer connection, one water connection, and one electric connection except when approved by Special Exception of the Zoning Hearing Board.

EMAIL: A system for sending and receiving messages electronically over a computer network as between personal computers.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

EMERGENCY SERVICES STATION: A building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that district. This may include housing for emergency personnel while on call.

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

the site.

ENVIRONMENTALLY SENSITIVE AREAS: Areas which include features which are sensitive to land disturbance activities and development, such as steep slopes, ponds, lakes, streams, stream corridors, springs, wetlands, hydric soils, prime farmland soils, highly erodible lands, vernal pools, floodplains, riparian buffer areas, significant stands of native, mature, and/or otherwise important vegetation, existing wellhead protection areas, aquifer recharge areas, and geologic fractures.

ESSENTIAL SERVICES: Utility or municipal uses that are necessary for the preservation of the public health and safety, and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in §27-403. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power-generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EXERCISE CLUB: A commercial facility or membership club that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool, racquetball courts and training for these activities. This use may also be allowed as part of an indoor commercial recreation use.

FAMILY: One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than three persons who are not related to each other by blood, government-sanctioned civil unions, official foster relationship, marriage or adoption. The term “related” shall be limited to relationships such as father, mother, daughter son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, stepfather, stepmother, legal guardian, and first cousin. This term shall not include relationships such as second, third, or more distant cousins.

FAMILY SUPPORT AND LODGING CENTER: A noncommercial use providing temporary housing and support services to persons with a relative actively undergoing significant medical care in Lehigh or Northampton County.

FEMA MAP: The latest mapping officially issued by the Federal Emergency Management Agency (FEMA) that shows the extent of the one-hundred-year floodplain, including any revisions or supplemental adjustments approved by FEMA.

FENCE: A man-made structure placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, vinyl or aluminum and/or

plastic inserts. Man-made structures constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. The terms "fence" and "wall" do not include hedges, trees or shrubs.

FINANCIAL INSTITUTION: An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

FLOODPLAIN (ONE-HUNDRED-YEAR): See definitions in the Township Floodplain Ordinance (Chapter 8).

FLOOR AREA OR GROSS OR TOTAL FLOOR AREA: The sum of the total horizontal area of each floor within a building(s) measured from the sides of exterior walls or from the center lines of walls separating buildings. Floor area shall only include areas that meet the definition of a "story" (see definition). Floor area specifically shall not include the following: elevator shafts, common lobbies and stairwells in a multi-tenant building, mechanical rooms, unenclosed porches or decks, or unenclosed breezeways or walkways, roof overhangs or similar features.

FOOTPRINT: The perimeter of a structure measured at the outer edge of the outside walls of the structure, including cantilevered portions of the structure. When calculating the footprint of a structure, retractable and/or removable awnings shall not be included.

FORM OF MEDICAL MARIJUANA: The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

FRATERNITY OR SORORITY: A type of boardinghouse, regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a fraternity or sorority by such institution.

GARAGE SALE: The accessory use of any lot for the occasional sale or auction of items on a residential property or the auction of on-site land or buildings. See §27-403.

GARAGE, PRIVATE OR HOUSEHOLD: An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation. The rental to a person who does not reside on the property of storage space that would accommodate more than two cars or for commercial purposes shall be regulated as a business use.

GARDEN APARTMENT: See under "dwellings."

GAS OR OIL WELL: A well drilled into the ground to produce natural gas or petroleum products. See §27-306 and §27-403.

GENERAL HOME OCCUPATION: A type of home occupation that does not involve a use specifically permitted as a light home occupation but which the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception would be:

- A. Similar in impact to a permitted light home occupation; and
- B. Compatible with the surrounding residential area.

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

GRADE: The average ground elevation of the surface adjoining a structure or land development project, calculated as existing and/or proposed. May also measure the rise or fall, in 100 feet increments, of horizontal distance such as along a roadway.

GREENHOUSE: A building, room or area, usually of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season.

GROSS FLOOR AREA: See "floor area."

GROUP HOME:

- A. The use of any lawful dwelling unit which meets all of the following criteria:
 - 1) Involves the care of the maximum number of persons permitted by the group home standards of §27-402 and meets all other standards of such section.
 - 2) Involves residents clearly functioning as a common household.
 - 3) Involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental handicap or other handicap, as defined by

applicable federal law, or because of needing to be separated from an abusive spouse.

- 4) Does not meet the definition of a "treatment center," "boardinghouse," "dormitory," "motel," "institutional group home" or "membership club." See also the definition of "care and treatment facilities for youth," which may include group homes for youth.
- 5) Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

B. See also §27-112, Subsection 5I, for allowed modifications.

* NOTE: See definitions in the Federal Fair Housing Act amendments and the Americans with Disabilities Act.

GROWER/PROCESSOR: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

HAZARDOUS WASTE: Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special state or federal licensing or regulation, including, but not limited to, the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq.

HEALTH CARE CAMPUS: A property developed as a unified campus and including a hospital and other health care and health care support uses, developed with a coordinated internal infrastructure system that encourages the sharing of facilities such as parking and open space and provides coordinated access to the public street system.

HEIGHT: The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the roof. See exemptions for certain types of structures in §27-802. For height of signs, see Part 7, "Signs."

HELIPORT: An area used for the takeoff and landing of helicopters, together with any related support facilities, such as for maintenance, refueling and storage. This chapter is not intended to regulate the nonroutine, emergency landing and takeoff of aircraft to pick up

seriously injured or ill persons.

A. PUBLIC HELIPORT A heliport that does not meet the definition of a "private heliport."

B. PRIVATE HELIPORT A heliport, other than a hospital heliport, limited to a maximum total of 15 flights or takeoffs in any seven-day period and that is not available for use by the general public. This is also known as a "helistop."

C. HOSPITAL HELIPORT A private heliport that is:

- 1) Owned by a hospital;
- 2) Operated by a hospital or third-party contractor under agreement with a hospital;
- 3) Situated on a health care campus; and
- 4) Used for medical services and not for general transportation.

HOME OCCUPATION: A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. Only includes uses that are clearly incidental and secondary to the principal residential use.
- B. Is conducted primarily by a permanent resident of the dwelling.
- C. Meets the definition of this section and the standards and limitations of a home occupation in § 27-403.
- D. Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).
- E. Specifically does not include the following: hotel, motel, nursing home, boardinghouse, restaurant, stable, treatment center, kennel, auto repair, on-site

retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts or sewing) or bulk welding.

- F. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of one nonresident working on the premises at any one point in time.

HOSPICE: A special concept of care designed to provide comfort and support to patients and their families when a life-limiting illness no longer responds to cure-oriented treatments.

HOSPITAL: A use that includes facilities that are licensed as a "hospital" by the State Department of Health and that involves the diagnosis, treatment or other medical care of humans and that involves some care requiring stays overnight. A hospital may also include clinical laboratories as accessory uses and outpatient medical care. A hospital may occur in combination with medical offices (see definition), provided that the requirements for medical offices are also met. A hospital may involve care and rehabilitation for medical, dental or mental health but shall not routinely involve the housing of the criminally insane and shall not primarily involve the housing or treatment of persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and education and training for health care professions. A hospital may only include dormitories and other student residential facilities if that use is specifically permitted in that district.

HOTEL OR MOTEL: A building or buildings including rooms (other than dwelling units) that are rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use. See also "bed-and-breakfast use."

IDENTIFICATION CARD: A document issued by the DOH that permits access to medical marijuana.

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

IMPERVIOUS SURFACE: Any structure or man-made surface with a runoff factor of 0.80 or greater. For purposes of this Chapter, gravel/stone surfaces and pavers laid with a minimum of two (2) inches between each paver shall not be considered impervious.

INDUSTRIAL DISTRICT: The I Zoning District.

INDUSTRIAL USE: Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

INSTITUTIONAL GROUP HOME: A use that meets the definition of a "group home" but that includes a higher number of residents than is permitted as a group home.

JUNK:

- A. Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, plastics, industrial waste, machinery, equipment, containers, structures, used building materials and building materials left on a site after completion of the portion of construction to which those building materials relate.
- B. Junk shall not include:
 - 1) Solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with state regulations;
 - 2) Toxic wastes;
 - 3) Grass clippings, leaves or tree limbs; or
 - 4) Items clearly awaiting imminent recycling at an approved recycling use.

JUNK VEHICLE:

- A. Includes any vehicle or trailer stored out of doors that meets any of the following conditions:
 - 1) Does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker (except for licensed antique cars not required to have an inspection sticker). (Licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this section.)
 - 2) Cannot be immediately moved under its own power, in regards to a vehicle

designed to move under its own power, other than a vehicle clearly needing only minor repairs.

- 3) Cannot be immediately towed, in regards to a vehicle designed to be towed.
 - 4) Has been demolished beyond repair.
 - 5) Has been separated from its axles, engine, body or chassis.
 - 6) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- B. See also the separate Township ordinance on junk vehicles.

JUNKYARD:

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
- 1) Junk.
 - 2) A greater number of junk vehicles than is permitted under §27-604. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
 - 3) One or more manufactured/mobile homes that are not in habitable condition.
- B. Junk stored as part of a business within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use instead of a junkyard.

KENNEL: The keeping or boarding of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "pets and accessory animals, keeping of" provisions in §27-402. A kennel may also include the temporary boarding of other types of pet animals. A kennel shall include any such use, regardless of whether: (A) the animals are or are not owned by the operator of the kennel; and (B) compensation is or is not paid for the care of the animals. A nonprofit animal shelter is a type of kennel. See also the definition of "pets,

keeping of." See also "dog day care," which may be approved as a separate use.

LAND DEVELOPMENT: The following activities are regulated as a land development and subject to the land development approval requirements set forth in the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22 of the Township Municipal Code). All sizes and numbers are calculated as an aggregate over the proceeding five years regardless of the permits and approvals issued for each proceeding activity:

- A. A subdivision, resubdivision, or consolidation of land.
- B. Construction of one or more principal, non-residential structures regardless of the number of occupants.
- C. Construction of a non-residential addition with a footprint greater than or equal to 1,000 square feet.
- D. Construction of two or more dwelling units on a single lot.
- E. The conversion of an existing structure to increase the number of uses or occupants.
- F. The conversion of an existing residential structure or dwelling unit into a non-residential structure or unit.
- G. The conversion of an existing structure into condominiums.
- H. Construction of a new, or expansion of an existing, parking area by 12 or more parking spaces.
- I. Work involving 5,000 square feet or more of new impervious coverage, both on-lot and within the public right-of-way, regardless of use.
- J. Work involving 10,000 square feet or more of site alterations, both on-lot and within the public right-of-way, regardless of use.

The following shall be excluded from the definition of "Land Development":

- 1) The construction of a single-family detached dwelling on an existing lot.

- 2) The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling, into not more than three residential units, unless such units are intended to be condominiums.
- 3) Addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- 4) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exclusion, 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 the Township
- 5) Commercial communication towers and their structures.
- 6) An approved tree harvesting operation when the value of the trees, logs, or other timber products removed exceeds \$2,000 per calendar year.
- 7) The subdivision of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or access easement.
- 8) The reconfiguration and/or movement of site improvements previously approved as part of land development project as long as the proposed work does not meet any of the criteria listed in 1 through 10 above.

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

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

LIFE CARE CENTER: A residential use designed and operated exclusively for retired or semiretired adults 55 years of age or older and/or physically handicapped persons and their spouses and that includes a nursing home and on-site health care, meal services, social services, recreation activities and similar support facilities intended specifically to serve the needs of these

residents.

LIGHT BUSINESS CONVERSION: The conversion of an existing dwelling into a business use that meets the requirements for such use under §27-402.

LIGHT HOME OCCUPATION:

- A. A type of home occupation that is permitted by right in all residential districts and is limited to only the following types of activities, within the restrictions of §27-403:
- 1) Custom sewing, seamstress or dressmaker.
 - 2) Tutor or music or voice instruction.
 - 3) Tax preparation.
 - 4) Photographer.
 - 5) Artist or sculptor.
 - 6) Drafting or graphics services.
 - 7) Data processing or typing.
 - 8) Home crafts for sale off site.
 - 9) Mail order (not including retail sales from the site).
 - 10) Product distribution through direct off-site sales (such as household items or cosmetics sold at off-site events).
 - 11) Offices of the following: licensed physician, dentist, speech pathologist, audiologist, chiropractor, optometrist, podiatrist, architect, attorney, accountant, insurance agent, real estate agent or broker, tax collector, engineer, surveyor, vocational consultant, financial planning and investment services, interior design, computer programming, or consulting services.

12) Telephone soliciting and telephone answering services.

B. The business may not involve any illegal activity.

C. This term also includes, but is not limited to, a use meeting the definition of a "no-impact home-based business" within the Pennsylvania MPC.

LIGHTING, DIFFUSED: Illumination that passes from the source through a translucent cover or shade.

LINE, STREET: The street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

LIVESTOCK, RAISING OF: The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "pets and accessory animals, keeping of" provisions of § 27-403 and beyond what is allowed within the definition of "crop farming." For the purposes of this chapter, the raising of livestock shall have the same meaning as animal husbandry. The raising of livestock shall not include a slaughterhouse or a stockyard used for the housing of animals awaiting slaughter.

LOGGING: See "tree harvesting."

LOT: The designated area of land within the lot area. May also be referred to as "parcel".

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

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

LOT LINE: The recorded property lines bounding the lot as herein defined; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be

interpreted as the lot line for the purpose of determining the location of the setbacks. May also be referred to as “property line”.

- A. FRONT LOT LINE - A lot line separating the lot from the primary street right-of-way. When a lot abuts two or more streets, not including an alley, or there is no frontage along a street right-of-way, the front lot line shall be determined by reviewing previous development plans. If development plans are not available to determine which is the primary street right-of-way, it shall be the street in which the building is oriented towards and/or has its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- B. REAR LOT LINE - A lot line opposite and most distant from the front lot line.
- C. SECOND FRONT LOT LINE – A lot line separating the lot from the approved and/or dedicated secondary street right-of-way. If development plans are not available to determine which is the secondary street right-of-way, it shall be the street in which the building is not oriented towards and/or does not have its address along, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- D. SIDE LOT LINE - Any lot line other than a front or rear lot line.

LOT WIDTH: The distance measured between each side lot line or the side lot line and either the second front lot line or rear lot line, whichever is applicable when a second side lot line is not present. In the case of a curve, it is the arc distance along the curve. The measurement may be taken at either the street right-of-way or front setback line, whichever is applicable.

LOT, CORNER: A lot abutting two or more intersecting streets.

LOT, FLAG: An irregularly shaped lot characterized by an elongated extension from a street (the “pole”) to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. On a flag lot, setbacks and width are measured within the principal part of the lot, beyond the “pole” section of the lot area. The front lot line shall be the lot line parallel to the nearest street and/or where the “pole” enters the lot. For a flag lot, the area of the “pole” portion of the flag lot shall not be included in the total lot area required for the “Minimum Lot Area” for lot size.

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

LOT, REVERSE-FRONTAGE: A lot that abuts two approximately parallel streets, not including an alley, but only has access onto one street.

LOT, THROUGH: A lot that abuts two approximately parallel streets, not including an alley, with access onto both streets.

LUMBERING: See "tree harvesting."

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

MANUFACTURED/MOBILE HOME: See under "dwelling types."

MANUFACTURED/MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient residential use. The individual mobile homes may be individually owned. A development of mobile homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes and shall not be considered to be a mobile home park.

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

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

- A. "Massages" are conducted.
- B. The person conducting the massage is not licensed as a health care professional or licensed massage therapist by the state.
- C. The massages are not conducted within a licensed hospital or nursing home or an

office of a medical doctor or chiropractor.

D. The massages are conducted within private or semiprivate rooms.

E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or a high school or college athletic program.

*Note — A use that involves state-licensed massage therapists is allowed as a "personal service use" and is not regulated as a massage parlor.

MEDICAL MARIJUANA: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE: Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA ORGANIZATION OR FACILITY: A dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL OFFICE OR CLINIC: A use involving the treatment and examination of patients by state-licensed physicians or dentists or other state-licensed health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. This use shall not routinely involve treatment for addiction to illegal drugs. See "treatment center" or "hospital."

MEMBERSHIP CLUB: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public. This use shall not include a target range for outdoor shooting, a boardinghouse, a tavern, a restaurant or auditoriums, unless that particular use is permitted in that district and the requirements of that use are met.

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

itself be considered to be mineral extraction.

MOBILE HOME: See under "dwelling types"

MOTEL: See "hotel."

MPC: The Pennsylvania Municipalities Planning Code, as amended.

MUNICIPALITIES PLANNING CODE OR STATE PLANNING CODE: The Pennsylvania MPC, as amended, 53 P.S. § 10101 et seq.

NATURAL FEATURES: Components of the ecological, hydrological and geological environment, including soil types, geology, slopes, vegetation, surface water, groundwater, drainage patterns, aquifers, recharge areas, floodplains, aquatic life, and wildlife.

NATURE PRESERVE: A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

NIGHTCLUB: A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

NONCONFORMING LOT: A lawful lot of record with lot area, lot width or other dimension that was lawful prior to the adoption or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or zoning amendment, and which is not abutting other land owned by the same owner.

NONCONFORMING STRUCTURE: A structure or part of a structure not manifestly designed to comply with the applicable lot area, dimensional and other provisions in this Chapter, as amended, where such structure lawfully existed prior to the enactment of such Chapter or amendment. Such nonconforming structures include, but are not limited to, signs. Such nonconformity may include, but is not limited to, nonconforming setbacks, height, building coverage or impervious coverage.

NONCONFORMING USE: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter or previous or subsequent

amendments, where such use was lawfully in existence prior to the enactment of this Chapter or such amendment; provided, however, that an existing use shall not be considered nonconforming solely because it includes fewer than the required number of parking spaces.

NURSING HOME: A facility licensed by the state as a nursing home for the housing and intermediate or fully skilled nursing care of three or more persons. This shall only include facilities that primarily serve persons who need such care because of old age, illness or physical disability.

OFFICE: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios. A call center is also a type of office.

OFFICIAL MAP: Any "Official Map" that may be adopted as such or amended by the Board of Commissioners in accordance with the MPC, 53 P.S. § 10101 et seq.

OFFICIAL STREET CLASSIFICATION MAP: The map as adopted by the Board of Commissioners classifying the streets of the Township. See definition of "street classification." This map may be amended by resolution of the Board of Commissioners.

OPEN SPACE, COMMON: A parcel or parcels of land which meet all of the following requirements:

- A. It is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. It is managed through by an approved system for perpetual maintenance.
- C. It is deed-restricted to permanently prevent the use of land for uses other than common open space.
- D. It does not include any of the following: street rights-of-way as approved or to be dedicated driveways, access drives that serve other uses, buildings (other than accessory buildings, such as recreational gazebos and pools, clearly intended for noncommercial recreation), off-street parking (other than that clearly intended and necessary to only serve noncommercial recreation), any area needed to meet a requirement for any other individual lot, any area deeded over to an individual

property owner for their own use, or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.

- E. It does not include stormwater detention or retention basins and infiltration facilities, unless the applicant proves to the satisfaction of the Township that such area has been designed and will be maintained in a manner that it will be suitable for recreational uses during most times of the year and/or will serve as a scenic and ecological asset, such as having the appearance of a natural pond. An underground stormwater detention facility may be approved to serve as common open space only if the surface is improved to be usable for recreation and is not used for vehicle parking.

ORDINANCE: The Salisbury Township Zoning Ordinance, including the Zoning Map and Official Street Classification Map, as amended.

PA: Pennsylvania.

PARCEL: See "lot".

PARKING: Off-street parking and aisles for vehicles, unless otherwise stated.

PARKING STRUCTURE: A building for short-term storage of motor vehicles, having two or more tiers and with a top tier either roofed or not.

PAVED AREA: All areas covered by stone and/or impervious surfaces, other than buildings and concrete public sidewalks and other than stoned or concrete areas required for stormwater management.

PAWN SHOP: A commercial use that is regulated as a pawn shop by the Pennsylvania Department of Banking.

PENNDOT: The Pennsylvania Department of Transportation, or its successor, and its subparts.

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

- A. CONSTRUCTION PERMIT A permit indicating that a proposed construction,

alteration, or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Township Building Codes.

- B. ZONING PERMIT OR A PERMIT UNDER THIS ORDINANCE A portion of a building permit (unless a separate zoning permit may be established by the Township) that indicates that a proposed use, building or structure is, to the best knowledge of the Township staff, in accordance with this Chapter and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

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

PERSON: Any individual or corporation owning a tract of land within the Township, or his/her/their respective heirs, assigns, grantees, vendees and successors.

PERSONAL CARE HOME: A residential use providing residential accommodations, meals and support services to persons who need such assistance because of old age, physical disability and/or mental retardation and that is licensed as a personal care home or assisted living facility by the Commonwealth of Pennsylvania. For uses providing nursing care, see "nursing home."

PERSONAL SERVICE: An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops and other similar establishments but shall not include a massage parlor.

PETS AND ACCESSORY ANIMALS, KEEPING OF: The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See limits on the numbers and types of permitted animals in §27-403, which also allow the keeping of certain other animals, such as a limited number of chickens for egg production. A "domestic animal" shall be defined as an animal that is normally or ordinarily domesticated or raised as a household pet in the character and climate of

Salisbury Township.

PICNIC GROVE, COMMERCIAL: An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

PLACES OF WORSHIP: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PLANNED RESIDENTIAL DEVELOPMENT: A type of development that complies with the requirements of the sections of this chapter and of the MPC, 53 P.S. § 10101 et seq., pertaining to PRDs. See Part 9.

PLANNING COMMISSION: The Planning Commission of Salisbury Township.

PLANT NURSERY: The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

PORTABLE STORAGE CONTAINER: A mobile rectangular box that is kept outside of a building and that is used for temporary storage, but which is not intended to be used for solid waste.

PRD: See "planned residential development."

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

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

PROPERTY LINE: See "lot line."

PUBLIC NOTICE: Notice required by the Pennsylvania MPC, 53 P.S. § 10101 et seq.

PUBLIC UTILITY: An entity providing central water service, central sewage service, electricity distribution service, natural gas distribution service, or central steam heat service to multiple lots and that is under the jurisdiction of the Pennsylvania Public Utility Commission and/or is owned or operated by a municipality or a municipal authority.

PUBLIC WATER SERVICE: See under "water system."

RECHARGE: The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

RECHARGE AREA: An area where water is able to seep into the ground and replenish an aquifer because no confining layer is present.

RECREATION, COMMERCIAL: Leisure-time activities that are open to the general public and that are primarily operated for commercial purposes. This shall not include any adult uses. Indoor commercial recreation shall only include activities that occur within a completely enclosed building. See also the definition for "commercial outdoor recreation."

RECREATION, PRIVATE: Leisure-time activities that are only open to members, guests or some specific groups.

RECREATION, PUBLICLY OWNED: Land and/or facilities that are owned and/or operated by a government agency or the Township and are available for use by the general public for leisure and recreation.

RECREATIONAL VEHICLE: A vehicle which is designed mainly to serve a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than 15 feet, motor homes, travel trailers and all-terrain vehicles.

RECREATIONAL VEHICLE STORAGE AREA: An outdoor area used for the storage of three or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that district.

RECYCLING CENTER, BULK: See "bulk recycling center."

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

REGISTRY: The registry established by the DOH for all medical marijuana organizations and practitioners.

RESIDENTIAL DISTRICT: The CR, R1, R2, R3, R4 and R5 Zoning Districts.

RESIDENTIAL: A building which conforms to the definition of “dwelling”.

RESTAURANT, FAST-FOOD:

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food off the premises, and that does not meet the definition of a "standard restaurant." This term shall also include a use that primarily involves pick up only and/or off-premises delivery of ready-to-eat food, other than a catering business.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTAURANT, STANDARD:

- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food while seated inside a building from a waiter or waitress and then the food is delivered to their table and consumed at the table.

- B. A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTRICTIVE COVENANT: A provision in a deed limiting the use of a property and/or prohibiting certain uses and/or limiting the manner and/or locations of development.

RETAIL STORE: A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult store, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or restaurant. A retail store may include up to 25% of its total indoor and outdoor sales area for sale of lumber without being considered a lumberyard.

RIGHT-OF-WAY: Areas beyond each property's lot area which is not privately owned. Areas of right-of-way include, but are not limited to, streets and alleys.

SALDO: The Salisbury Township Subdivision and Land Development Ordinance (Chapter 22), as amended.

SANITARY LANDFILL (OR SOLID WASTE LANDFILL): A type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the state.

SANITARY SEWAGE DISPOSAL, CENTRALIZED COMMUNITY: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant generally serving a neighborhood area or development.

SANITARY SEWAGE DISPOSAL, CENTRALIZED PUBLIC: A sanitary sewerage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant operated via a public agency.

SANITARY SEWAGE DISPOSAL, ON-LOT: Any privately owned structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

SATELLITE DISH ANTENNA OR SATELLITE ANTENNA: A device attached to the ground or a structure that incorporates a reflective surface (such as in the shape of a shallow dish, cone or cornucopia) to transmit or receive radio or electromagnetic waves between earth-based uses and satellites in space. This term shall include, but not be limited to, satellite earth stations and satellite microwave antennas. This term shall also include any pedestal or attached structure. A satellite antenna may be ground-mounted, roof-mounted or tower-mounted. Tower-mounted antennas are erected on a separate base but are attached to an adjacent structure by some means of support.

SCHOOL, PUBLIC OR PRIVATE, PRIMARY OR SECONDARY SCHOOL, TO INCLUDE CHARTER AND CYBER SCHOOL:

- A. A public, parochial or private educational institution licensed or accredited by the State Department of Education that primarily serves persons between the ages of five and 19 and that provides standards of instruction meeting requirements of the Commonwealth.
- B. This term shall not include:
 - 1) Trade schools (such as privately operated schools of trade, vocation or business); or
 - 2) Care and treatment facilities for youth.

SCREENING: A year-round vegetative material of substantial height and density designed to buffer two uses from each other. See requirements in § 27-803, Subsection 2.

SEEPS AND SPRINGS: Areas where groundwater intersects at or near to the ground surface, either seasonally or permanently. Springs involve groundwater reaching the surface at a specific point, while seeps involve a more widespread area. These areas may or may not be considered wetlands under federal requirements. Hydrophytic vegetation is often dominant.

SELF-STORAGE DEVELOPMENT: A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

SEPTAGE: Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

SETBACK LINE:

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the corresponding lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall, roof, overhang, or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

SEWAGE SLUDGE OR SLUDGE: The treated, conditioned, digested, accumulated, settled solids deposited as a result of sewage treatment processes that occur within the requirements of a state or federal environmental pollution or on-lot septic system permit. This shall only include substances adequately stabilized so that they are suitable for land application.

SHOPPING CENTER:

- A. A use combining either:
 - 1) Six or more retail or personal service uses or establishments; or
 - 2) Two or more retail or personal service uses or establishments where such uses involve a total of more than 40,000 square feet of total gross floor area.
- B. Such a use may also include offices.

SIGHT DISTANCE: An area required to be kept free of visual obstruction. See § 27-803, Subsection 1.

SIGN: Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from a street or beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See the definitions for various types of signs in §§ 27-711 and 27-703.

SIGN AREA: The measurement of the square footage of a sign, as measured in compliance with § 27-711, Subsection 2.

SIGN, OFF-PREMISES: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SITE ALTERATIONS: All ground disturbance including, but not limited to: new impervious coverage; regrading existing topography; alterations to lakes, ponds, marshes, or floodplains; clearing vegetation; construction of a stormwater detention basin; and altering watercourses. Site alterations does not include the repaving/replacement of an existing impervious surface unless the size is increased and/or the topography is altered.

SLAUGHTERHOUSE: A use that routinely involves the killing and butchering of animals for use as meat, and which is not a customary accessory use to the on-site raising of animals.

SLOPE: The vertical increase in height of ground level divided by the horizontal length of that area of ground, measured in percent.

SOLICITOR: The Salisbury Township Solicitor, unless otherwise stated, unless a special solicitor is appointed for a specific matter.

SOLID WASTE:

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this chapter, the following materials shall not be considered to be solid waste:
 - 1) Portions of trees or shrubs, leaves, mulch and rocks;

- 2) Substances legally disposed of into the air or water through a federal or state pollution discharge permit;
- 3) Customary residual wastes from a permitted mineral extraction use; or
- 4) Materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

SOLID WASTE FACILITY:

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the state in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid-waste-to-energy facility.
- B. The following uses, for the purposes of this chapter, shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill, or septage or sludge application.

SOLID WASTE TRANSFER FACILITY: A type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection regulations.

SOLID-WASTE-TO-ENERGY FACILITY: A type of solid waste disposal facility that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection regulations.

SPECIAL EXCEPTION: A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 27-120.

SPECIFIED SEXUAL ACTIVITIES: One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals.

STABLE, NONHOUSEHOLD: Any housing of more than two horses. This may include a commercial or private riding club. The housing of one or two horses shall be considered an accessory use under the "pets and accessory animals, keeping of" provisions (see § 27-403).

STATE: Any references to Pennsylvania State should be referenced as "Commonwealth."

STATE PLANNING CODE: The Pennsylvania MPC, Act 247 of 1968, as amended, 53 P.S. § 10101 et seq.

STORAGE SHED: An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

STORY: That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above (also see basement, building height, grade plane and mezzanine). It is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finished to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

- A. **BASEMENT** A story that is not a story above grade plane. The definition of "basement" does not apply to the provisions of § 1612 of the IBC for flood loads.
- B. **STORY ABOVE GRADE PLANE** Any story having its finished floor surface entirely above grade plane or in which the finished surface of the floor next above is:
 - 1) More than six feet (1,829 mm) above grade plane; or
 - 2) More than 12 feet (3,658 mm) above the finished ground level at any point.

STREET: A public or private thoroughfare which affords principal means of access to

abutting properties or that is a regional highway/expressway, but not including a driveway or accessway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably.

STREET CENTER LINE: The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

STREET CLASSIFICATION: The functional classification of streets into the following types, as shown in the Comprehensive Plan for existing streets and as determined by the Township Engineer for future streets:

- A. **ALLEY** - A street designed as a secondary access to properties, with a maximum width of 20 feet.
- B. **ARTERIAL STREET** - A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside of residential areas.
- C. **COLLECTOR STREET** - A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties.
- D. **CUL-DE-SAC STREET** - A local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.
- E. **LOCAL STREET** - A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.
- F. **LOOP STREET** - A local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.
- G. **REGIONAL HIGHWAY OR EXPRESSWAY** - A street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does not permit on-street parking, and that has no at-grade intersections. Typically, this classification is for state roads.

STREET, PRIVATE: A street that does not meet the definition of a "street, public."

STREET, PUBLIC: A street that is owned and maintained by Salisbury Township or PennDOT.

STRUCTURE: Any man-made object having an ascertainable location on, below, or in land or water, whether or not affixed to the land. The term “structure” shall not include a child’s playset or playhouse, as long as its design is clearly that for a child and it will not be utilized as a storage shed or similar type of use.

SUBDIVISION: The division or consolidation of a lot, as defined by one of the following categories:

- A. **LOT CONSOLIDATION** - The deletion of a lot line for the purpose of joining a lot to an adjacent lot, parcel, or tract of land.
- B. **LOT LINE ADJUSTMENT** - Any replatting of land which involves a change of any existing lot line and does not involve the creation of any additional lot or lots, the creation of any new street or any extension of or improvements to an existing street. May also be referred to as “resubdivision”.
- C. **MAJOR SUBDIVISION** – Any subdivision which does not constitute a lot consolidation, lot line adjustment, or minor subdivision.
- D. **MINOR SUBDIVISION** – Any subdivision which involves the creation of no more than four lots for residential purposes only and does not involve the creation of any new street or the extension or improvement of any existing street.

SUBDIVISION ORDINANCE: The Salisbury Township Subdivision and Land Development Ordinance (Chapter 22), as amended.

SWIMMING POOL, HOUSEHOLD OR PRIVATE: A structure with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

- A. **ABOVE-GROUND SWIMMING POOL** A swimming pool in which the normal water level is at or above the elevation of the surrounding ground level.
- B. **BELOW-GROUND SWIMMING POOL** A swimming pool in which the normal water level is below the elevation of the surrounding ground level.

SWIMMING POOL, NONHOUSEHOLD: A structure with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household swimming pool."

A. A non-household pool includes:

- 1) A pool that serves only residents of a development, guests/visitors of a non-residential use for which a swimming pool is an accessory structure, or members of a club and their occasional guests;
- 2) A pool intended to serve the general public.

B. See also the provisions for recreational facilities limited to use by employees of a use or residents of a development as an accessory use, which may include a swimming pool, at the end of § 27-306.

TAVERN: A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur. See also the definitions of "restaurants," "auditoriums" and "nightclubs."

TEMPORARY: Unless otherwise provided for in regards to a specific provision, or unless otherwise approved by the Township, "temporary" shall mean not lasting or occurring more than 30 total days in any calendar year (January 1st through December 31st).

TEMPORARY STRUCTURE: Unless otherwise provided for in regards to a specific provision, or otherwise approved by the Township, any structure, as defined above, that will be situated on a lot for not more than 30 days in any calendar year (January 1st through December 31st).

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

THEATER, OUTDOOR DRIVE-IN: An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

TIRE STORAGE, BULK: The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

TOWNHOUSE: See "dwelling types."

TOWNSHIP: Salisbury Township, Lehigh County, Pennsylvania, or its designee.

TRACT: The combination of lots in common ownership that are submitted to be approved together as part of a single subdivision or land development.

TRADE SCHOOL: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide state-required education to persons under age 16 and that does not meet the definition of a "college" or "university." This shall include a dancing school, martial arts school or ceramics school.

TREATMENT CENTER: A use (other than a permitted prison or a permitted care and treatment facility for youth) providing housing facilities for persons who need specialized housing, treatment and/or counseling and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol.
- B. Addiction to alcohol and/or a controlled substance.
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.
- D. See also § 27-112, Subsection 5I.

TREATMENT CENTER, OUTPATIENT: A use that primarily exists to provide medication (such as methadone) and/or repetitive counseling to multiple persons with addictions to illegal use of controlled substances as a principal use, and which does not include on-site residential facilities, and which is not licensed by the state as a hospital.

TREE HARVESTING: The portion of "forestry" which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved Christmas tree farm or other crop farming use. May also be referred to as "timber harvesting" or "logging". "Tree harvesting" does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.

TRUCKING COMPANY TERMINAL: A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks, and that does not involve substantial processing or repackaging of the materials.

- A. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a distribution use.
- B. A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal, and rest facilities for truck drivers using the terminal.

UNIT FOR CARE OF RELATIVE: A separated living area especially created for and limited to occupancy by a relative of the permanent residents of the principal dwelling unit to provide needed care and supervision of such relative because of a handicap, disability, developmental disability, illness or old age. See standards listed under accessory apartment in § 27-403, Subsection 4A(9). See definition of "relative" in this section. If such area is entirely incorporated within a lawful dwelling unit without a separate kitchen, then such area shall be permitted by right.

USE: The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include, but are not limited to, the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

VARIANCE: The granting of a specific waiver by the Zoning Hearing Board of a specific requirement of this chapter for a specific property. A variance shall only be granted if the applicant meets the variance standards of the Pennsylvania MPC, 53 P.S. § 10101 et seq. (See §27-112, Subsection 5, of this chapter.)

VERNAL POOL: Areas that are low points topographically and are typically covered by shallow water for an average of two months during normal years, but which may be completely dry for the remainder of the year, and which are not man-made.

VETERINARIAN OFFICE: A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of small animals includes only small domestic animals, including, but not limited to, dogs, cats, rabbits, birds or fowl. Treatment of

large animals includes all types of animals, including horses, cows and pigs. The housing primarily of healthy animals shall be considered a kennel and shall meet the requirements of that use.

WALL: See "fence."

WAREHOUSE: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATER DISTRIBUTION SYSTEM, COMMUNITY: A system for supplying and distributing water to one or more dwelling units or buildings located on one or more lots from a common source and/or buildings, within a single neighborhood.

WATER DISTRIBUTION SYSTEM, ON-SITE: A system for supplying and distributing water to one or more dwelling units located on a lot from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, PUBLIC: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

WATERCOURSE: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow. The term "watercourse" shall include rivers, streams, creeks, rivulets, channels, lakes, a ditch, a drain, a dry run, springs, ponds, dammed waters, wetlands and all other bodies or channels of conveyance of surface and underground waters.

WETLAND BUFFERS: An area of protection around a wetland within which specific development, construction and other human activities are prohibited.

WETLAND: An area of land and/or water meeting one or more definitions of a wetland under federal and/or Pennsylvania law and/or regulations.

WHOLESALE: Sales that primarily involve transactions with other businesses and their agents and not the general public.

WIND TURBINE: A device exterior to a building that converts wind energy into electricity, such as by using rotors.

WOODLAND: A tree mass or plant community in which tree species are dominant or co-dominant, and the branches of trees form a complete, or nearly complete, aerial canopy. For the purposes of this chapter, the extent of any woodland plant community or any part thereof shall be measured from the outermost dripline of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of "woodland" prior to timbering or disturbance. Woodlands do not include orchards or old fields.

YARD: An area between a specified lot line and the required setback line for each side. Such yard shall extend the full width between the two parallel lines. Includes "front yard", "side yard", and "rear yard". See definition of "lot line" for further classifications regarding the determination of each yard.

ZONING HEARING BOARD: Refer to §27-112 of this chapter.

ZONING MAP: The Map is adopted as part of the zoning amendment approved by ordinance.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this Chapter, or his or her officially designated assistant(s).

ZONING ORDINANCE: The Salisbury Township Zoning Ordinance (Chapter 27), as amended.

ARTICLE II.

This Ordinance shall be effective immediately.

DULY ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 24th day of June, 2021, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY

(Lehigh County, Pennsylvania)

Cathy Bonaskiewich
Township Secretary

By: _____
Debra Brinton
President, Board of Commissioners

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