

## ARTICLE II DEFINITIONS

### SECTION 201 INTENT

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

### SECTION 202 GENERAL INTERPRETATION

Unless otherwise expressly stated, the following shall, for the purposes of this Ordinance, be interpreted in the following manner:

- A. Words used in the present tense imply the future tense.
- B. Words used in the singular imply the plural.
- C. The word “person” includes a partnership, corporation or other legal entity as well as an individual.
- D. The words “shall,” “required” or “must” are to be interpreted as mandatory; the word “may” as directory and complied with unless waived.

### SECTION 203 SPECIFIC WORDS AND PHRASES

For the purposes of this Ordinance, the following words and phrases have the meanings given herein:

**ACCESS DRIVE** - A private minor vehicular right-of-way, other than a street, providing access from a street to a property or parking area within a lot. Access drives shall be required for all commercial, institutional (including but not limited to schools, hospitals, and religious institutions) and industrial uses and all multifamily dwellings. (Refer to SECTION 411)

**ADDRESS OF CONVENIENCE** - The accessory use of a dwelling unit for the sole purpose of receiving phone calls, mail and keeping business records in connection with any profession or occupation. An address of convenience shall not be considered a home occupation, requires no permit and does not involve employees outside of the household residents nor any activity at the premises other than communication by mail or electronic means. No goods, merchandise or services of any sort that are to be bought or sold shall be physically located on the premises of an address of convenience. An address of convenience may be located in a dwelling unit in any zone.

ADULT-ORIENTED FACILITY - An establishment open to the general public or a private club open to members except persons under the age of eighteen (18) years, which is used and occupied for one or more of the following activities:

- A. ADULT BOOKSTORE - An establishment in which five percent (5%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion-picture film, videotape or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct or which offers sexual devices for sale.
- B. ADULT CABARET - An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
- C. ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons, regardless of whether or not the same includes sexual conduct.
- D. ADULT THEATER - A building, or a room within a building, used for presenting motion-picture film, videotape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURE - The use of land for farming, dairying, pasturage, silviculture, horticulture, floriculture, viticulture or animal or poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals; includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, such as extending on a side or by increasing in height.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

AMENDMENT - A change which includes revisions to the zoning text and/or the Official Zoning Map.

ANIMAL HOSPITAL - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. The use may include the boarding of such animals during medical or surgical treatment.

APPLICANT - Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

AUTOMOBILE - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles. (cross-reference "recreational vehicle.")

AUTOMOBILE BODY SHOP - A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles for conveyance.

AUTOMOBILE DISMANTLING PLANT - The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE GARAGE - A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks, recreational vehicles and similar motor vehicles.

AUTOMOBILE, RECREATIONAL VEHICLE AND/OR TRAILER SALES DISPLAY BUILDING - A building for the display or sale of new or used automobiles, recreational vehicles or trailers.

AUTOMOBILE, RECREATIONAL VEHICLE AND/OR TRAILER SALES LOT - An open lot for the outdoor display of new or used automobiles, recreational vehicles or trailers accessory to an automobile, recreational vehicle or trailer sales or display building.

AUTOMOBILE WASHING FACILITY - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

BASEMENT - That portion of a building partly underground, but having one-half ( $\frac{1}{2}$ ) or more of its height above the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions.

BED-AND-BREAKFAST, INN - A single-family residence or portion thereof containing not more than three (3) guest rooms which are used by not more than six (6) guests where rent is paid in money, goods, labor or otherwise.

BUILDING - Any structure on a lot having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, mechanical devices or property, and including covered porches, bay windows and chimneys. (Refer to "structure.")

- A. ACCESSORY BUILDING - A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.
- B. ATTACHED BUILDING - A building which has two (2) or more party walls in common, except in the case of end units of single-family attached dwellings which have one party wall in common.
- C. DETACHED BUILDING - A building which has no party wall.

D. PRINCIPAL BUILDING - A building in which is conducted the primary use of the lot on which it is located.

E. SEMI-DETACHED BUILDING - A building which has only one party wall in common.

BUILDING AREA - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING HEIGHT - The total overall height of a building measured from the grade level to the highest point of the roof.

CARE FACILITIES - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health-related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.

A. ADULT DAY-CARE CENTER - Any premises where care is provided to four (4) or more elderly or disabled adults for part of a twenty-four-hour (24) day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living and the provision of social contact.

B. CHILD DAY-CARE CENTER - A facility licensed by the state that provides a wide range of formal day-care services for remuneration to seven (7) or more children, who are supervised by a qualified staff. The child care areas in a day-care center shall not be used as a family residence.

C. CONVALESCENT OR NURSING HOME - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

D. DOMICILIARY CARE HOME - An existing building or structure designed as a dwelling unit for one (1) family which provides twenty-four (24)-hour supervised protective living arrangements by the family residing therein for not more than three unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

E. FAMILY DAY-CARE HOME -A facility located in a single-family residence which provides supervised care for remuneration to not more than six (6) children or adults, but not both children and adults, who are not relatives of the caregiver.

F. GROUP DAY-CARE HOME - A facility, located in a single-family residence, which provides supervised care for remuneration to more than six (6) but fewer than twelve (12) children who are not relatives of the caregiver.

G. GROUP HOME - A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. A group home may be affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.

H. PERSONAL CARE BOARDING HOME - A type of group quarters, specifically a premises in which food, shelter and personal assistance or supervision are provided, on a state or federal licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four but not more than sixteen (16) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

CELLAR - That portion of a building partly underground and having more than one-half ( $\frac{1}{2}$ ) of its height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CERTIFICATE OF USE AND/OR OCCUPANCY - The certificate issued by the Zoning Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CONDOMINIUM - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons, and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial or industrial in nature.

CONTRACTOR'S OFFICE OR SHOP - Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

CROPS AND GARDENING - The cultivation of land involving the planting, tending and harvesting of plants. Such land uses may involve tilling by hand or machine, fertilizing and similar horticultural activities.

DRIVE-IN BUSINESS - A commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service and/or offering prepared or standardized food for either on-premises or off-premises consumption.

DRIVEWAY - An improved surface for vehicular travel which provides access between a street and a lot. For the purposes of this Ordinance, drives for all residential uses (except multifamily dwellings) and all agricultural uses shall be considered driveways (refer to SECTION 410). All other uses shall be served by an access drive as defined in this SECTION and SECTION 411 of this Ordinance.

DWELLING - A building or structure designed for living quarters for one or more families, including mobile homes, but shall not include hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

- A. MULTIFAMILY DWELLING - A building containing three (3) or more dwelling units (such as apartment houses and garden apartments). All dwelling units are located on a single lot and share with other units a common yard area.
- B. SINGLE-FAMILY ATTACHED DWELLING - A portion of a building containing one (1) dwelling unit and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single-family attached units but must meet setback requirements on the open side.
- C. SINGLE-FAMILY DETACHED DWELLING - A building containing only one (1) dwelling unit and having two (2) side yards.
- D. SINGLE-FAMILY SEMIDETACHED DWELLING - A portion of a building containing one (1) dwelling unit, having one (1) side yard and one party wall in common with another dwelling unit. Each dwelling unit is located on a single lot.
- E. TWO-FAMILY DETACHED DWELLING - A building containing two (2) dwelling units, having two (2) side yards and one (1) partition in common between the two (2) units. Both dwelling units are located on the same lot.

DWELLING UNIT - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

EASEMENT - A limited right of use granted on private land for public use or private use by another party or parties, or a protective condition, as in the case of drainage easements for protection and/or preservation of a specified area.

FAMILY - One (1) or more persons who live in one (1) dwelling unit and maintain a common household; may consist of a single person or two (2) or more persons, whether or not related by blood, marriage or adoption; may also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging or boardinghouse.

FARM - Any parcel of land which is used for agricultural purposes, including necessary farm structures within the prescribed limits, which may include a single-family dwelling and the storage of equipment customarily incidental to the principal use. For the purposes of this Ordinance, a farm shall not include a kennel.

FENCE - Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof shall be measured from grade level.

FINANCIAL INSTITUTION - A commercial savings and loan or banking establishment that provides office space for financial assistance and/or protective savings and investment services.

FLOOR AREA OF A BUILDING - The sum of the gross horizontal areas of the floors of a building, excluding cellar, basement and attic floor areas if not devoted to the principal use. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings designed as such shall include the aggregate of area used for habitation as defined above, whether or not all or a portion is below ground level.

GREENHOUSE, HORTICULTURAL NURSERY - A use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials.

GROUP QUARTERS - Any dwelling or portion thereof which is designed or used for at least three (3) but not more than eight (8) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include but are not limited to lodging or rooming houses, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST ROOM - A room which is intended, arranged or designed to be occupied or which is occupied by one (1) or more guests but in which no provision is made for cooking. Residential noncommercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

HALFWAY HOUSE - A dwelling for the transitional, institutional supervision of individuals who have violated the law and who are sent to a halfway house upon release from or in lieu of being sent to a penal institution.

HEAVY STORAGE - The storage of goods, material, equipment and/or large vehicles (including but not limited to trucks and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.

HOME OCCUPATION:

- A. A special type of accessory use, specifically, an occupation or profession which:
  - 1. Is carried on only in a dwelling unit;
  - 2. Is carried on by a member of the family residing in the dwelling unit; and
  - 3. Is clearly incidental and secondary to the principal use of a property for residential purposes.
- B. Any sales in conjunction with the home occupation shall be limited to items produced on site or items incidental to the home occupation.

HOSPITAL - A place for the diagnosis, treatment or other care of humans and having facilities for inpatient care.

HOTEL - A building in which guest rooms are provided for occupancy, with or without meals, for compensation, by transient or semi-permanent guests, or both, and in which no provision is made for cooking in any individual room or suite.

HOUSE OF WORSHIP - A building used primarily as a meeting place for religious gatherings and services.

IMPERVIOUS SURFACE - Those paved surfaces that do not absorb precipitation. Areas including but not limited to parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick or asphalt shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computations of lot coverage.

INDOOR COMMERCIAL RECREATION ESTABLISHMENT - A commercial leisure time activity or amusement contained within a building, such as a bowling alley, billiard room or video arcade.

INDUSTRIAL ACTIVITIES - The manufacturing, processing and/or assembly of materials, including but not limited to such activities as printing and publishing, electronic components industries, tool and die making, molding plastics, bottling operations, food processing, furniture making, metal fabrication and textiles.

INDUSTRIAL PARK - A tract of land:

- A. Organized and laid out in accordance with an overall plan for a community of industries on separate building sites arranged on streets with utility services; and
- B. Designed to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, setbacks and use requirements.

JUNKYARD - Any lot, land or structure or part thereof used primarily for the collection, storage and/or sale of scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery, equipment, junked or inoperable motor vehicles and/or for the sale of parts thereof.

KENNEL - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of dogs, cats, fowl or other small domestic animals at least four months of age and kept or bred for profit, but not to include the keeping of livestock for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more continuous lots, tracts of parcels of land for any purpose involving:
  1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential 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 (2) 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.

LANDOWNER - The legal or beneficial owner or owners of record of a parcel 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 lease to exercise the rights of the landowner or other person having a proprietary interest in land.

LAUNDRY, DRY-CLEANING ESTABLISHMENT - A type of personal service business which provides over-the-counter garment cleaning service for customers.

LAUNDRY OR LAUNDROMAT (SELF-SERVICE) - A commercial establishment where patrons have direct access to coin-operated laundry equipment.

LIVESTOCK - Any domestic farm animals such as cattle, donkeys, horses, mules, burros, sheep, hogs or goats kept for agricultural use, commercial purposes or pleasure.

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

- A. CORNER LOT - A lot located at the intersection of and fronting on two (2) streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.
- B. DOUBLE FRONTAGE LOT - A lot extending between and having frontage on two (2) streets. The front setback requirements of the zone in which the lot is located shall apply to both street frontages.
- C. INTERIOR LOT - A lot having frontage on one street, adjoined on the sides and rear by other lots.
- D. REVERSE FRONTAGE LOT - A lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.
- E. TRIPLE FRONTAGE LOT - A lot fronting on three (3) streets. The front setback regulations of the zone in which the lot is located shall apply to each street frontage.

LOT AREA - The area contained within the property lines of an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE (MAXIMUM) - A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface; e.g., buildings, structures, driveways, parking areas and sidewalks.

LOT LINES - The lines bounding a lot as described in the recorded title; also referred to as "property lines."

LOT WIDTH - The required continuous distance between the side property lines (or, in the case of corner lots, between a front and side property line) measured along a single street right-of-way line.

MEDICAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MINI-STORAGE FACILITY - A commercial rental facility providing for the enclosed storage of household items, recreational vehicles and/or equipment and/or classic or antique automobiles where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility. Mini-storage units shall not be used as offices or shops and shall not house any items or operations other than dead storage as specified above. No volatile or hazardous materials shall be stored in such facilities.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two (2) or more units designed to be joined into one (1) 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 safety operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

MOBILE HOME SALES LOT - An open lot for the outdoor display of new or used mobile homes.

MOTEL - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourist or transients, including auto courts, motor lodges and similar establishments.

MULTIFAMILY OR TWO FAMILY CONVERSION - A multifamily or two-family dwelling constructed by converting an existing building into dwelling units for more than one (1) family, without substantially altering the exterior of the building. Such conversions shall be subject to review and permitting procedure by the Dallastown Borough Planning Commission, Dallastown Borough Council, Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection, where applicable.

NONCONFORMITY - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, existing on the effective date of this Ordinance or existing at any subsequent amendment of this Ordinance or created by variance. Specifically, the following types of nonconformities are distinguished:

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

- B. NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.
- C. NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NONPROFIT - An educational, religious or charitable use which qualifies as “nonprofit” under Section 501-c of the Internal Revenue Service Code.

OPEN AREA (MINIMUM) - A percentage which, when multiplied by the lot area, will determine the area of the lot upon which buildings, structures and paving are not permitted.

OUTDOOR COMMERCIAL RECREATION ESTABLISHMENT - A use of open land for leisure time activities, such as a swimming pool, tennis court, golf course or drive-in theater.

PARCEL - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land shall be considered continuous even though separated by public or private roads.

PARKING GARAGE - A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING LOT - An open lot where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having direct usable access to a street or alley.

PARK OR OTHER RECREATION AREA OF A NONPROFIT NATURE - Any land including buildings and structures upon such land which is used for active or passive recreation that is of a noncommercial, i.e., nonprofit, nature. Such uses would include but not be limited to athletic fields and picnic areas. (Examples of uses not included are outdoor sports clubs, golf courses and similar facilities which are not public and involve a commercial rate for use or membership fees in lieu of such rates.)

PAVED AREA - That part of a lot’s area which is covered by an impervious surface other than buildings and structures; e.g., driveways, parking areas and walkways.

PERSONAL SERVICE BUSINESS - Personal service businesses shall include barber and beauty shops; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops or any other establishment of similar nature providing personalized service to customers.

PLAN - A map, plat or layout showing the subdivision of land or land development and indicating the location and boundaries of individual properties.

PRIVATE - Not publicly owned, operated or controlled.

PROFESSIONAL OR BUSINESS OFFICE - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers and miscellaneous consulting services; also included are offices of a governmental agency, social service organization, District Justice, notary, public or private utility or political organization or an office of a bank, savings and loan association, credit or loan company, collection agency or stock and bond broker.

PUBLIC - Owned, operated or controlled by a government agency (federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC SEWER - A municipal sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC WATER - A municipal water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

RECREATIONAL VEHICLE - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or temporary living purposes. A recreational vehicle shall include trailer, house trailer, camper, snowmobile, all-terrain vehicle, trail bike, golf cart, boat, boat trailer, airplane or other similar vehicle.

RESEARCH LABORATORY - An establishment in which the principal use involves testing and/or research. Such uses may involve but are not necessarily limited to metallurgical, chemical, electronic or biological research, testing and development activities.

RESTAURANT - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

RETAIL STORE OR SHOP - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as retail stores or shops are uses specifically provided for elsewhere in this Ordinance, including but not limited to service stations, vehicular sales and rental, restaurants, taverns, hotels and motels, business services, funeral homes, contractor's offices and building material sales.

RIGHT-OF-WAY - A legal right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

ROADWAY - The portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder; also referred to as "travelway" or "cartway."

ROOMING HOUSE - A residential building or a portion thereof, other than a hotel containing not more than one (1) dwelling unit, where lodging is provided with or without meals for compensation.

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COMMERCIAL - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing or the martial arts.

SCREEN PLANTING - A vegetative material the purpose of which is to conceal from the view of property owners in adjoining zones or on adjacent lots the structures and uses on the premises on which the screen planting is located.

SERVICE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

SETBACK - The required horizontal distance between a structure and a property or street line.

- A. FRONT SETBACK - The required distance between the street right-of-way line (regardless of whether the same is also a front, side or rear lot line) and the front setback line projected the full width of the lot.
- B. REAR SETBACK - The required distance between the rear lot line, unless such line is also a street line, and the rear setback line projected the full width of the lot.
- C. SIDE SETBACK - The required distance between the side lot line, unless such line is also a street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line.

SETBACK LINE - A line within a property and parallel to a property or street line which delimits the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

SEXUAL CONDUCT - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region or, if such person is female, a breast.

SEXUAL DEVICE - An artificial penis, vagina or anus or other device primarily designed to stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildos, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

SEXUALLY EXPLICIT NUDITY - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernibly turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

SHOPPING MALL; SHOPPING CENTER; OR SHOPPING PLAZA - A group of two (2) or more stores planned and designed to function as a unit for the site on which it is located, with off-street parking and landscaping provided as an integral part of the unit.

SIGN - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of public, but not including lettering or symbols that are an integral part of another structure; or any flag, badge or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

- A. ADVERTISING SIGN - A sign for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.
- B. BUSINESS SIGN - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.
- C. DIRECTIONAL SIGN - A sign which directs people to a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature, provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.
- D. FREESTANDING SIGN - A sign supported by uprights or braces placed upon or in the ground and not attached to a building.
- E. PARALLEL SIGN - A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

- F. PORTABLE SIGN - A sign of any material, with or without changeable type lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels and not permanently attached to the ground, often referred to as a “mobile sign.”
- G. PROJECTING SIGN - A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.
- H. SIDEWALK SIGN - Any A-frame, inverted V-shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

SMALL PROCESSING ESTABLISHMENT - A commercial enterprise in which the principal use involves light processing and/or repair, in conjunction with retail sales or personal service, such as an optician’s office and optical laboratory. Such establishments shall not exceed 2,000 square feet of ground floor area.

SOLID WASTE - Garbage, refuse and other discarded materials, including but not limited to solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Ordinance 273, as amended, supplemented or revised.

SPECIAL EXCEPTION - Approval granted an applicant to use land and/or structures in a zone for a purpose other than that generally permitted outright in that zone. A special exception is granted by the Zoning Hearing Board in accordance with the terms, procedures and conditions as set forth in ARTICLES V and VI.

STORY - That portion of a building, excluding cellars, 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. HALF STORY - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor.

STREET - A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians; includes street, avenue, boulevard, road, highway, freeway, lane, alley and any other dedicated and accepted public right-of-way or private right-of-way.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots; commonly known as the “street 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, but excluding patios, driveways, walkways and parking areas. For all regulatory purposes, all buildings are considered structures.

- A. ACCESSORY STRUCTURE - A subordinate structure on a lot, the use of which is customarily incidental to that of the principal structure.
- B. PRINCIPAL STRUCTURE - A structure which is directly involved in the principal use of the lot on which said structure is located.

SWIMMING POOL, OUTDOOR - Any outdoor pool or open tank, including spas and hot tubs, containing or normally capable of containing water to a depth at any point greater than one-and-one-half (1½) feet. Farm ponds, lakes, livestock watering tanks and detention basins are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

TRACT - An area of land which may comprise the entire area or a subpart of a parcel. Individual tracts within a parcel of land which are not separately deeded shall not constitute separate lots for the purpose of construction, permitting or for the other purposes of this Ordinance. Such tracts contained within a parcel shall be considered descriptive only.

TRASH; JUNK - Any garbage, debris, material, equipment and/or apparatus which has been discarded and is no longer functional.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
- B. PRINCIPAL USE - The main or primary use of property, buildings or structures. Except as specifically noted, only one use permitted by right or by special exception shall be permitted as a principal use on an individual lot. For example, one (1) single-family dwelling, one (1) commercial establishment or one (1) industrial firm shall be permitted on an individual lot. Complexes listed as permitted uses, such as an industrial park or shopping center, shall be limited to one (1) such complex per lot.

UTILITY SHED - A small non-rental building designed primarily for storage of yard and garden equipment and miscellaneous household items incidental to a dwelling and customarily made of prefabricated materials, purchased, assembled or erected and used exclusively by the property owner.

VARIANCE - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the zoning provisions of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest and would maintain the spirit and intent of this Ordinance.

WAREHOUSE - A structure to be used for storage of equipment and/or merchandise.

WHOLESALE ESTABLISHMENT - A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants or industrial, institutional and commercial users mainly for resale or business use.

YARD - A prescribed open area on a lot, unobstructed from the ground upward, except as modified in Article IV of this Ordinance.

- A. FRONT YARD - An area bounded by the street right-of-way line(s), front wall of the principal building and side lot line(s).
- B. REAR YARD - An area bounded by the rear lot line (and street right-of-way line in the case of double frontage, reverse frontage or triple frontage lots) and the rear wall of the principal building and side lot lines.
- C. SIDE YARD - An area bounded by a side lot line and the front, rear and/or side walls of the principal building.