

**ARTICLE II
DEFINITIONS**

Section 201. Word Usage.

A. Unless otherwise expressly stated, the following words, phrases and certain terms shall be construed throughout this Ordinance to have the meanings indicated below.

B. Tense, gender and number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular includes the plural and the plural the singular.

C. General terms. The word "shall" or "must" is always mandatory; the word "may" or "should" is permissive. The word "used" shall include the words "arranged," "designed," "maintained," "occupied" or "intended to be used for." The word "building" includes "structure" and shall be construed as such if followed by the phrase "or part thereof." The word "person" includes "individual," "company," "incorporated association" or other similar entities. The word "abut" shall include the words "directly across from."

Section 202. Definitions.

The terms that are listed below, unless otherwise expressly stated, shall have the following meanings throughout this Ordinance:

ACCESSORY APARTMENT -- A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building, and is permitted only for occupancy of a relative of the owner-occupant of the principal dwelling, and for only as long as the relative is in residence in the unit.

ACCESSORY BUILDING -- A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

ACCESSORY USE -- A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

ACCESSORY STRUCTURE -- A structure serving a purpose customarily incidental to the use of the principal building and located on the same lots as the principal building.

ACTIVE PLAY AREA -- An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

ADDITION -- Any construction which increases the size of a building or adds to a building.

ADJACENT -- A state of being side by side, next to, adjoining, contiguous or abutting one to another.

ADMINISTRATOR - A person who receives plans or otherwise acts in a clerical capacity for and on the behalf of the Planning Commission.

ADULT BOOKSTORE -- A use with a significant portion of the market value of its products offered for sale or rent, or over ten (10) percent of its total retail floor area occupied by books, films, magazines, video tapes, coin- or token- operated films or video tapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on depicting, displaying or relating to uncovered male or female genitals or "specified sexual activities." These materials shall include but not be limited to those that would be illegal to sell to persons under age 18 under State law.

ADULT LIVE ENTERTAINMENT FACILITY -- A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to three (3) or more persons and which is related some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

ADULT THEATER -- A use involving the on-site presentation to three (3) or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to

some form of monetary compensation paid by the persons viewing such matter.

AGRICULTURE -- The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture and forestry; also including the housing, grazing or breeding of livestock, birds or fowl for commercial purposes.

AGRICULTURAL OPERATION -- An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALTERATION -- As applied to building, structure, or sign, means a change, rearrangement, renovation, relocation, or enlargement in the structural parts or exterior or which would change its use classification.

ALTERNATIVE TOWER STRUCTURE -- Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMUSEMENT ARCADE -- A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

ANIMAL, DOMESTIC -- Any dog, cat, equine animal, bovine animal, fowl, sheep, goat, or porcine (swine) animal and other customary household pets.

ANIMAL, EQUINE -- An animal belonging to the family *Equidae*, which comprises horses, zebras, and asses.

ANIMAL, EXOTIC -- Members of the family *Felidae* except those species commonly called house cats and members of the family *Canidae* except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

ANIMAL, WILD -- All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

A. Big Game -- Elk, deer, bear and wild turkey.

B. Furbearer -- Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, coyote, ground hog, and bobcat.

C. Game Animals -- Elk, deer, bear, cottontail, snow shoe hare, red, gray and fox squirrels,

D. Game Birds -- Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

ANIMAL UNIT (ANIMAL EQUIVALENT UNIT) -- One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual numbers of animals comprising the unit as defined by the Pennsylvania Nutrient Management Act.

ANIMAL HOSPITAL/VETERINARY CLINIC -- An establishment offering veterinary services for all types of animals and which may include indoor and overnight boarding of animals.

ANTENNA -- Any exterior device or apparatus designed for cellular, digital, telephonic, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. 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.

ANTENNA HEIGHT -- The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE -- Any communication tower or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

APARTMENT -- Any dwelling unit which is located within a single structure along with at least one (1) other dwelling unit or with a non-residential use, each having a separate location within such structure.

APPLICANT -- A landowner or developer, as hereinafter defined, who has filed an application for a building and zoning permit, including his heirs, successors and assigns.

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

BASEMENT -- An area in a building containing space below the first or main floor, having a ceiling not more than four feet above the average outside ground level.

BED AND BREAKFAST INN -- A dwelling occupied by the Bed and Breakfast Business owner, where between one and five rooms are rented to overnight guests on a nightly basis for periods of not more than thirty (30) days. Breakfast for overnight guests is the only meal that may be provided.

BED AND BREAKFAST UNIT -- A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

BELFRY -- A tower or a room in a tower for a bell or set of bells.

BERM -- An earthen mound designed to create a visual and/or sound barrier between a use and adjoining properties, streets, and adjacent uses.

BOARD -- The Pocono Township Zoning Hearing Board.

BOARDING HOUSE -- A dwelling in which the owner rents at least one room for residential purposes and furnishes meals to the boarders for compensation (See also "Rooming House or Lodging House.").

BOARD OF SUPERVISORS -- The Board of Supervisors of Pocono Township, Monroe County, Pennsylvania.

BUFFER AREA -- A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses.

BUILDING -- Any type of structure having a roof used for the shelter, housing or enclosure of persons, animals or property.

A. DETACHED -- A structure with enclosing walls but no common or party wall.

B. SEMIDETACHED -- A structure with enclosing walls and one party wall in common with an adjacent building.

C. ATTACHED -- A structure with enclosing walls as well as two party walls in common with adjacent buildings.

BUILDING AREA -- That portion of a lot, excluding required setback area and side yard, upon which a structure can be erected.

BUILDING COVERAGE, MAXIMUM -- The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breezeways, but excluding open patios).

BUILDING HEIGHT -- The vertical distance of a building measured from the average level of the highest and lowest ground grade of the building to the highest point of the roof.

BUILDING LINE -- The line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard setback requirement for the district in which the lot is located.

BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the lot on which it is situated.

BUSINESS -- Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit excluding retail, manufacturing and industrial. The term "business" shall include the occupancy or use of a building or lot or any portion thereof for the transaction of business or the rendering or receiving of professional service.

BUSINESS OFFICE BUILDING -- A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions excluding retail, manufacturing and industrial.

BUSINESS PARK -- A business park is an area organized and laid out in accordance with an overall plan for a community of businesses, including the servicing of these businesses, and designed to insure compatibility between the business operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

BUSINESS SERVICES -- Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

CAMPGROUND -- A planned development, under single ownership, for rental, license or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.

CARPORY -- A roofed-over structure open on two or more sides and used for the storage of private vehicles in conjunction with a dwelling.

CARTWAY -- The designated travel surface of a road, lane, street, alley or other public way. Wherever curbs are installed or designated, the curblines shall be considered the cartway line. When designated by ordinance, any street or roadway width definition shall include the cartway width along with the right-of-way width dimension.

CELL SITE -- A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

CEMETERY -- Land used for the purpose of burial of the deceased, including crematoria and mausoleums when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

CENTER FOR LOCAL GOVERNMENT SERVICES -- The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

CENTERLINE -- The center of the surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cartway.

CHANGE OF USE -- A change of use theretofore existing within a building or on a lot to a new use which makes applicable other provisions of the Zoning Ordinance. Any change of use that involves the conversion of a Vehicle Service Station must comply with Chapter 245 of the Pennsylvania Code concerning tank removal.

CHURCH(ES) AND RELATED USES -- A nonprofit use of land or a building or buildings, structure, or group of buildings or structures, as a place of public worship, including accessory uses such as convents, church-related educational and/or day care facilities, monastery or similar religious institution, including rectories, parsonages and parish houses in connection therewith when located on the same premises.

CHILD OR ADULT DAY CARE FACILITY -- Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regular child or adult day care services other than the following are provided:

A. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.

B. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence.

Child and adult day care facilities shall be further differentiated by the following two classifications:

A. DAY CARE HOME -- Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

B. DAY CARE CENTER -- A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adult per day, where the child or adult care areas are not being used as a family residence.

CLINIC/MEDICAL CENTER -- The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, accessory laboratories and/or dispensaries for the use of physicians, dentists, technicians and pharmacists.

CO-LOCATION -- Locating wireless communications equipment from more than one provider on a single site.

COMMERCIAL CAMP -- A business offering dormitories, cottages, cabins or similar accommodations, eating facilities, sanitary facilities and recreational and/or education facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include "trailer camp."

COMMERCIAL USE -- A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMISSION -- The Pocono Township Planning Commission.

COMMON CARRIER -- An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

COMMON OPEN SPACE -- A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development or planned unit development or planned residential development. It does not include streets, off-street parking areas, private yard space and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved by the governing body and as are appropriate for recreational use by the residents.

COMMUNICATIONS EQUIPMENT BUILDING -- An unmanned building or cabinet containing communications equipment required for the operation of antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATION TOWER -- A guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular,

telephone or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

COMPREHENSIVE PLAN -- The township document setting forth policies for future growth and development of the township prepared by the Township Planning Commission pursuant to the Pennsylvania Municipalities Planning Code as adopted by the governing body.

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

CONSISTENCY -- an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSERVATION -- Wise use of Natural Resources and the planned management of a Natural Feature or Resource to prevent its exploitation, destruction or neglect.

CONVENIENCE STORE -- Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CONVERSION -- To change or adapt land or structures to a different use, occupancy or purpose.

COUNTY COMPREHENSIVE PLAN -- A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

COUNTY PLANNING COMMISSION -- The Monroe County Planning Commission and its professional staff.

CROSSWALK or WALKWAY -- A strip of land, including a right-of-way dedicated to public use, to facilitate pedestrian access through or into a block.

CUPOLA -- A small structure built on top of a roof usually consisting of a rounded roof.

CURATIVE AMENDMENT -- A proposed zoning amendment made to the governing body by any landowner desiring to challenge, on substantive grounds, the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which the landowner has an interest.

DAY CARE -- Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and/or daytime care.

DECISION -- The final adjudication of the Zoning Hearing Board or the Board of Supervisors for cases under its jurisdiction as identified in this Zoning Ordinance. Appeals from a decision go directly to the Court of Common Pleas.

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

DENSITY -- A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY, GROSS RESIDENTIAL -- The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

DENSITY, NET RESIDENTIAL -- The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

DEP -- The Pennsylvania Department of Environmental Protection.

DESIGNATED GROWTH AREA -- A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

DETERMINATION -- A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The governing body:
- B. The zoning hearing board: or
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under The Pocono Township Subdivision and Land Development Ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER -- Any landowner, equitable owner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; forestry; and the subdivision of land.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT -- any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

DISTRICT (or ZONING DISTRICT) -- A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DORMITORY -- A structure used primarily as a residence for multiple persons not related by blood or marriage. A dormitory shall include but not be limited to housing for students, fraternities and sororities and also all other structures occupied by groups of persons unrelated by blood or marriage sharing a dwelling as their primary permanent residence. Dormitories shall not include rooming houses, nursing/convalescent homes, group care facilities, or any housing arrangement where a group of persons unrelated by blood or marriage live together in a manner similar to a traditional nuclear family.

DRIVE-IN BUSINESS -- An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service, obtain a product, or be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

DRIVE-THROUGH FACILITY -- Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY -- A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the road.

DWELLING (RESIDENCE, RESIDENTIAL STRUCTURE) -- Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons as further defined below. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence, as defined herein.

A. DWELLING, SINGLE-FAMILY -- A detached building designed for and occupied exclusively by one family, except for a mobile home, as defined below.

B. DWELLING, TWO-FAMILY -- A detached or semidetached building containing two dwelling units.

C. DWELLING, MULTIFAMILY -- A building containing three or more dwelling units.

D. DWELLING, 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.

E. DWELLING UNIT -- One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes and containing a minimum of 700 square feet or such other minimum habitable floor area as may be set forth in any building and/or housing code in force in the Township.

EASEMENT -- A right-of-way granted for limited use of private land for a public, quasi-public, or private purpose not inconsistent with a general property right of the owner, and within which the owner of the property shall not have the right to use the land in a manner that violates the right of the grantee.

EMERGENCY SHELTER FOR HOMELESS -- A structure or part thereof operated as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency: however,

residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

ENGINEER, PROFESSIONAL -- A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP -- The Pocono Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the Township.

ESSENTIAL SERVICES -- Include the provision of gas, electrical, steam, communication, telephone, sewer, waste material, water, public safety and other similar services. The facilities required to provide such services shall consist of:

A. Limited facilities including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which does not require enclosure within a building or which can be constructed within a public right-of-way.

B. Major facilities including equipment which requires enclosure within a building or construction on its own site such as gas storage areas, solid waste substations, substations, telephone exchanges and telephone booths.

EXPLOSIVE or EXPLOSIVES -- Dynamite, gunpowder, fuse, blasting caps, electric blasting caps or detonators, electric squibs or other squibs, and other explosives. This shall not prohibit the storage of gunpowder and primers to be used for reloading of ammunition for personal use.

FAMILY -- One or more persons, related by blood, adoption or marriage, living and cooking together in a dwelling unit as a single housekeeping unit or a number of persons living and cooking together in a dwelling unit as a single housekeeping unit though not related by blood, adoption or marriage, provided that they live together in a manner similar to a traditional nuclear family.

FCC -- The Federal Communications Commission.

FELLING -- the act of cutting a standing tree so that it falls to the ground.

FENCE -- Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FIREWORKS -- A combustible or explosive composition, substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

FIREWORKS FACTORY BUILDING -- A building or structure in which the manufacture of fireworks, other than sparklers, or in which processing involving fireworks, is carried on.

FIREWORKS PLANT -- Lands with buildings thereon, used in connection with the manufacturing or processing of fireworks, as well as the storehouses for the storage of finished fireworks.

FIREWORKS STORAGE BUILDING -- A building in a fireworks plant used exclusively for the storage of finished or unfinished fireworks of less than 100 pounds.

FLOODPLAIN -- A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation or flooding. Floodplain boundaries are frequently shown for the floods having recurrence intervals of 10, 50, 100 and 500 years according to the latest Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

FLOODWAY -- The designated area of a floodplain required to carry the discharge waters of a given magnitude. For purposes of this Ordinance, the floodway shall be capable of a flood of one-hundred-year magnitude. The floodway must be kept free of encroachment in order that the one-hundred-year flood is carried without substantial increases in flood heights as defined and regulated by the Pennsylvania Department of Environmental Protection.

FLOODWAY FRINGE -- That portion of the one-hundred-year floodplain outside the floodway.

FLOOR AREA -- The total gross horizontal area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces.

FLOOR ELEVATION -- The elevation of the principal floor of any dwelling or building, usually expressed in feet and hundredths of a foot above mean sea level.

FOREST TECHNICIAN -- a person who has a two-year degree in forestry or demonstrates proper experience in forestry and is associated with as a member of the Society of American Foresters.

FORESTRY -- managing and using for human benefit forests and timberlands and natural resources that occur on and in association with forest and timberlands, including trees, other plants, animals, soil and water. It includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees for commercial purposes.

FUNERAL HOME -- A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

FUTURE GROWTH AREA -- an area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

GAMING AND OFF-TRACK BETTING ESTABLISHMENTS -- Includes any and all gaming uses, including, but not limited to, off-track betting establishments and other similar activities, whether or not including a restaurant, night club, bar or similar use, but excluding state lottery programs and betting under the Small Games of Chance provisions of Pennsylvania law (See 10 P.S. § 311 et. seq.)

GARAGE, PRIVATE -- Any accessory building adapted for the storage of motor vehicles owned and used by the owner or tenant.

GARAGE, PUBLIC -- A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GLARE - The sensation produced by luminance within the field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

GOVERNMENTAL -- An adjective describing a type of facility or activity owned and/or operated by a county, state or federal government or government authority.

GOVERNING BODY -- The Board of Supervisors in the Township of Pocono, County of Monroe, Pennsylvania.

GRADE -- The average level of the finished surface of the ground adjacent to a sign or adjacent to the exterior wall of the building to which a sign is affixed. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

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

GROUP CARE FACILITIES -- Facilities such as (1) emergency shelters for the homeless; (2) shelters for abused persons and (3) treatment centers.

GROUP RESIDENCES -- All structures, except rooming houses, used primarily as a residence for multiple persons not related by blood or marriage, shall be considered group residences. Such group residences shall include but not be limited to dormitories, fraternities and sororities and also all other structures occupied by groups of persons unrelated by blood or marriage sharing a dwelling as their primary permanent residence.

GUYED TOWER -- A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HEAVY COMMERCIAL USE -- A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing or storing of goods (such as, but not limited to contractor's yards or storage tanks).

HELIPAD -- An accessory use area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters.

HOME OCCUPATION -- A use conducted for gain within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use for dwelling purposes and does not change its character.

HOMEOWNERS' ASSOCIATION -- An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owner's association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 3101 et seq.

HOMEOWNERS' ASSOCIATION CLUB -- A club owned and controlled within a development represented by the above described Homeowner's Association for the exclusive use of the members of said club within the area of the associated development. Membership shall be limited to those of the Home owner's Association and their families and in no way shall include membership similar to those associated with Private Clubs defined elsewhere. Associated activities of such club shall be only those permitted within the by-laws of said Homeowners' Association.

HOSPITAL -- An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice. Hospitals can provide both inpatient and/or outpatient services. For the purposes of this Ordinance hospitals include medical and dental clinics performing inpatient and outpatient surgery - but excludes group care facilities.

HOTEL/MOTEL -- A building or group of buildings containing four or more rooms, designed, arranged and used for overnight lodging of transients and the business conduct of which is licensed under applicable laws.

IMPERVIOUS AREA -- Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas.

IMPERVIOUS COVERAGE, MAXIMUM -- The maximum ratio obtained by dividing the impervious area on a lot by the total area of the lot.

IMPERVIOUS SURFACE -- Those surfaces which do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this

definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

INDUSTRIAL PARK -- An industrial park is an industrial area -

A. Organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries, and

B. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

INDUSTRIAL USE --

A. GENERAL INDUSTRIAL USE -- Manufacturing or storage uses which, because of their shipping, storage and other requirements are not compatible in close proximity to residential areas.

B. LIGHT INDUSTRIAL USE -- Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which are compatible with neighboring residential uses.

JUNK -- Any discarded material or articles, including but not limited to scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD -- Any lot where junk is stored, accumulated, disassembled or disposed of and is consistent with Pocono Township Ordinance No. 18.

KENNEL -- Any establishment for the boarding, raising, breeding and training for a fee of dogs or for any other usual and customary household pet excluding businesses for the retail sale of pets within a completely enclosed building.

LAND DEVELOPMENT -- Land Development includes any of the following activities:

A. The improvement of one Lot or two or more contiguous Lots, tracts, or parcels of land for any purpose involving (1) a group of two or more residential or non-residential buildings,

whether proposed initially or cumulatively, or a single non-residential building on a Lot or Lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code.

LANDING -- a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

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. In situations concerning timber harvesting the individual, partnership, company, firm, association, corporation or other entity that is in actual control of forest land, whether such control is based on a legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

LANDSCAPING -- The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements, screening and promotion of human comfort and welfare.

LATTICE TOWER -- A guyed or self-supporting three- or four-sided, open, steel frame structure used to support communications equipment.

LIFE CARE FACILITY -- A planned development designed for the elderly and/or disabled persons, which may include congregate residences, and/or full health and continuing care nursing home facilities. A Life Care Facility may also include accessory uses such as a community center, personal service shops, recreation

areas and common open areas. Life care facilities do not include group care facilities.

LINE, PROPERTY -- A recorded boundary of a plot or deed.

LITTER -- discarded items not naturally occurring on the site such as tires, oil cans, garbage, equipment parts and other rubbish.

LOP -- to cut treetops and slash into smaller pieces to allow the material to settle close to the ground.

LOT -- A unit into which land is divided or other parcel of land intended as a unit for transfer of ownership, lease, rent, improvement or development.

LOT, CORNER -- A lot situated at and abutting the intersection of two streets.

LOT, INTERIOR -- A lot other than a corner lot, the side property lines of which do not abut a street.

LOT, REVERSE FRONTAGE -- A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

LOT, THROUGH -- A lot extending between and having frontage on two (2) streets.

LOT AREA -- The computed area contained within the lot lines, excluding space within all road rights-of-way and within all permanent drainage easements, but including the areas of all other easements, as required by the Pocono Township Subdivision and Land Development Ordinance.

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

LOT LINES -- The property lines bounding the lot.

A. LOT LINE, FRONT -- The line separating the lot from an existing or proposed street right-of-way.

1. In the case of corner lots, the front lot line shall be that line separating the lot from the street right-of-way which has the greater width; the line separating the lot from the other street right-of-way is called the "side street lot line."

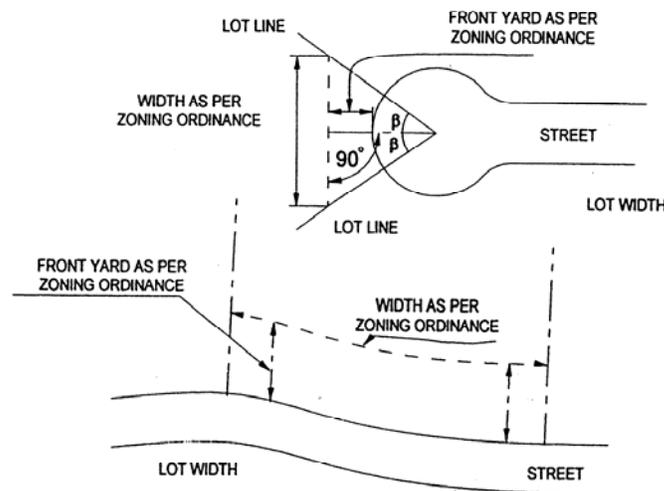
2. In the case of corner lots, the yard adjacent to the side street lot line shall be the same as the yard adjacent to the front lot line.

B. LOT LINE, REAR -- The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE -- Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

D. LOT LINE, STREET OR ALLEY -- A lot line separating the lot from a street or alley.

LOT WIDTH -- The horizontal distance between the side lot lines measured parallel to the front lot line. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equidistant between the side lot lines; said chord shall intersect the radial line at a point located at a distance from the street right-of-way line equal to the prescribed front yard distance.



MASSAGE PARLOR -- 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 by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reduction salon, spa or similar establishment where massage or similar manipulation

of the human body is offered as an incidental or accessory service.

MINERALS -- Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MOBILE HOME -- See "dwelling, mobile home."

MOBILE HOME LOT -- A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the placement thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home placed on the lot.

MOBILE HOME PARK -- A parcel of land under single ownership which has been planned and improved for more than two mobile home lots and the rental or lease only of sites for the placement of mobile homes for nontransient use (as described in The Pocono Township Subdivision and Land Development Ordinance).

MONOPOLE TOWER -- A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

MOTEL -- See "hotel."

MULTIMUNICIPAL PLAN -- A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

MULTIMUNICIPAL PLANNING AGENCY -- A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI, or its successor section, of the Pennsylvania Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to, agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

MUNICIPAL -- An adjective describing a type of facility or activity owned and/or operated by a municipality or municipal authority.

MUNICIPALITIES PLANNING CODE -- For the purposes of this Ordinance, the Code, enacted as Act 247 of 1968, as amended. This definition is intended to include the current code and any future amendments and shall be referred to hereafter as "MPC".

MUNICIPALITY -- Pocono Township, Monroe County, Pennsylvania.

NIGHTCLUB -- A bar, restaurant, coffee house, or similar establishment where a dance floor or entertainment is provided.

NONCONFORMING DIMENSION -- Any dimension legally existing on the effective date of this Ordinance, or any amendments hereinafter enacted, that does not conform to the District regulations for: front, side or rear yards; maximum impervious coverage or setbacks.

NONCONFORMING LOT -- Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated when such lot is legally in existence at the time of passage of this Ordinance.

NONCONFORMING STRUCTURE(S) -- A building, group of buildings, structure or sign which does not conform to all the applicable provisions of this Ordinance and which was legally in existence at the time of passage of this Ordinance, or was planned and construction started in compliance with applicable ordinances and regulations prior to the effective date of this Ordinance and completed within a one-year period after the effective date of this Ordinance.

NONCONFORMING USE -- A use of land or building which is not a use permitted by the provisions of this Ordinance for the district in which such land or building is situated and which was legally in existence at the time of passage of this Ordinance, or was planned and construction started in compliance with applicable ordinances and regulations prior to the effective date of this Ordinance and completed within a one-year period after the effective date of this Ordinance.

NURSERY (Horticulture) -- Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and any other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSING HOME -- An institution that:

A. Is primarily engaged in providing to inpatients:

1. Skilled nursing care and related services for patients who require medical or nursing care; or

2. Rehabilitation services for the rehabilitation of injured, disabled or sick persons;

B. Is licensed as a nursing home pursuant to the laws of the Commonwealth of Pennsylvania or is approved by the agency of the Commonwealth of Pennsylvania or locality covering Pocono Township responsible for licensing institutions of this nature as meeting the standards established for such licensing.

OCCUPANCY PERMIT -- See "permit" or "occupancy permit" under permit.

OFFICE PARK -- A tract of land designed and developed for business office buildings from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

OFFICIAL MAP -- The Official Map established by the township governing body pursuant to the Pennsylvania Municipalities Planning Code showing the characteristics of streets, watercourses and public grounds.

OFFICIAL ZONING MAP -- The map established by the township governing body designating the location and boundaries of the zoning districts established.

ON-LOT UTILITIES --

A. SEWAGE DISPOSAL SYSTEM -- Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot which is approved by PADEP.

B. WATER DISTRIBUTION SYSTEM -- A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

OPEN SPACE -- The ground space, not occupied by any structure, open to the sky on the same lot as the principal building.

OPERATOR -- an individual, partnership, company, firm association, corporation or other entity engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

PARK, PLAYGROUND OR RECREATION AREA -- An open air, active or combination of active and passive, recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

A. PARK, PLAYGROUND, OR RECREATION AREA, COMMERCIAL -- Recreational facilities operated as a business and open to the general public for a fee.

B. PARK, PLAYGROUND OR RECREATION AREA, RESTRICTED -- Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.

C. PARK, PLAYGROUND OR RECREATION AREA, PUBLIC -- Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

PARKING FACILITIES -- Outdoor areas used for the temporary parking of vehicles or specially designed buildings or garages used for the same purposes. Private parking facilities shall be restricted to use by persons residing on the premises or by their guests. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.

PARKING SPACE -- Any area not less than nine (9) feet in width and eighteen (18) feet in length, practical and accessible for the parking of motor vehicles.

PERFORMANCE GUARANTY -- Any security which may be accepted by the township in lieu of a requirement that certain improvements be made by the developer before the plan is approved, including corporate bonds, escrow or trust agreements and other similar collateral or surety agreements.

PERMIT -- A document issued by Pocono Township authorizing an applicant to undertake certain activities.

A. BUILDING PERMIT -- A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code which may be adopted by the township and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this Ordinance.

B. ZONING PERMIT -- A permit issued indicating that proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said use, building or structures.

C. OCCUPANCY PERMIT -- A permit issued upon completion of the construction of a structure or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the occupancy permit.

D. TIMBER HARVESTING PERMIT -- A permit indicating that proposed timber harvesting is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said timber harvesting operations.

PERSONAL SERVICES -- Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

PLACE OF WORSHIP -- A nonprofit use of land or a building or buildings, structure, or group of buildings or structures, as a place of public worship, including accessory uses such as convents, church-related educational and/or day care facilities, monastery or similar religious institution, including rectories, parsonages and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) -- An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the

regulations established in any one district created, from time to time, under the provisions of this zoning ordinance.

PLANNING COMMISSION -- See "Commission."

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

PORCH -- A roofed or unroofed structure projecting from the front, side or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides except the side adjoining the building.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT -- a forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PREEXISTING TOWER OR ANTENNA -- Any tower or antenna on or for which a permit has been issued prior to the effective date of this Ordinance.

PREFABRICATED HOME or MODULAR HOME -- A single-family dwelling exceeding 19 feet in width designed for transportation after fabrication, on streets and highways on its own wheels or on flatbed or trailer and arriving at a site where it is to be occupied as a dwelling except for assembly operations and location on a permanent foundation and connection to utilities.

PRESERVATION OR PROTECTION -- When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND -- land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PRIVATE CLUB -- A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern,

cafe or other commercial enterprise open to the public, (e.g. American Legion, VFW, Moose, Elks, etc.)

PRIVATE GARAGE -- See "Garage, Private".

PROFESSIONAL FORESTER -- a person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

PROFESSIONAL OFFICE -- Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, community planner, engineer, insurance agent, realtor, accountant, lawyer, author or other member of a recognized profession.

PUBLIC BUILDING -- A building owned, operated or controlled by a governmental agency (Federal, State or Local) including an entity created by law for the performance of certain specialized governmental functions, and the Board of Education.

PUBLIC GROUNDS -- Include parks, playgrounds and public areas, sites for schools, sewage treatment, solid waste disposal and other municipally owned or operated facilities.

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

PUBLIC INFRASTRUCTURE AREA -- A designated growth area and all or any portion of a future growth area described a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES -- Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilitates for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health an safety of residents.

PUBLIC MEETING -- A forum held pursuant to notice under 65 PA C.S. Ch.7 (relating to open meetings), known as the "Sunshine Act."

PUBLIC NOTICE -- Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

RECREATION, ACTIVE -- Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE -- Leisure time activities, usually of an informal nature, such as hiking and picnicking.

RECREATIONAL VEHICLE -- A vehicle which is designed for recreational use, regardless of size, which is not designed to be used as a permanent dwelling and which is self-propelled or is designed to be towed by a light-duty vehicle; includes campers, pickup coaches, travel trailers, motor homes and vehicles of like nature.

REGIONAL IMPACT DEVELOPMENT -- A development project which, due to (1) the size of the development, (2) the types of uses involved, (3) the significant amount of vehicular and pedestrian traffic generated by the development, (4) the impact of the development on the infrastructure of the area, or (5) the potential adverse effects of such development on adjacent lands and municipalities, should be regulated by the Township in a manner so as to effectively mitigate such impacts of the development on the entire region surrounding the development. A regional impact development may be comprised other than residential subdivision of one or more of the following:

A. Retail stores and shops with more than 100,000 gross square feet of floor area, individually or in the aggregate.

B. Shopping centers with more than 100,000 gross square feet of floor area.

C. Business offices, professional offices and office parks, with more than 100,000 gross square feet of floor area, individually or in the aggregate.

D. Entertainment or recreational complexes, including but not limited to the following:

1. Multi-screen theaters, opera or symphony halls, theaters or centers for the performing arts, and stadiums for competitive sports, all with more than 2,500 seats;

2. Amusement parks; and

3. Horse or dog racing tracks, motor vehicle raceways or drag strips, and related or similar facilities.

E. Any use that will generate at least five hundred (500) vehicle trips during the site peak traffic hour.

F. Truck or Motor Freight Terminal.

REGIONAL PLANNING AGENCY -- A planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

REPAIR SERVICES -- Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

REPORT -- any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESORT -- A commercial building or group of buildings combining lodging for members and guests, food service, retail sales of commodities and services and facilities for educational activities, entertainment and recreation for lodgers and/or nonlodgers.

RESTAURANT -- A business establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RESTAURANT, FAST FOOD -- An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

RESTAURANT, TAKE-OUT -- An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RETAIL BUSINESS -- Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

RIDING CLUB -- An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

RIDING STABLE -- An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered, but excluding riding clubs.

RIGHT-OF-WAY -- Land reserved for the public or the abutting owners for use as a street, alley, interior walk or for other public purposes.

ROOMING HOUSE or LODGING HOUSE -- A building in which an owner of a dwelling rents at least one room for residential purposes, but does not furnish meals (See also "Boarding House").

RURAL RESOURCE AREA -- an area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

SCHOOL, COMMERCIAL -- A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing.

SCHOOL, ELEMENTARY -- Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

SCHOOL, NON-PUBLIC -- A private place of instruction other than a commercial school.

SCHOOL, NURSERY -- Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for children under the age for elementary school.

SCHOOL, SECONDARY -- Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCREENING -- The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

SEASONAL SALES -- A temporary retail use carried on for only a part of the year, such as the sale of Easter flowers, fireworks, Christmas trees, etc.

SELF-SERVICE STORAGE FACILITY -- A building or group of buildings that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

SELF-SUPPORT TOWER -- A communication tower that is constructed without guy wires and ground anchors.

SEPTIC SYSTEM - All components of an on-lot sewage disposal system.

SETBACK -- The minimum distance measured horizontally and at 90° (perpendicular) from the edge of the right-of-way of the road to the outermost projection of a building or appurtenance to a structure permanently fixed on a building lot or real estate property. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such setback shall be measured coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for street purposes.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED -- A public utility system or other multidwelling sewage disposal treatment system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate governmental agency, local, state or federal, whichever may be more stringent. A permit shall be obtained from the appropriate state governmental agency for a centralized sewage disposal system prior to the start of its construction.

SEWER CONNECTION -- The connection consisting of all pipes, fittings and appurtenances, from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or development.

SHELTER FOR ABUSED PERSONS -- A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.

SHOPPING CENTER -- A group of retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SHOPPING MALL -- A shopping center with stores, offices, and/or service businesses on both sides of an enclosed or open pedestrian walkway.

SIGN -- Any identification, description, illustration, advertisement or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated

merchandise or any emblem, painting or plaque designed to advertise, identify or convey information. Except as otherwise provided in this Ordinance, a sign shall include the structural and framing elements which do not form an integral part of the display.

SIGN, ADVERTISING -- An advertising sign is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Billboards are also considered signs in this definition.

SIGN, BUSINESS -- A business sign is a sign which directs attention to a business, profession or industry conducted on the premises or to products, services or entertainment sold or offered, manufactured or assembled upon the premises where such sign is located or to which it is affixed. Signs offering premises for sale, rent or development or advertising the services of professionals or building trades during construction or alterations shall not be deemed a business sign.

SIGN, DIRECTIONAL -- A sign providing no advertising of any kind that provides directional assistance for the convenience of the public.

SIGN, DIRECTORY -- A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

SIGN, GROSS SURFACE AREA OF -- The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

SITE ALTERATION -- Includes regrading the existing topography; such as filling lakes, ponds, marshes or floodplains; clearing vegetation or altering watercourses.

SITE PLAN -- A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Supervisors, Planning Commission or Zoning Hearing Board in unusual or special cases.

SKIDDING -- dragging trees on the ground from the stump to the landing by any means.

SLASH -- means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SPECIAL EXCEPTION -- A use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Hearing Board and by the Commission before a zoning permit may be issued.

SPECIFIC PLAN -- A detailed plan for nonresidential development of an area covered by a municipal or multimunicipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements supersedes all other applications.

SPECIFIED SEXUAL ACTIVITIES -- For the purposes of this Ordinance, this term shall include any of the following:

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or

F. Erotic or lewd touching, fondling or other contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

SPIRE -- A pointed roof especially of a tower.

STAND -- Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STATE LAND USE AND GROWTH MANAGEMENT REPORT -- A comprehensive land use and growth management report to be prepared by the Center for Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this Commonwealth and which will offer recommendations to commonwealth agencies for coordination of executive action, regulation and programs.

STORY -- That portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story.

STREAM -- any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

STEEPLE -- A tall structure having a small spire at the top and built on top of a church tower.

STREET -- A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley (for vehicular and pedestrian circulation use).

A. ARTERIAL STREET -- Arterial streets are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are designated as "limited", "controlled", or "partial" access streets. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic.

B. CONNECTOR STREET -- Connector streets collect traffic from minor, local access and collector streets and also provide a connection to arterial streets and expressways and between connector Streets serve an unlimited average daily traffic.

C. COLLECTOR STREET -- Collector streets gather traffic from minor and local access Streets and they feed this traffic to connector and arterial Streets and expressways. Collector Streets carry heavier traffic volumes than local Streets although they also provide direct access to individual uses located along them. Collector streets serve up to an ultimate five hundred (500) dwelling units or up to an ultimate average daily traffic count of four thousand (4,000) vehicles.

D. MINOR STREET -- Minor streets provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector Streets. Minor streets serve up to ultimate one hundred fifty (150) dwelling units or up to an average daily traffic count of twelve hundred fifty (1,250) vehicles.

E. LOCAL ACCESS STREET -- Local access streets primarily provide direct access to individual uses. They serve to provide the connecting link between the beginning or end point of a trip and the higher categories of streets. Local access streets are further classified as:

1. CUL-DE-SAC STREET -- A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another Street at the other end. Cul-de-sac streets shall not furnish access to more than eighteen (18) dwelling units.

2. LOOP STREET -- A loop street intersects other streets on each end and may intersect a cul-de-sac street at some point between each end. A loop street shall not ultimately furnish access to more than seventy-five (75) dwelling units or ultimately have an average daily traffic count in excess of six hundred (600) vehicles.

F. MARGINAL ACCESS STREET -- Marginal access streets are minor streets parallel and adjacent to major traffic Streets. They provide access to abutting properties and control of intersections with major traffic streets.

G. PRIVATE ACCESS STREET -- A private access street provides access to residential Lots, from a public or approved Street where the residential Lot does not have frontage on a public or approved street. The private access street shall have a minimum right-of-way of twenty (20') feet, shall not exceed seven hundred fifty (750') feet in length and may serve a maximum of two (2) Dwelling Units. Construction and maintenance

of private access Streets shall be the sole responsibility of owners benefiting by the use thereof and shall never be offered or accepted by the municipality for public maintenance.

STREET LINE -- The line of contact between lot and street right-of-way. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such line shall be coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for street purposes.

STRUCTURAL ALTERATION -- Any change in the structural members of a building, such as supporting walls, columns, beams, girders, any additions to any structure or the moving of a structure from one location to another.

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

STRUCTURE, TEMPORARY -- A structure which was not designed to last or to be used for a long time for a specific use.

SUBDIVIDER -- See "Developer."

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

SUPERVISORS -- The Board of Supervisors of Pocono Township.

SWIMMING POOL -- Any body of water or receptacle for water having a depth at any point greater than three feet, used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground.

TAVERN (COCKTAIL LOUNGE) -- An establishment whose primary function is to dispense alcoholic beverages incidental to the fact that food is available for sale. This definition shall include those establishments which do not meet the criteria set forth by the Pennsylvania Liquor Control Board regarding eligibility for a

Sunday sales permit (that is, where alcoholic beverage sales exceed 40 percent of the establishment's income).

TEMPORARY SHELTER -- A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

TEMPORARY WIRELESS COMMUNICATION FACILITY -- Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction or for a special event or conference where a majority of people attending are wireless users.

THEATER -- A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

TIMBER HARVESTING, TREE HARVESTING, or LOGGING -- the process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP -- the upper portion of a felled tree that is non-merchantable because of small size, taper or defect.

TOWNSHIP -- The Township of Pocono, Monroe County, Pennsylvania.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT -- an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAVEL TRAILER -- See "recreation vehicle."

TRAVEL TRAILER PARK OR CAMP -- See "campground."

TREATMENT CENTER -- A use (other than a prison or hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of:

A. Criminal rehabilitation, such as a criminal halfway house;

B. Current addiction (1) to a controlled substance that was used in an illegal manner or (2) to alcohol; and/or

C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TREE DEBRIS -- Tree leaves, tree branches and tree trimmings thereof and similar material. The term does not include grass clippings.

TREE DISPOSAL -- The dumping, spilling, stockpiling or placing of tree stumps or tree debris into or on the land or water in such a manner that the tree stumps or tree debris enter the environment.

TREE RECYCLING -- The systematic collection, sorting and mulching or composting of tree stumps or tree debris for use as commodities.

TREE STUMP -- The main trunk portion of a tree with or without the tree roots.

USE -- The purpose for which land or a building is arranged or intended or for which either land or a building may be occupied or maintained.

A. CONDITIONAL USE -- Certain specified uses which are allowed or denied by the governing body after recommendation by the Planning Commission pursuant to express standards and criteria set forth in this Ordinance.

B. PERMITTED USE -- Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.

C. SPECIAL EXCEPTION -- An approval granted to use land in a zoning district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the Zoning Hearing Board in accordance with standards and criteria set forth in this Ordinance, provided generally that the specific application of the use would not prove injurious to the public interest.

USE, TEMPORARY -- A use established for a limited duration to be discontinued upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

VARIANCE -- Relief from any provisions of this Ordinance which is granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code and the provisions of this Ordinance.

VEHICLE FUELING STATION -- A building or lot or part thereof selling gasoline or other equivalent fuel for motor vehicles at retail dispensed directly into vehicles from pumps, where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories, and safety and emissions inspection, and sale of prepackaged propane. These may include a "convenience store". A business that maintains an accessory use providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be a "Vehicle Fueling Station".

VEHICLE PARKING LOT OR GARAGE -- A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

VEHICLE SERVICE AND REPAIR FACILITY -- A building or lot or part thereof where repairs, improvements and installation of parts and accessories for motor vehicles are conducted that involves work that is more intense in character than work permitted under the definition of "Vehicle Fueling Station". Vehicle Service and Repair Facility shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. Any use permitted as part of a "Vehicle Fueling Station" is also permitted as part of a "Vehicle Service and Repair Facility"

VEHICLE WASH -- A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Fueling Stations.

VILLAGE -- An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

WATER CONNECTION -- The connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe of the distribution system within the dwelling or nonresidential unit.

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.

WATER SUPPLY SYSTEM, CENTRALIZED -- A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with the requirements of the appropriate governmental agency or regulation of the township, whichever may be more stringent. A permit shall be obtained from the appropriate governmental agency for a centralized water supply system prior to the start of construction.

WETLANDS -- Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas, as are regulated as such by the DEP and/or the U.S. Army Corps of Engineers.

WIRELESS COMMUNICATION FACILITY -- Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals or any other spectrum-based transmissions/receptions.

YARD -- An open space as may be required by this Ordinance, on the same lot with a building or group of buildings, which open space lies between the principal building or group of

buildings and in nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted by this Ordinance.

A. YARD, FRONT -- An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

B. YARD, REAR -- An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

C. YARD, SIDE -- An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

ZONING HEARING BOARD -- The Zoning Hearing Board of Pocono Township.

ZONING OFFICER -- The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

