

ARTICLE – 2 DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the Plural and the plural the singular. The word “shall” is always mandatory and not permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged” or “designed to be used or occupied.” The word “person” includes a partnership, corporation and association, as well as an individual. The word “lot” includes the words “plot” and “parcel.”

Accessory Building: See Building, Accessory:

Accessory Use:

A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principle use or building.

Agriculture, Concentrated:

High-density animal operations with more than two thousand pounds of livestock or poultry per acre of farmland as regulated by the Nutrient Management Act of 1993.

Agriculture, Heavy:

Any agricultural use, including farming, dairying, pasturage, horticulture, floriculture, viniculture, animal and poultry husbandry and forestry.

Agriculture, Light:

Horticulture floriculture, and gardening,

Airport Ordinance:

The Wayne Township Airport Zoning Ordinance, and amendments.

Alley:

A narrow service way providing a secondary public means of access to abutting properties and not intended for general traffic circulation.

Antique Barn:

Retail business dealing with the display, sale, and exchange of antiques and collectibles.

Applicant:

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

Application For Development:

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

Appointing Authority:

The Board of Supervisors of Wayne Township, Erie County, Pennsylvania

Automotive Sales:

A registered new or used vehicle dealer engaged in the business of buying, selling or exchanging passenger cars, motorcycles, trucks, truck trailers, or buses.

Area:

Area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Area, Building:

The total of areas taken in a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Basement:

A story having more than fifty (50%) percent of its clear height below the average level of the surrounding ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for dwelling purposes.

Board: (Zoning Hearing Board):

The Zoning Hearing Board of the Township of Wayne, Erie County, Pennsylvania.

Boarding, Rooming, Tourists or Lodging House, Bed and Breakfast:

A house with furnished rooms where lodging, or meals and lodging, is provided for compensation.

Building:

A roofed structure enclosed by walls, columns or piers for the shelter, housing or enclosure of persons, goods, materials or animals.

Building, Accessory:

A subordinate building, the use of which is customarily incidental to that of the main building on the same lot Said buildings include, but are not limited to storage sheds.

Building, Front Line Of:

The line or that face of the building nearest the front line of the lot.

Building, Height:

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

Building Line:

An imaginary line parallel to or concentric with the nearest right-of-way line and which is located at the setback distance from the street right-of-way line, said line being a boundary or limit beyond which no permanent part of a building shall project.

Building, Main:

A building in which is conducted the principal use of the lot on which it is situated.

Building Portable:

A movable building not exceeding one hundred twenty square feet in gross floor area which is built on skids and has no concrete slab or below grade foundation.

Business Service:

Any business activity which renders service to other commercial or industrial enterprises.

Campground:

A parcel of land under single ownership which has been planned and improved for the placement of travel trailers, campers, tents and motor homes for transient use, consisting of two or more camp spaces.

Cartway:

That portion of a road or right-of-way which is paved, graded or improved for travel by vehicles.

Clinic:

Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight

Club:

An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

Club, Bottle:

A place of assembly owned, maintained or leased, for pecuniary gain, in which no alcoholic beverages are sold but where patrons are permitted to bring alcoholic beverages upon the premises for their own use and consumption.

Commission (or Planning Commission or Township Planning and Zoning Commission):

The Planning and Zoning Commission of the Township of Wayne, Erie County, Pennsylvania.

Communications Antenna:

Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antenna and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications 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 two hundred fifty square feet.

Communications Tower:

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Conditional Uses:

A use permitted in a particular zoning district pursuant to the provisions in Article 7.

Community Recreational Centers (Comm. Rec. Centers):

Non-profit or municipally owned recreational centers.

Condominiums:

A multi-family building or complex in which each tenant holds full title to his housing unit and also holds joint ownership in the common grounds.

County:

Erie County, Pennsylvania

County Planning Commission:

Erie County Metropolitan Planning Commission.

Coverage:

That percentage of the lot area covered by principal and accessory use structures.

Decision:

A decision is a final adjudication such as the action of the Zoning Hearing Board for cases under its jurisdiction as outlined in the PA Municipal Planning Code, or the action of the governing body pursuant to its jurisdiction of matters enumerated in the PA Municipalities Planning Code. Appeals from a decision go directly to the Court of Common Pleas.

Determination:

A determination is a final administrative action such as the grant or denial of a permit by the Zoning Officer or the Municipal Engineer with respect to the administration of any land use ordinance. Determinations are appealable to the governing body or to the Zoning Hearing Board as designated in the PA Municipalities Planning Code.

Density:

The area of a lot or group of lots computed exclusive of any portion or the right-of-way of any road divided by the number of families housed on the lot or group of lots.

Dormitory:

A building with many rooms that provide sleeping and living accommodations for a number of people, as at college.

Drive-In Facility:

A commercial business that provides service to the occupants of a vehicle from a window, booth, or other structure designed to provide such service without the occupants leaving the vehicle. This shall include, but not be limited to, such establishments as drive-in banks, drive-in beverage distributors, restaurants, laundries, and service stations. Also include in this category are automobile washing facilities that are designed to allow the vehicle to be driven or propelled through a wash bay.

Drop-Off Center:

An area established for the collection and sale of recyclable materials and where such recyclable materials are placed and temporarily stored pending recycling.

Dwelling, Single Family:

A detached building arranged or used for occupancy by one family having a habitable floor area of at least eight hundred (800) square feet exclusive of porches, patios, decks, breezeways, garages, carports, sun porches or other similar structural additions.

Dwelling Multiple:

A building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, flats, and group houses; with each independent living area having a habitable floor area of at least six hundred fifty square feet. Two or more mobile homes shall not be joined to serve as a multiple dwelling.

Dwelling Unit:

One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together, and maintaining a common household, and accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units.

Essential Services:

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers, and Communications Antennas, as defined herein.

Family:

- 1) One or more persons related by blood, marriage or adoption, plus foster children and domestic servants, occupying a dwelling unit, including not more than two boarders, roomers, or lodgers.
- 2) Five or less unrelated independent persons occupying a dwelling unit, living together and maintaining a common household.
- 3) Eight or less persons, including supervisory adults, who are handicapped as defined in Title VIII of the Civil Rights Act of 1968 and who are residents by virtue of receiving supervised specialized services limited to health, social and/ or rehabilitative services provided by governmental agencies or any responsible non-profit social service corporation.

Flea Market:

An open-air market area primarily for non-continuous display, sale, and exchange of second-hand articles having multiple vendors; and operations limited to weekends and holidays, May 1 – September 31.

Flood Plain Ordinance:

The Wayne Township Flood Plain Ordinance, and amendments.

Floor Area (Habitable):

The enclosed area of a building designed and intended for all seasons use of human inhabitants.

Garage, Private:

An accessory building or part of a main building used for the storage of automobiles by members of the family or families housed in the building to which such garage is an accessory.

Garage/Household/Yard Sales:

A private temporary non-continuous sale of surplus used household goods. It is an accessory use to the residential dwelling, but is limited to a maximum of four days per sale conducted between sunrise to sunset, and not more than three sales per calendar year.

Garage, Parking (see also Truck Terminal):

A building or part thereof, other than a private garage, used for the storage of motor vehicles for remuneration or where any such vehicles are kept for hire.

Garage, Repair (see also Station, Service):

Any commercial establishment where motor vehicles are serviced and repaired, including engine overhaul and bodywork.

Golf Course:

Land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, pitch & putt, driving ranges, and similar golf-associated activities, except as accessory uses on a golf course.

Governing Body:

The Board of Supervisors of Wayne Township, Erie County, Pennsylvania.

Height of a Communications Tower:

The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Home Occupations:

Any occupation or profession which is customarily carried on in a dwelling unit; and is carried on by a member of the family residing in the dwelling unit with not more than one employee outside the family and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. See also Section 517 of this Ordinance.

Hospital:

Unless otherwise specified, hospital shall include sanatoriums, sanitariums, preventoriums, rest homes, nursing and convalescent homes, and any other place for the diagnosis, treatment or care of human ailments; but excluding personal care homes.

Hotel, Motel:

A building containing rooms which are used, rented or hired out to guests for sleeping purposes, and where only a general kitchen and dining room are provided within the building or in an accessory building.

Integrated Center:

A combination of commercial uses designed, structured and located so as to result in a shopping plaza, mall or other acceptable configuration in one continuous building or architectural modification thereof, under one roof including associated common walls.

Junk Yard:

Land or structure used for collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials, It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Land Development: Any of the following activities:

- 1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building in a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets common areas, leaseholds, condominiums, building groups or other features.
- 2) A subdivision of land.
- 3) Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

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.

Light Manufacturing:

The process of fabrication of certain materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbance or danger to neighboring properties.

Lot:

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

Lot, Area:

The total horizontal ground area included within the lot lines.

Lot, Corner:

A lot at the junctions of or abutting on two or more intersecting streets when their angle of intersection does not exceed one-hundred and thirty-five (135) degrees.

Lot, Depth Of:

A mean horizontal distance between the front and rear lot lines.

Lot, Minimum Area Of:

The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot Of Record:

Any lot which individually or as a part of subdivision has been recorded in the Office of the recorder of Deeds of Erie County.

Lot, Width Of:

The width measured at right angles to its depth at the building line.

Mobile Home:

A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot:

A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections there of a single mobile home.

Mobile Home Park:

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more Mobile Home Lots for the placement thereon of Mobile Homes.

Municipal Engineer:

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality:

Wayne Township, Erie County, Pennsylvania

Nonconforming Lot:

A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure:

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

Nonconforming Use:

A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Official Map:

A map adopted by ordinance pursuant to Article 3, section 301.

PennDER:

Pennsylvania Department of Environmental Resources; now known as the Pennsylvania Department of Environmental Protection.

Pennsylvania Planning Code:

Pennsylvania Municipalities Planning Code (Act 247 of 1968 as reenacted and amended by Act 170 of 1988, and amendments as the same may be adopted from time to time.)

Personal Care Home:

An assisted living residence licensed under the Commonwealth of Pennsylvania, to provide room and board to persons requiring assistance with personal care, but not skilled nursing care.

Personal Services:

Any enterprises which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty shops, beauty parlors and related activities.

Planning Agency:

The Wayne Township Planning Commission.

Professional Offices:

Any office or business conducted by and individual or association who is, or that must be, licensed under the laws of the Commonwealth of Pennsylvania.

Public Grounds:

Includes:

- 1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
- 2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- 3) Publicly owned or operated scenic and historic sites.

Public Hearing:

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

Public Meeting:

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

Public Notice:

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Report:

A written document such as a letter, review or memorandum made by any body, board, officer or consultant other than a solicitor for the purpose of assisting in the rendering of a “decision” or “determination.” All reports are deemed advisory only.

Road:

The entire right-of-way or fee of a public or private street or highway, regardless of cartway width or percentage of use.

Sign:

Any structure or natural object such as a tree, rock and the ground itself or device attached thereto or, painted or represented thereon, which is used to attract the attention to any object, product, place, activity, person, institution, organization or business or which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. It does not include the flag, pennant or insignia of this nation, state, city or other political unit, or charitable or civic campaigns, nor legal notices, addresses or official signs of any governmental agency.

Sign Area:

The total area of the sign face exclusive of perimeter framing that may be part of the sign or sign support system. On dual-faced signs only the area of one sign face (the largest face) shall be used in calculating the area of the sign face. When individual letters are mounted separately on the surface of a building wall, the spaces between said letters shall be included in calculating the area of the sign.

Sludge:

Any waste matter produced as a by-product of any wastewater reclamation.

Special Exception:

A modification of the regulations of the Zoning Ordinance which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance, under the terms, standards and criteria prescribed in Article 7.

Station, Service (see also Garage, Repair):

A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may, include the sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance or minor automotive maintenance and repair, and the supplying of other incidental customer services and products.

Story:

The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be considered as a story if more than fifty (50%) percent of its clear height is above finished grade, or if it is used for business or dwelling purposes.

Street:

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structure:

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

Travel Trailer:

A mobile vehicle with wheels designed for overnight occupancy for camping purposes, capable of being towed or driven.

Truck Terminal:

A facility designed to accommodate the service, repair and storage of trucks and other motorized equipment, and which may incidentally provide warehousing activities.

Variance:

Relief granted pursuant to the provisions of Article 7.

Yard:

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The minimum yard requirements shall consist of the horizontal distance between the road right-of-way line and nearest point of the foundation wall of the main building.

Yard, Front:

The yard extending across the entire width of the lot between the principal building and the right-of-way line which the principal building faces.

Yard, Rear:

The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, Side:

A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Zoning Permit:

The written authorization issued by the Zoning Administration Officer to permit the construction, reconstruction, movement or enlargement of any structure and the use of any structure or land.

Zoning Map:

The map containing the zoning districts of the Township of Wayne, Erie County, Pennsylvania, together with all amendments.

Zoning Officer Or Zoning Administration Officer:

The Zoning Administration Officer or his authorized representative appointed by the Board of Wayne Township Supervisors, Erie County, Pennsylvania.

