

ARTICLE 2

DEFINITIONS

200 Interpretation of Language

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for." The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity. The words "includes" or "including" shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

201 Definition of Terms

In this Ordinance, words, terms and phrases shall have the following meanings:

ACCESSORY STRUCTURE

A structure on the same lot with and incidental and subordinate to the principal building or use.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ALTERATION, SUBSTANTIAL

Any alteration or repair which increases the floor area of a structure by twenty-five (25) percent or more.

APARTMENT BUILDING

A structure containing three (3) or more apartment units. Also, a multi-family building.

APARTMENT UNIT

One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

AUTOMOBILE REPAIR SHOP

A building which is operated for commercial purposes and used for the major repair of automobiles but not for storage of dismantled or wrecked automobiles.

AUTOMOBILE SERVICE STATION

A use primarily for supplying gasoline, oil, tires, accessories and services for motor vehicles at direct retail to the consumer, including the incidental washing or minor repairs but not including such major services and repairs as spray painting, body, fender, clutch, transmission, differential, axle spring and frame repairs, major overhauling of engines or radiators or recapping or retreading of tires.

BASEMENT

An enclosed area partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

BUFFER AREA

A strip of land in which no parking areas, driveways or structures are permitted adjacent to the existing lot line to establish a separation between uses.

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING COVERAGE

The 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.

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the structure to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height.

BUILDING LINE

A line parallel to the street right-of-way line at a distance therefrom at least equal to the depth of the front yard required for the district in which the lot is located.

CERTIFICATE OF OCCUPANCY

A document issued by the duly authorized local authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CHARITABLE OR NONPROFIT ORGANIZATION

A group organized for lawful purposes other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional or any similar organization.

CLUB, PRIVATE

A social, professional, philanthropic or similar organization characterized by the payment of dues, regular meetings and a constitution and/or by-laws. A building is used for club or lodge purposes when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

COLLECTION FACILITY, SMALL

A facility for the collection of paper, glass, aluminum or other officially designated recyclable materials. Such facility shall have an area of not more than five hundred (500) square feet and shall be located either temporarily or permanently on the same lot with a principal or host use. No power-driven processing equipment is to be used on site. A permit from the Borough shall be required prior to the establishment and operation of such facility. These facilities are often termed "igloos."

COLLECTION FACILITY, STANDARD

A facility for the collection of paper, glass, aluminum or other officially designated recyclable materials. Such facility shall be larger than five hundred (500) square feet, located permanently on its own site and have the capacity for aggregating and storing large amounts of material on site in preparation for shipping to the processing facility. Little or no power driven processing equipment is to be used on site.

COMMUNITY RESIDENCE FACILITY, FAMILY-BASED

A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill, retarded or handicapped persons unable to live without supervision. The maximum number of residents in a facility shall not exceed four (4). These facilities shall not be used as establishments for persons recovering from the effects of drugs, alcohol or for inmates of penal institutions.

CONDOMINIUM

A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONVERSION

A change in the use of a building; for example, the change of a single-family dwelling to a two-family or multi-family dwelling or the change of a retail use to office use. Such change may be accomplished without

subdivision or the introduction of a new owner. Residential conversions must comply with Section 1105.

DAY CARE CENTER

A facility which is licensed to provide care for seven (7) or more children at any one time where the child care areas are not being used as a family residence. Day care centers shall comply with Section 1103.

DENSITY

Unless otherwise stipulated in this Ordinance, the term "density" shall mean the maximum number of dwelling units per gross acre.

DEVELOPER

Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision, land development or any other development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, streets and other paving, utilities, dredging, filling, grading, excavation or drilling operations, storage of equipment and materials and the subdivision of land.

DWELLING

A building or unit designed and constructed for residential use.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE OR ROW-HOUSE)

A single-family dwelling within a building with not more than six (6) attached dwellings. Each dwelling has at least one (1) party wall in common with other dwellings in the same row; a townhouse.

DWELLING, SINGLE-FAMILY DETACHED

A building designed for and occupied exclusively as a residence for only one (1) family with yards on all sides of the dwelling.

DWELLING, SINGLE-FAMILY SEMI-DETACHED (TWIN)

Two (2) dwelling units, each accommodating one (1) family, which are attached side by side by means of a party wall, with each dwelling unit having only one (1) side yard.

DWELLING, TWO-FAMILY (DUPLEX)

A building designed or occupied exclusively as a residence for two (2) families living independently of one another.

DWELLING UNIT

One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

FAMILY

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children.

FAMILY DAY CARE HOME

A home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to four (4), five (5) or six (6) children unrelated to the operator.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet. Gross floor area also includes, but is not limited to, the following:

- a. elevator shaft, stairwell and attic space providing headroom of six (6) feet or more.

- b. the floor areas of roofed terraces, exterior balconies, breezeways or porches where over fifty (50) percent of the perimeter is enclosed.
- c. any floor space used for dwelling purposes no matter where located within a building.

FREESTANDING BUILDING

Any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

HOME OCCUPATION, MAJOR

Any lawful home occupation or profession which creates a need for off-street parking, employs a person(s) other than members of the resident family or requires the use of equipment other than that used in a household or in general office use.

HOME OCCUPATION, MINOR

Any lawful occupation or profession conducted in a dwelling in which no persons other than the members of the resident family are engaged, which has no visible exterior evidence of the occupation, which does not create a need for off-street parking beyond the normal dwelling needs and in which no equipment is used other than that normally used in a household, domestic or general office use.

IMPERVIOUS COVERAGE OR SURFACE

The coverage of the lot area or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways and any other similar surfaces.

INDUSTRIAL PARK

A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial establishments, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

LABORATORY

A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation but not including the manufacture of products for sale.

LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs or similar plantings placed where required by this Ordinance and permanently maintained. See Section 1013.

LOADING SPACE

A paved accommodation off the street for loading and unloading of trucks in the form of one (1) or more truck berths located either within or outside a building on the same lot. Such spaces shall comply with Section 806.

LOT

A parcel of land which is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks as are required within the district in which the lot is located.

LOT AREA

The total horizontal area within the lot lines of a lot.

LOT, CORNER

A lot bounded by streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards. The short side of the corner lot shall be considered the front of the lot.

LOT DEPTH

The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE

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

LOT LINE, FRONT

The line separating the lot from the street right-of-way.

LOT LINE, REAR

Any lot line, except the front lot line, which is parallel to, or within forty-five (45) degrees of being parallel to, and does not intersect any street line, except in the case of corner lots.

LOT LINE, SIDE

Any lot line which is not a front or rear lot line.

LOT, MINIMUM AREA OF

The lot area established by the Ordinance on which a use or structure may be located in a particular district.

LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure which does not comply with the provisions of this Ordinance, as amended, where such building or structure lawfully existed prior to the effective date of this Ordinance or amendments thereafter.

NONCONFORMING LOT

Any lawful lot which does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Ordinance or of amendments thereafter.

NONCONFORMING USE

A use, whether of land or of a structure, which does not comply with the applicable provisions of this Ordinance, where such use was lawfully in existence prior to the effective date of this Ordinance or amendments thereafter.

PARKING SPACE

A reasonably level space, having a surface slope not exceeding six (6) percent. Such space shall have an area as listed in Section 804 which shall be exclusive of passageways, driveways or other means of circulation or access.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE

Pennsylvania Act 247 of 1968 (P.L. 805) as amended, also cited as 53 P.S. 10101 et seq., or any subsequent act of the Commonwealth of Pennsylvania which replaces, supplements or repeals any or all of the provisions of Act 247.

PERFORMANCE STANDARDS

A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed. These standards are listed in Article 12.

PERMIT

Written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

PLANTED VISUAL SCREEN

A strip of trees or hedges adjacent to the boundary of a property which, at time of planting, shall be not less than six (6) feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens which shall be planted not farther than seven (7) feet from one another. Such screens shall be permanently maintained. Deciduous trees may be added to create interest and variety. See Section 1012.

PRINCIPAL BUILDING OR USE

A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental or subordinate use. The primary purpose for which land, a building or a structure or the use thereof is designed, arranged or intended.

PROCESSING FACILITY

A facility used for the collection and processing of officially designated recyclable materials. Processing is the preparation of material for efficient shipment or to the end-user's specifications. Such facility shall have an area large enough to accommodate collection and processing machinery and storage area, along with ample loading and unloading areas.

RECREATIONAL AREA

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL VEHICLE

A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RESTAURANT, STANDARD

Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer is normally involved with an individual menu and served by a restaurant employee at the table, booth or counter at which said items are consumed.

RIGHT-OF-WAY

Land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse or similar uses.

RIGHT-OF-WAY LINE

The line that forms the boundary of a right-of-way.

SETBACK

The distance between the street right-of-way line or a lot line and any building on a lot.

SIGN

Any object, device, display or illustration which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers or symbols.

SIGN, ACCESSORY USE

A sign which identifies a home occupation.

SIGN, ADVERTISING CLOTH

A sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather resistant.

SIGN AREA

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

SIGN, AWNING OR CANOPY

A sign that is mounted or painted on or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

SIGN, CHANGEABLE COPY

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for

purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature sign" and not a changeable copy sign for purposes of this Ordinance.

SIGN, CURB OR SIDEWALK

A movable sign which is not secured or attached permanently to the ground.

SIGN, DIRECTIONAL

A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "entry" or "exit," "one way," "loading" or "service area," "fire lanes," "parking" or a similar sign incidental to the primary use and not itself advertising or naming that use except as required by law.

SIGN FACE

The area or display surface used for the message.

SIGN, FREESTANDING

A detached sign which shall include any sign placed upon or in the ground, supported by a post, stake, etc. and not attached to any building.

SIGN, GROUND

A freestanding sign other than a sign supported by a post or pylon, placed upon or supported by the ground independent of any other structure.

SIGN, IDENTIFICATION

A sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

SIGN, ILLUMINATED

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN, INCIDENTAL

A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the lot on which a sign is located shall be considered incidental.

SIGN, NAMEPLATE

A sign indicating only the name and/or profession and address of the person(s) residing or legally occupying the premises.

SIGN, NEON

A sign that is internally lighted by lamps, bulbs, tubes, etc. which are filled with neon gas. Neon signs outlining property lines, sales areas, roof lines, doors, windows, wall edges, buildings, fences or any other features of a building are prohibited.

SIGN, SALES OR PRICE CHANGE

A type of temporary sign which has a high turnover, such as those advertising "sales" and frequent price changes. These signs are most commonly found on windows/doors of supermarkets, grocery stores and beverage distributors. In most cases, these signs are constructed of paper, cardboard or other lightweight materials.

SIGN STRUCTURE

The supports, uprights, braces and framework of the sign.

SIGN, TEMPORARY

A sign that is used in connection with an event, situation or circumstance that is designed or intended to take place or be completed within thirty (30) days after a permit for the sign is issued or is intended to remain on the location where it is placed or erected for not more than thirty (30) days.

SIGN, WALL

A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which does not project more than twelve (12) inches from the wall or vertical surface to which it is attached.

SIGN, WINDOW

A sign attached or affixed to a window or door.

SPECIAL EXCEPTION

A use permitted in a particular zoning district subject to provisions of Articles VI and IX of the Planning Code.

STORY

That part of any building, exclusive of basements, comprised between the level of one finished floor and the level of the next highest finished floor, or if there is no higher finished floor, then that part of the building between the level of the highest finished floor and the top of the roof beams.

STREET

A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties and space for public utilities that is improved to the satisfaction of the Borough.

STREET LINE (STREET RIGHT-OF-WAY LINE)

The line dividing the street and the abutting property. The street line shall be the same as the right-of-way line.

STRUCTURE

Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include buildings, signs, fences, walls, poles, towers, swimming pools, porches, garages and similar structures. "Structure" shall be interpreted as including the words "or part thereof."

STRUCTURE, HEIGHT OF

The vertical distance measured from the average finished grade at all foundation corners of the building or structure, or at not less than ten (10) equidistant points in the case of a circular structure, to a point midway between the highest and lowest points of the roof excluding the chimney or any superstructure above the roof such as stair or elevator bulkheads, water towers, etc.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Zoning Officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

SWIMMING POOL, PRIVATE

An outdoor water pool which is not operated for profit and is intended to be used for swimming or bathing by any family or person residing on the premises and their guests. An outdoor water pool shall, for the purposes of this Ordinance, be construed to mean any pool, tank, depression or excavation which will cause the retaining of water to a depth greater than eighteen (18) inches and having a plane surface area of water greater than one hundred (100) square feet.

TOWNHOUSE OR ROWHOUSE BUILDING

A building containing not more than six (6) single-family attached dwellings (townhouse units) in which each townhouse unit is attached only by a party wall or walls to one or two other townhouse units.

TRACT

An area, lot, parcel, site or property which is the subject of a subdivision and/or land development.

TRACT AREA

The total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

TRAILER

A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects or as a temporary office.

VARIANCE

Relief granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Planning Code.

YARD

An open space on the same lot with a principal building which extends from a street line or lot line inward to the principal building.

YARD, FRONT

A yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

YARD, REAR

A yard extending the full width of the lot, the depth of which extends from the rear lot line to the nearest point of the principal building.

YARD, SIDE

A yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

ZONING OFFICER

A duly appointed Borough official empowered to administer and enforce this Ordinance and other codes, ordinances and regulations of the Borough. The Borough Manager may exercise all powers and duties of the Zoning Officer.