

ARTICLE X. DEFINITIONS

SECTION 1001. PURPOSE

Unless otherwise stated, the following words and phrases shall be constructed throughout this Ordinance to have the meanings herein indicated. Unless a clear intent to the contrary appears, words in the present tense include the future tense, words in the singular include the plural, and words in the plural include the singular. The word “shall” is mandatory. The word “may” is permissive. Terms not herein defined shall have the meaning customarily assigned to them. All regulations contained within these definitions shall be separately applicable without being confined to the items defined alone. Words and phrases defined in Section 107 of the Pennsylvania Municipalities Planning Code, Act of July 28, 1968, as amended, 53 P.S. §10107 are included herein by reference. To the extent that definitions of terms as set forth in Section 1002 of this Article conflict with those in the Pennsylvania Municipalities Planning Code, the definitions in the Pennsylvania Municipalities Planning Code shall apply. To the extent the definitions of terms set forth in this Section 1002 of this Article conflict with those in the SALDO or the SWMO, the provisions of the SWMO shall control, while the provisions of the SALDO shall be interpreted to be applied to the greatest extent possible so that the terms can be read consistently with the provisions of Section 1002. *[Amended 051214A; 05/12/14 §13]*

SECTION 1002. TERMS

1. Active Open Space.
 - A. Outdoor recreational land that is used for activities pertaining to games or sports, and is in the form of a play court (e.g. tennis court, shuffleboard court) or playfield (e.g. softball field, soccer field). *[Added by Ord. 042408, §2, 4/24/08.]**
 - B. Stormwater management facilities shall not be considered active open space, unless they are clearly designed for use for multiple purposes and such design and use is consistent with both this Ordinance, the SWMO, and the SALDO. *[Added by Ord. 051214A; 5/12/14 §14]*
2. Adult Bookstore. Any establishment or place:
 - A. Which has a substantial or significant portion of its stock in trade consisting of the following items:
 - i. Books, magazines, or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital area; and/or

- ii. Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or

B. To which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas. *[Added by Ord. 01-121487, 12/14/87, §II.]*

3. Adult Theater. Any theater, auditorium, concert hall or other place of assembly (a) presenting any form of audio and/or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be devoted to the showing of material which is distinguished or characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (b) featuring live performance on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons. *[Added by Ord. 01-121487, 12/14/87, §II.]*

4. Advertising Structure. Any rigid or semi-rigid material with or without advertising displayed thereon situated upon or attached to or which is part or real property for the purpose of furnishing a background, base surface or support upon which an advertisement may be posted or displayed outdoors. *[Added by Ord. 04-81, 11/23/81, §6.]*

5. Agricultural Production. The term shall be defined as defined in the Agricultural Area Security Law at 3 P.S. § 953, as amended. The term is currently defined as, 'The production for commercial purposes of crops, livestock, and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than fifty percent (50%) of such processed or merchandised products are produced by the farmer / operator.' The term includes the use of land which is devoted to and meets the requirements of and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. *[added per Ord. No. 061107, 6/11/07, §7]*
Construction of new buildings on impervious areas is not considered exempt agricultural production. *[Added by Ord. 051214, 05/12/14 §14]*

6. Agricultural Use/Structure, Agricultural Activity. Activities associated with agriculture, such as agricultural cultivation, agricultural operation, and animal heavy-use areas. This includes the work of producing crops and raising livestock, including tillage, land clearing, plowing, discing, harrowing, planting, harvesting crops or pasturing and raising of livestock, and installation of Conservation Practices. Construction of new buildings or impervious areas is not considered an agricultural activity. *[Amended by Ord. 051214A; 05/12/14 §14]*

7. Alley. As used in the context of Compact Neighborhood Development, land over which there is a right-of-way, municipally or privately owned, serving as a service street with a

means of access to two (2) or more lots to the rear and/or side of a building. *[Added by Ord. 042408, §2, 4/24/08.]**

8. Alteration. As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also, the changing of surface conditions by causing the surface to be more or less impervious; earth disturbance activities. *[Amended by Ord. 051214A; 05/12/14 §14]*

9. Anaerobic Digestion: The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas. *[added by Ord. No. 091211, 9/12/11, §1]*

10. Applicant. All Landowners and/or Developers as hereinafter defined including their respective heirs, successors and assigns who have filed an application (with written permission of the landowners) to the Township for approval to engage in any regulated activity at a Development Site located within the Township. *[Amended by Ord. 051214A; 05/12/14 §14]*

11. Appurtenances: The visible, functional, or ornamental objects accessory to and part of buildings. *[added by Ord. No. 091211, 9/12/11, §1]*

12. Automobile Service Station. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks or which contains facilities for rendering commercial services, such as lubrication, washing, and vehicle repairs. Commercial services shall be presumed if vehicles, other than those owned by the lot owner, tenant or family or either are lubricated, washed or repaired on or in the building or lot.

13. Bed and Breakfast Inn. A Bed and Breakfast Inn is an establishment located within one structure which offers short term lodging and morning meals to temporary occupants. *[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

14. Biogas: A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes. *[added by Ord. No. 091211, 9/12/11, §1]*

15. Boarding House, Tourist Homes, Hotels and Motels. A building or portion thereof arranged or used for sheltering or feeding, or both, on a temporary basis, for compensation. Not an apartment.

16. Buffer Strip. A continuous strip of landscaped area which is clear of all buildings and parking and loading areas.

17. Building. Any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls. *[Amended by Ord. 051214; 05/12/14 §14]*

- A. Detached. A building which has no party walls.
 - B. Semi-detached. A building which has only one-party wall in common with an adjacent building.
 - C. Attached. A building which has two or more party walls in common with an adjacent building or buildings.
18. Building Accessory. A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as the occupied by the principal building.
19. Building Area. The total area taken on a horizontal plane at the main grade level of the principal building and all such rebuilding exclusive of uncovered porches, patios, terraces and steps.
20. Building Coverage. The percentage of land area covered by a building.
21. Building Structure, Farm. Buildings or structures for farm, agricultural or horticultural uses, including, but not limited to, barns, poultry houses, corn cribs, silos, implement sheds and other similar farm structures, but not including a building containing a dwelling unit or an intensive agricultural production facility.
22. Building Height. The height of a building in all districts shall be measured from the average ground level at the corners of the building to the highest point of the roof, provided that chimneys, barns, spires, towers, communication antenna, communication antenna sites, silos, and elevator penthouses, tanks and other similar projections shall not be included in calculating the height. *[Amended by Ord. 051198, 5/11/98, § 19.]*
23. Building line. A line formed by the intersection of a horizontal plane and vertical plane that coincide with the exterior surface of the building on any side. The vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.
24. Building Principal. A building in which is conducted the principal use of the land on which it is situated.
25. Business Residence. One dwelling unit attached to or incorporated into a commercial or industrial use, where one or more of the tenants of the dwelling unit is a present or former owner of, or employee in the commercial or industrial use to which the dwelling unit is attached or incorporated. *[Added by Ord. 01-3-25-85, 3/25/85, §II.; Amended by Ord. 071095A, 7/10/95, § XXIII.]*
26. Cartway. The surface of a street or alley available for vehicular traffic.

27. Cemetery. An area for the interment of human remains. *[Added by Ord. 11-9-92, 11/9/92, §2.]*

28. Civic Art. The vertical infrastructure of a Compact Neighborhood Development comprised of features such as pavilions, pergolas, benches, sculpture gardens, fountains, monuments, and the like. *[Added by Ord. 042408, §2, 4/24/08.]**

29. Civic Use. A meeting hall, community center, mail facility, library, or other like type place that is a community facility within a Compact Neighborhood Development. *[Added by Ord. 042408, §2, 4/24/08.]**

30. Class I, Class II, or Class III Prime Agricultural Soils. Soils classified as Class I, Class II, or Class III soils as defined by the United States Department of Agriculture's Agricultural Land Capability Classification System. Soil Classifications appearing on the Township's Agricultural Capability Map shall be rebuttably presumed correct.

31. A. Communication Antenna Sites. Any device used for the transmission and reception of radio, television, wireless telephone, pager, digital, commercial mobile radio service or any other wireless communication signals, including, without limitation, mobile domestic cellular and digital transmission facilities, private mobile services, public radio paging services, private carrier paging systems, mobile radio systems, personal communication services, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the federal Communication Commission to operate such device. This definition shall not include private residence, non-commercial mounted satellite dishes or television antennas or amateur radio equipment including without limitation Ham or citizen band radios as long as the antenna does not extend more than 20 feet above the height of the residence. *[Added by Ord. 051198, 5/11/98, § 20.]*

B. Communication Tower. A structure other than a building, such as a monopole, self-supporting or guide tower, designed and used to support communication antenna(s). *[Added by Ord. 051198, 5/11/98, § 20.] [Ord. 101298-A, 10/12/98, §4.]*

C. Communication Equipment Building. An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet. *[Added by Ord. 051198, 5/11/98, § 20., Ord. 101298-A, 10/12/98, §4.]*

32. Compact Neighborhood Development. A form of land development in accordance with Section 542 of this Ordinance with residential units and open space. Compact neighborhood development is oriented toward pedestrian activity, has land conserving lot sizes, civic uses, civic art, greens and other pedestrian amenities. *[Added by Ord. 042408, §2, 4/24/08.]**

33. Compact Neighborhood Development Open Space. As used in the context of Compact Neighborhood Development, a parcel or parcels of land (which can be used in combination with an area of water) designed and intended for the use or enjoyment of residents,

not including streets and parking areas. The open space shall consist of active and passive open space and recreational areas, as well as areas for natural resource conservation, which may include greens, parks, squares, plazas, green courts, pocket parks, walkways, and earthen stormwater management facilities.

*[Added by Ord. 042408, §2, 4/2408.]**

34. Concentrated Animal Feeding Operation. The term shall be defined as defined at 3 Pa. C.S.A. §503, as amended. The term is currently defined as, 'An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L. 1987, No. 394), known as the Clean Streams Law.' *[added per Ord. No. 061107, 6/11/07, §7]*

35. Concentrated Animal Operation. The term shall be defined as defined at 3 Pa. C.S.A. §503, as amended. The term is currently defined as 'Agricultural operations meeting the criteria established under this chapter.' *[added per Ord. No. 061107, 6/11/07, §7]*

36. Conditional Use. A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Code, and Article XII of the Clay Township Zoning Ordinance. *[Added by Ord. 042408, §2, 4/2408.]**

37. Dwelling. A building or portion thereof, designed for and used exclusively for residential occupancy which is erected on an attached to a permanent foundation having a fixed location on the ground, but not including hospitals, hotels, motels, boarding houses, lodging houses, institutional homes, group homes, tourists' homes, and the like, offering overnight, short term or other occupation other than as a dwelling unit, for guests or patients.

A. Dwelling Unit. One or more living and/or sleeping rooms connected together constituting a separate independent housekeeping establishment for one family with independent cooking, living, and sanitary facilities.

B. Dwelling, single-family detached. A building designed and occupied exclusively as a residence for one family.

C. Dwelling, two-family semi-detached. A building consisting of two dwelling units separated by a common vertical lot line wall, each on an individual lot.

D. Dwelling, two-family detached. A building divided horizontally into two (2) dwelling units on a common lot.

E. Dwelling, multiple family. A building divided into three (3) or more dwelling units, including:

i. Apartment. A multiple family dwelling under single ownership and on one lot, in which the dwelling units may be separated horizontally and/or vertically.

ii. Townhouse. A building consisting of three (3) or more attached dwelling units divided by vertical lot line walls with no horizontal division between dwelling units. Each dwelling unit of a townhouse is located on an individual lot.

38. ECHO (Elder Cottage Housing Opportunity) Housing. One additional dwelling unit placed or constructed on a property that currently contains one single-family dwelling for occupancy solely by either an elderly, handicapped, or disabled person who is related by blood, marriage, or adoption to the occupants of the principal single-family dwelling. *[Added by Ord. 060903, §16, 6/9/03.]*

39. Existing Dwelling. A building for dwelling completed or started at the time of passage of this Ordinance.

40. Family. A single individual or two or more persons related by blood, marriage, or adoption within and including the degree of first cousins, or a group of not more than three persons who are not related. One employee may be housed in the dwelling unit without constituting a separate family.

41. Farm. A parcel of land, containing at least twenty-five (25) acres which is used for economic gain primarily in terms of land cultivation, livestock, poultry, or dairy operation or which is otherwise used for an agricultural or horticultural use. Any farm building shall be considered as a permitted principal building of a farm. In addition to farm buildings, dwellings, housing an owner of one full-time laborers (or any family member thereof), on the farm in which the dwelling is located shall be considered as an accessory structure or use to a farm. No more than two (2) dwelling units shall be considered as permitted accessory use on a farm unless the applicant, by Special Exception, proves a need for additional dwellings to house a farm owner or farm worker or members of their respective families. Notwithstanding the foregoing, Concentrated Animal Feeding Operations, Concentrated Animal Operations, and Manure Management Facilities shall be considered additional separate uses under this Ordinance governed by the other provisions hereof. *[amended per Ord. No. 061107, 6/11/07, §6]*

42. Fire House. A building or accessory structure owned and operated by the Township of Clay or by a nonprofit organization providing a public service in the Township of Clay relating to fire, ambulance, rescue or related services, when said organization is approved by the Board of Supervisors as a first responder in the Township of Clay. *[added by Ord. No. 040907, 4/9/07, §1]*

43. Floor Area. The total area of a building or structure, excluding unimproved cellars or basements used for storage, storage attics, open porches, garages used for vehicle storage, and the like.

44. Game Refuge. An area of open land or water in its open and natural state used as a refuge for wild animals, birds, or fish and only incidentally used for recreation or sports by people.

45. Geothermal Terms:

a. Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open horizontal loop system except there is no pumping of groundwater.

b. Closed Vertical Loop Geothermal System: A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

c. Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

d. Geothermal Energy System: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

e. Open Horizontal Loop Geothermal System: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a watercourse also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the watercourse or well. *[added by Ord. No. 091211, 9/12/11, §1]*

46. Greens. As used in the context of Compact Neighborhood Development, a plaza, square, courtyard, pocket park, tot lot, playground, walkway, promenade, lawn area, or other outdoor space of common areas in which features such as benches, gazebos, pergolas, trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained, and in which public seating, outdoor dining, and the like, takes place. *[Added by Ord. 042408, §2, 4/2408.]**

47. Gross Acreage. The total land area of the property including any existing street rights-of-way, easements, etc. *[Added by Ord. 042408, §2, 4/2408.]**

48. Gross Base Density. The total number of dwelling units derived by multiplying the gross acres of a tract, by the maximum number of dwelling units per gross acre that is permitted. *[Added by Ord. 042408, §2, 4/2408.]**

49. Group Homes. A dwelling occupied by six (6) or fewer mentally or physically disabled persons or juveniles, not members of a family, operating as the functional equivalent of a biologically related family, providing an opportunity for disabled or other impaired individuals to return to their communities in order to develop their maximum potential citizens and providing rehabilitative activities for the residence.

50. Home Occupation. An occupation for gain or support conducted entirely within a dwelling and carried on by persons resident in the dwelling, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that the exterior of the building is constructed and the building and premises are maintained as a residential dwelling, that no goods are publicly displayed on the premises other than signs as permitted in this Ordinance. If more than five (5) vehicle trips are generated to or from the home, in any one day, as a result of the occupation, the use shall be considered as a commercial use and not as a home occupation. *[Amended by Ord. 01-3-25-85, 3/25/85, §II.]*

51. Horticultural Uses/Structures. The art of science of cultivating or managing gardens, including the growing of flowers, fruits, and vegetables in an intensive manner including, but not limited to, greenhouses and hothouses.

52. A. Industrial Park. An industrial park is an industrial area organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries, and designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, set-backs, and use requirements. *[Ord, 071095A, 7/10/95, § XX.]*

B. Industrial Use.

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

Limited Industrial Use. Manufacturing, processing, assembling, storage or similar uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses. *[Ord. 071095A, 7/10/95, § XX.]*

53. Kennel. A structure for housing, boarding, breeding, and rearing dogs or other domestic animals on a commercial basis. A kennel will be presumed if five (5) or more domestic animals of the same type are housed on any lot. A kennel shall be considered an Intensive Agricultural Production Facility and shall comply with all applicable regulations concerning Intensive Agricultural Production Facilities.

54. 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 any other person having a proprietary interest in land. *[Amended by Ord. 051214; 05/12/14 §14]*

55. Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The area, width and depth of

a lot shall be measured to the ultimate right-of-way line of the street. *[Amended by Ord. 02-061190, 6/11/90, §20.]*

56. Lot, Coverage. The same as Building Coverage, as also applied to include all structures.

57. Lot, Depth. The depth of the lot, measured from the ultimate street right of way to the rear lot line.

58. Lot Line. Same as property line.

59. Lot Width. The length of a straight line, measured at the front building setback line running substantially parallel to the front lot line the length of the lot.

60. Manure Digester: A facility designed to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities. *[added by Ord. No. 091211, 9/12/11, §1]*

61. Manure Management Facility. The term shall be defined at 3 Pa. C.S.A. §503, as amended. The term is currently defined as 'A manure storage facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. The term includes liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a containment building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.' *[added per Ord. No. 061107, 6/11/07, §7]*

62. Massage Establishment. Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy unless operated by a medical practitioner, chiropractor or professional physical therapist licensed Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. *[Added by Ord. 01-121487, 12/14/87, §II.]*

63. Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, or place of assembly contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, used for a non-transient purpose and constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing, which arrives at a site complete and ready for occupancy, except for unpacking

and assembly operations, but excluding transport trucks, buses or vans equipped with sleeping space. In no event shall a Mobile Home be used for any other purpose than that of a dwelling. *[Amended by Ord. 03-81, 11/23/81, §2.]*

64. Municipal Park. A park or playground owned or operated by the Township of Clay intended to be now, or in the future, utilized for passive or active recreational purposes. This definition shall include the types of parks contemplated in the Clay Township Rec Plan, including mini-park, neighborhood park, community park, regional park, linear park, special-use park and conservancy. *[added by Ord. No. 040907, 4/9/07, §1]*

65. Municipal Building. A building or accessory structure owned and operated by a governmental entity for a public purpose or for administration of public offices, but excluding public schools. *[added by Ord. No. 040907, 4/9/07, §1]*

66. Non-conforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs. *[Amended by Ord. 02-061190, 6/11/90, §21.]*

67. Non-Conforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendments heretofore or hereafter enacted, where such use lawfully existed prior to the enactment of such Ordinances or Amendments, or prior to the application of such Ordinances or Amendments to its location by reason of annexation.

68. Normal Agricultural Operation. The term shall be defined as defined in the Agricultural Area Security Law at 3 P.S. § 953, as amended. The term is currently defined as, "The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities." The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural wastes and food processing wastes on land where the materials will improve the condition of the soil for the growth of crops or will aid in the restoration of land for the same purposes. *[added per Ord. No. 061107, 6/11/07, §7]*

69. Off-Grid: A residence or other structure that operates independently of public utility services. This term includes stand alone power systems or remote area power supply systems. *[added by Ord. No. 091211, 9/12/11, §1]*

70. On-Lot Sewer. A single collection and disposal system for water supply system which services only one (1) lot.

71. On-Lot Water. A single collection and conveyance system for water supply system which services only one (1) lot.

72. On-Street Parking. Parking that is adjoining the curb line of a street. *[Added by Ord. 042408, §2, 4/2408.]**

73. Open Space. An area of land and/or water, without any structures or improvements of any kind whatsoever, other than maintained grasslands, open farmlands, forests or areas devoted to the raising of trees or crops. Open space may not include stormwater management facilities. *[Amended by Ord. 051214A; 05/12/14 §14]*

74. Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment. Any other business or club which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or uncovered male or female genital areas. *[Added by Ord. 01-121487, 12/14/87, §II.]*

75. Other Provision. All other laws, regulations, legislation's, ordinances, controls, conditions, and provisions of Township, county, state, federal, or other government entities or instruments (including, but not limited by enumeration to authorities, boards, commissions, committees, agencies, appellate courts of recorded, etc.) which are or may be applicable to the use, building, or structure or any activity or happening relating thereto, affecting same or affected thereby including, but not limited to, the SALDO and the SWMO. *[Amended by Ord. 051214A; 05/12/14 §14]*

76. Outdoor Advertising Business. Provisions of outdoor displays off premises or display space on a lease or rental basis only.

77. Outdoor Hydronic Heater: A fuel-burning device as to which all of the following apply:

a. Is designed to burn, or is capable of burning one or more of the following allowed fuels:

- i. Clean wood;
- ii. Wood pellets made from clean wood;
- iii. Home heating oil, natural gas or propane that:
 - a). Complies with all applicable sulfur limits.
 - b). Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
- iv. Other fuel approved in writing by DEP.

b. Has a rated thermal output of less than 350,000 Btu per hour.

c. The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.

d. Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

e. Any similar device not meeting all of the above criteria shall not be considered a permitted accessory use.

[added by Ord. No. 091211, 9/12/11, §1]

78. **Parking Space.** An off-street space available for the parking of a motor vehicle and which complies in size, location, and all other respects with the Clay Township Subdivision and Land Development Ordinance.

79. **Passive Open Space.** Outdoor recreational land that is used for activities such as picnicking, walking, nature study, nature photography, and natural resource conservation. *[Added by Ord. 042408, §2, 4/2408.]** Passive Open Space shall not include stormwater management facilities, unless they are clearly designed for use for multiple purposes and such design use is consistent with this Ordinance, the SWMO and the SALDO. *[Amended by Ord. 051214A; 05/12/14 §14]*

80. **Permit.** Any and all grants of authority, permissions, registrations, or certifications issued by the Zoning Officer, Sewage Enforcement Officer, Zoning Hearing Board or Board of Supervisors.

81. **Person.** Any person, corporation (nonprofit or profit), partnership, association, limited partnership, limited liability company, limited liability partnership, or any other entity whatsoever. *[Added by Ord. 060903, §17, 6/9/03]*

82. **Porch.** An unenclosed extension of a building no smaller than five (5) feet deep by ten (10) feet wide. *[Added by Ord. 042408, §2, 4/2408.]**

83. **Primary Façade.** As used in the context of Compact Neighborhood Development, the façade of a building that fronts on a street. On a corner lot, there shall be two primary facades. *[Added by Ord. 042408, §2, 4/2408.]**

84. **Private Conservation Area.** An area of open or forested land and/or water in its natural state, owned and operated by a non-profit organization, only incidentally used for recreation or sports by private groups.

85. **Private Communication Structures.** Structures owned and operated by individuals, not for profit, used for the purpose of receiving or transmitting communication signals, such as ham radio towers, television receiver dishes and the like. *{added by Ord. 01-3-25-85, 3/25/85, §II.}*

86. Private Park and Recreation Areas. An area of previously opened or forested land and/or water, including incidental as a part for use by the public and/or private groups for recreation, sports, play and cultural activities.

87. Property Line. A recorded boundary of a lot.

88. Public Conservation Area. An area of open or forested land and/or water in its natural state, owned and operated by a governmental entity, only incidentally used for recreation or sports by private groups.

89. Public Park. An area of primarily open or forested land and / or water including incidental buildings and structures, owned and operated by a governmental entity, other than Clay Township, as a park for use by the public for recreation, sports, play and cultural activities. This definition shall include the types of parks contemplated in the Clay Township Rec Plan, including mini-park, neighborhood park, community park, regional park, linear park, special-use park and conservancy. [*amended by Ord. No. 040907, 4/9/07, §2*]

90. Public Sewer. A system providing sanitary sewage collection and/or disposal for two (2) or more lots (or multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one lot) which is owned and operated by a municipality or a municipal authority. Under Special circumstances, a public sewer system may be owned and operated by one other than a municipality or a municipal authority, if such stem is authorized by the Board of Supervisors of the Township and conforms strictly with all Other Provisions.

91. Public Utility Structures. Structures erected by and utilized exclusively by business regulated by the Pennsylvania Public Utility Commission for the purposes of exclusively conveying such regulated utilities or a municipal governmental entity for the purpose collection or distribution (but not treatment) of sanitary sewage, storm water or potable water. However, commercial satellite dishes, communication towers, cellular telephone antennas, cell sites, communication antenna sites and the like shall not be, for this purpose, considered "Public Utility Structures", but shall instead be considered communication antenna sites and shall be subject to the regulations applicable thereto. [*Added by Ord. 01-3-25-85, 3/25/85, §II.; Amended by Ord. 051198, 5/11/98, § 21.*]

92. Retirement and Convalescent Facilities. A building wherein residential care is provided for retired, sick or injured persons in a group manner in compliance with all Other Provision.

93. Right-Of-Way ultimate street right-of-way. The greater of (1) the full space area dedicated to public uses of thoroughfare, road or street; (2) the ultimate right-of-way provided by Deed or legal easement; or (3) the ultimate street right-of-way based on the functional classification as follows:

A. Principal and Minor Arterials. A street which provides for intercommunity travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on collector local or other streets. Route 322 and Route 897 fit this classification. One Hundred (100) foot right-of-way.

B. Major Collector. A street which provides access to an industrial, agricultural support, or commercial land use, serves as a main entrance to these types of development, and/or intercepts arterial streets. Existing major collectors include Woodcorner Road (T-648), Wissler Road (T-933) and Durlach Road (T-856) where these roads abut the above land uses. Clay Road from Route 322 to Hopeland Road is also an existing Major Collector. Sixty (60) foot right-of-way.

C. Minor Collector. A street which provides access to residential and agricultural use, serves as the main entrance or circulation street in any development, and/or intercepts local streets to provide a route to community facilities and/or other collector streets. Existing streets in this classification are as follows: Fifty (50) foot right-of-way.

SR 1026 Hopeland Road/Mount Airy Road

SR 1035 Clay Road/Hopeland Road/Klinefeltersville Road

SR 1024 Brunnerville Road

SR 1028 Clearview Road

SR 1043 Sun Valley Road

T 857 Forest Hill Road

T 933 Hackman Road/East Woodcorner Road

T 640 Snyder Lane (Route 322 to Clay School Road)

T 855 Clay School Road (Route 322 to T855)

T 652 Lincoln Road (Township Line to Hackman Road)

Woodcorner, Wissler, Durlach, and Clay Roads were not designated as a Major Collector.

D. Local Streets. A street used primarily to provide access to abutting residential or institutional land uses. Thirty-four (34) foot right-of-way.

E. Marginal Access Street. A minor street one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties.

F. Service Street (Alley). A strip of land over which there is a publicity or privately owned right-of-way, and on which no parcel fronts, which provides a secondary means of access for two or more properties.

G. Special Purpose Street. (1) A marginal access street, (2) a service street or (3) a cul-de-sac street which serves only residential units and has a maximum length of three hundred (300) feet and maximum of eight (8) units of occupancy.

[Amended by Ord. 01-3-25-85, 3/25/85, §II.; Amended by Ord. 071095A, 7/10/95, § XXI.]

94. SALDO. Chapter 22 of the Code of Ordinances of the Township of Clay, known as "Subdivision And Land Development Ordinance of the Township of Clay. *[Added by Ord. 051214A; 05/12/14 §14]*

95. Screening. The maintenance of a structure or natural condition that blocks the view from other lots or structures so as to prevent the use on any particular property from being seen from adjoining lots or structures.

96. Shopping Center. One or more attached buildings devoted to commercial use on the same lot. For the purposes of this definition "attached" shall include buildings that are not physically attached, but share a common parking lot or other common facilities.

97. Sign. Any advertisement, announcement, direction, or communication in whole or part by constructing, erecting, affixing, or placing a structure on land or on any other structure, or produced by painting, pasting, or otherwise placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface, not including lettering or other identification which is an integral part of the architectural design of the building.

98. Signs, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of said business.

99. Sign, Directional. An off premises sign used for the sole purpose of directing the traveling public to the location of businesses or institutions within the Township that comply with all other requirements for Directional Signs set forth herein. A directional Sign Standard shall mean the pole erected for the purposes of holding Directional Signs. *[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

100. Single-Access Alley. As used in the context of Compact Neighborhood Development, an alley that has only one connection to a street at one end, and terminates at the other end in a turnaround area. *[Added by Ord. 042408, §2, 4/2408.]**

101. Solar Energy System: Any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

a. Ground-Mounted/Free-Standing Solar Energy System: For the purposes of this Ordinance, a “ground-mounted” or “free-standing” solar energy system is any solar energy system which is not attached to any building. *[added by Ord. No. 091211, 9/12/11, §1]*

102. Stack: Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof. *[added by Ord. No. 091211, 9/12/11, §1]*

103. Street Wall. As used in the context of Compact Neighborhood Development, the wall created by buildings located close to a street right-of-way; or architectural and landscape architectural elements such as walls, pillars, piers, colonnades, arcades, and fences in lieu of a building wall when an existing building is already set back from the street wall line. Street trees and hedges may be considered as street wall elements when in combination with walls, pillars, piers, and fences. *[Added by Ord. 042408, §2, 4/2408.]**

104. Streetscape. The space formed by buildings located close to or adjoining the street, which is embellished with sidewalks, street trees, street lights, curbs, on-street parking, and cartways. The streetscape is framed by buildings which create the “outdoor room” character of a Compact Neighborhood Development. *[Added by Ord. 042408, §2, 4/24/08.]**

105. Structure. Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. *[Amended by Ord. 051214A; 05/12/14 §14]*

106. Swimming Pool. Any structure intended for swimming or recreational bathing that is intended to contain water over 24 inches (610mm) deep. This includes in-ground, above ground, and on-ground swimming pools, hot tubs, spas, “Jacuzzi” or other whirlpools. *[Amended per Ord. No. 061410A; §2; 6/14/10]*

107. SWMO. The Clay Township Stormwater Management Ordinance (Chapter 11 of the Code of Ordinances) adopted pursuant to the Pennsylvania Municipalities Planning Code and the Stormwater Management Act 167 (“**SWMA**”). *[Added by Ord. 051214A; 05/12/14 §14]*

108. Travel Trailer. A vehicle or portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

109. Turbine Height: The distance measured from the highest point of the wind turbine rotor plane to the ground level. *[added by Ord. No. 091211, 9/12/11, §1]*

110. Use. The purpose for which land, structure, or building is designed, arranged, or intended, or which land, structure or building is or may be used occupied, maintained, or utilized.

A. Principal Use. The main or primary purpose for which any land, structure, building or use thereof is designed, arranged, or intended or for which they may be occupied or maintained under the zoning ordinance. All other structures, building or uses on the same lot incident or supplementary thereto and permitted under the zoning ordinance shall be considered accessory uses.

B. Accessory use. A use customarily incidental and subordinate to the principal use of the land or principal building and located in the same lot with such principal use or principal building.

111. Vehicle/Trailer. Every device in, upon or by which any person or property is or could be transported or drawn over land, except devices use exclusively upon rails or tracks.

112. Wind Charger: A wind energy system direct-current generator used for charging storage batteries. *[added by Ord. No. 091211, 9/12/11, §1]*

113. Wind Energy System: A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. *[added by Ord. No. 091211, 9/12/11, §1]*

114. Windmill: A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind. *[added by Ord. No. 091211, 9/12/11, §1]*

115. Wind Turbine: A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any. *[added by Ord. No. 091211, 9/12/11, §1]*

116. WIND TURBINE TOWER: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. *[added by Ord. No. 091211, 9/12/11, §1]*

117. Yard. The unobstructed open space on a lot around a building. For this purpose, porches and car porch shall be considered a part of the building overhanging eaves, gutters, and cornices shall not be considered an infringement on the yard requirements.

A. Front Yard. The open space between the building line and the ultimate street right-of-way and extending the full width of a lot. A building located on a corner lot (or having double frontage) shall have two (2) front yards, one facing on each adjacent street. For any lot which has two (2) front yards, the lot owner shall designate which of the remaining yards are considered rear yards and side yards. At least one (1) rear yard is required.

B. Side Yard. The open space between the building line and the side property line and extending the depth of the property.

C. Rear Yard. The open space between the building line and the rear property line and extending the full width of the lot.

[Former §1002.36 deleted per Ord. No. 061107, 6/11/07, §1]

**applies only to Compact Neighborhood Development*