

ARTICLE 100

GENERAL PROVISIONS

SECTION 101 TITLES, COMMUNITY DEVELOPMENT OBJECTIVES,
ESTABLISHMENT OF CONTROLS

101.1 Long Title

An ordinance to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations for the Borough of Jefferson Hills, Allegheny County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and further to provide for administration, enforcement and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code and to repeal all ordinances or portions thereof, in conflict herewith.

101.2 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Borough of Jefferson Hills, Allegheny County, Pennsylvania.

101.3 Community Development Objectives

The zoning regulations and districts set forth in this Ordinance are made in accordance with the 1997 Comprehensive Plan Update for of the Borough of Jefferson Hills, and the Community Development Objectives of that Plan are hereby incorporated by reference. In addition, to protect the general welfare of the Borough, this Ordinance is intended to achieve, among others, the following purposes:

To lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the overcrowding of the land, avoid undue concentrations of population, to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, as well as the conservation of the value of land and buildings. These were made with reasonable consideration, among other things of the existing character of the various areas, their respective suitability for particular land uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Jefferson Hills.

101.4 Interpretation of Zoning Standards

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and welfare of the municipality.

101.5 Relationship to the Comprehensive Plan

This Ordinance is adopted to promote an orderly plan of development according to the Borough's adopted Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan and evaluations of implementation techniques. Such material shall be considered as legislative history and shall be utilized when necessary to establish policy in the interpretation of this Ordinance.

101.6 Establishment of Controls

a. **Minimum and Uniform Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

b. **For New Uses and Structures**

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

c. **For Existing Uses and Structures**

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulations of Article 1100.

d. **Type of Control**

The following minimum and uniform regulations shall apply in the respective districts:

Use regulations, including uses by right, accessory uses, conditional uses, and uses by special exception, area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulations; and special regulations dealing with planned district development, open space, landscaping, storage, access and traffic control, lighting and slope areas.

101.7 Establishment of Districts

a. **Types of Districts**

For the purpose of this Ordinance, the entire Borough of Jefferson Hills is hereby divided into the following districts:

- R-1 Residential-Agricultural District
- R-2 Low Density Residential District
- R-3 Medium Density Residential District
- R-4 High Density Residential District
- R-5 Special Residential District

- C-1 Highway Commercial District
- C-2 Neighborhood Business District
- C-D Special Conservation District

- I-1 Planned Industrial District

- I-2 Heavy Industrial District
- B-P Business Park District
- O-P Office Park District

b. **Lot Sizes**

Any lot, as well as the open spaces reserved on it, must equal or exceed the minimum sizes prescribed by this Ordinance for the district in which the lot is located.

101.8 The Zoning Map

a. **Title**

The map showing the division of the Borough into the designated zoning districts shall be known as the Borough of Jefferson Hills Zoning Map. Said map shall be an integral part of this Ordinance.

b. **Adoption of Zoning Map**

The Borough of Jefferson Hills Zoning Map shall be kept on file with the Borough Secretary. If, and whenever, changes are made in boundaries or other matter included on said zoning map, such changes in the zoning map shall be made within thirty (30) days after each amendment has been approved by the Borough Council.

c. **District Boundary Lines**

The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets, the limits of the Borough, or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided in Article 1300, shall prevail.

d. **Title Boundary Tolerances**

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the use regulations applicable to the more restrictive district shall apply.

101.9 **Annexed Land**

All land annexed to the Borough after the effective date of this Ordinance shall be automatically classified as an R-1 Residential-Agricultural District, and shall remain so classified until a zoning plan for the annexed area has been adopted by the Borough Council. The Planning Commission shall recommend to the Borough Council, appropriate zoning for the annexed area within ninety (90) days of the effective date of such annexation.

101.10 **Separability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the ordinance as a whole, nor the validity of any other section or provision of the ordinance than the one so declared.

SECTION 102 DEFINITIONS, INTERPRETATIONS OR REGULATIONS

102.1 **Language Interpretation**

For the purpose of this Ordinance, certain words shall have the meaning assigned to them, as follows:

Words used in the present tense include the future. The singular number includes the plural and the plural the singular.

The word building includes "structure" and any part thereof.

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 word "includes or including shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

102.2 Definitions

The following words and phrases shall have the meaning given in this Section, as follows:

ACCESSORY BUILDING - A detached, subordinate building on the same lot with the principal building or structure, the use of which is clearly incidental to the principal structure or use of the lot.

ACCESSORY STRUCTURE - A detached, subordinate structure on the same lot with the principal building or structure, the use of which is clearly incidental to the principal structure or use of the lot, including accessory buildings.

ACCESSORY USE - A use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with a particular principal use.

ADULT BOOKSTORE/VIDEO STORE - Any commercial establishment in which more than five percent (5%) of the inventory offered for sale or rental to the public consists of books, publications, films or other media which depict nudity or sexual conduct, as defined herein.

ADULT BUSINESS - An adult bookstore/video store, adult live theater, adult movie theater or movie house or adult nightclub, as defined herein.

ADULT LIVE THEATER - Any commercial establishment which features on a regular basis live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct as defined herein.

ADULT MOVIE THEATER OR MOVIE HOUSE - Any movie theater, including mini-theaters, which on a regular continuing basis shows films rated X by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so-called [adult films depicting sexual conduct, as defined herein.

ADULT NIGHTCLUB - Any establishment which serves food and/or beverages, including private clubs, whether or not the consumption of alcoholic beverages is allowed on the premises, which offers entertainment, either live or recorded, which exhibits nudity or sexual conduct, as defined herein, or which provides service by wait persons who exhibit nudity or sexual conduct, as defined herein.

ADVERTISING SIGN - See SIGN AND BILLBOARD.

AGRICULTURAL USES - Any use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

ALTERATIONS - Alterations include, but are not limited to the following: all incidental changes in or replacements to the nonstructural parts of a building or other structure, minor changes or replacements in the structural parts of a building or other structure.

APARTMENT - See DWELLING, MULTI-FAMILY.

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

APPLICATION FOR DEVELOPMENT - Any 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.

AREA OF BUILDING - See LOT COVERAGE.

ART STUDIO - See STUDIO, ART, PHOTOGRAPHY OR MUSIC.

ARTERIAL ROADS - See MASTER PLAN OF STREETS.

ASSISTED LIVING FACILITY - A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care boarding home, where there is on-site supervision and assistance available to the residents on an occasional, as needed basis and where at least one (1) meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation service and similar supporting services for the convenience of the residents.

AUTO BODY OR AUTO REPAIR GARAGE - A building, or part thereof, used for the servicing and repairing of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside an enclosed building.

AUTOMOBILE LAUNDRY OR CAR WASHING FACILITY - A structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be an automobile laundry under this definition.

BASEMENT (OR CELLAR) - An enclosed area partly or completely below grade which shall be considered a building story if more than 1/3 of the walls are five (5) feet or more above exterior grades.

BILLBOARD - A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

BOARD - All references to the Board are to The Zoning Hearing Board created by this Ordinance.

BUFFER AREA - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which may be determined by Borough Council to duplicate the effect of the required Buffer Area.

BUILDING - Any permanent structure having a roof supported by columns or by walls erected permanently and intended for the shelter, housing and/or enclosure of persons, animals or other property.

BUILDING HEIGHT - See HEIGHT OF BUILDING.

BUILDING PERMIT - A building permit shall be a permit required: 1) prior to any excavation for foundation; 2) prior to the erection, construction or alteration of any building, structure, or any portion thereof; 3) prior to the moving of a building into the Borough of Jefferson Hills or from one place in the Borough to another; 4) prior to the change in use of a building or land or occupation or the use of vacant land; and, 5) prior to the change or extension of any nonconforming use.

BUILDING SETBACK LINE - An established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or street line.

BULK - The size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines, including the size, height and floor area of building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and, all open areas in yard space relating to buildings and other structures.

BUSINESS OFFICE - See OFFICE, BUSINESS.

CELLAR - See BASEMENT.

CENTER LINE OF STREET - See STREET CENTER LINE.

CHURCH - A building, other than a dwelling, used as a place of worship on a regular basis by a recognized religious denomination which may also include as accessory uses rooms for religious education, social and recreational activities and administrative offices, but not including camps, retreats, memorial sites, revival centers or other seasonal or occasional religious activities, whether or not they are conducted on the site of a church.

CLUB, PRIVATE - See PRIVATE CLUB.

COLLECTOR ROAD - See MASTER PLAN OF STREETS.

COMMERCIAL RECREATIONAL FACILITY - See RECREATIONAL FACILITY, COMMERCIAL.

COMMERCIAL SCHOOL - See SCHOOL, COMMERCIAL.

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 which is designed and intended for the use and enjoyment of residents of a Planned Residential Development, not including streets, off-street parking areas, parcels containing stormwater detention facilities or areas set aside for public facilities.

COMMUNICATIONS ANTENNA - Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public service corporation storage or transmission structure or an existing communications tower, except for transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT BUILDING - A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of two hundred (200) square feet.

COMMUNICATIONS EQUIPMENT CABINET - An unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than two hundred (200) square feet.

COMMUNICATIONS TOWER - Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

COMMUNITY CENTER - A semi-public or privately maintained institution devoted exclusively to a variety of group activities, including civic, social, fraternal, recreational, educational and/or cultural, and maintaining the premises and facilities appropriate to such activities, provided, however, that the use of such premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

COMMUNITY SWIMMING POOL - See SWIMMING POOL, COMMUNITY.

COMPARABLE USE NOT SPECIFICALLY LISTED - A use which is not specifically listed in a particular Zoning District, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in this Ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same Zoning District as a permitted use, conditional use or use by special exception.

CONDITIONAL USE - An authorized use which may be granted only by Borough Council pursuant to express standards and criteria contained in this Ordinance after review and recommendation by the Planning Commission and after conducting a public hearing pursuant to public notice.

CONFERENCE AND TRAINING CENTER - A facility used for corporate or professional meetings, seminars and/or employee training, and which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

CONNECTOR ROADS - See MASTER PLAN OF STREETS.

CONTRACTOR'S OFFICE - The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, excavation, paving, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD - An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, excavation, paving, land development and related services on a contractual basis, but which involves the outdoor storage of materials, equipment and vehicles used in the business.

CONVENIENCE STORE - A retail establishment which offers a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline.

CORNER LOT - A lot bounded on at least two (2) sides by streets.

CORRECTIONAL INSTITUTION - Any Federal, State, County, local, quasi-public or private facility designed to confine, house or hold inmates accused or convicted of criminal activity who are assigned and/or committed by any Court and who are housed, held or confined in lawful custody, including, but not limited to, the detention, treatment, rehabilitation or execution of offenders through a program involving penal custody, parole and probation.

COUNCIL - All references to the Council are to the Borough Council of The Borough of Jefferson Hills.

COVERAGE - See LOT COVERAGE.

CREMATORY - An establishment containing the equipment necessary for cremating human remains.

DAY CARE CENTER - A facility licensed by the Commonwealth located within a building which is not used as a dwelling unit for the care during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME - A facility licensed by the Commonwealth located within a dwelling for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.

DEVELOPMENT PLAN - The provisions for development of a planned residential development, including 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, including written and graphic materials.

DEVELOPER - Any landowner, 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.

DISTRIBUTION PLANT - An establishment engaged in the production, storage and distribution of goods, products, cargo and materials, including shipment by boat, rail, air or motor vehicle.

DOMESTIC PETS - Animals or birds customarily found in a dwelling and kept for company or pleasure, including, but not limited to, dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters; gerbils; parakeets; canaries; and similar small animals or birds, excluding any exotic animals including, but not limited to, lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.

DRIVE-THROUGH FACILITIES - Any principal or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to, drive-in or drive-through windows at fast food restaurants or other businesses, exterior automated teller machines (ATM's), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING - A building or portion thereof, whose principal use is permanent residential occupancy, including single family dwellings, two family dwellings and multifamily dwellings, but not including hotels or lodging houses.

DWELLING, SINGLE FAMILY - A residential building containing one (1) dwelling unit and which is the only principal building on the lot.

DWELLING, TWO FAMILY - A residential building containing two (2) independent dwelling units, separated from one another by continuous vertical walls, each having a separate entrance, and which is the only principal building on the lot.

DWELLING, MULTIFAMILY - A residential building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT - One (1) or more rooms in a residential building which are used as living quarters for one (1) family. A dwelling unit shall have permanent facilities for sleeping, cooking and eating.

DWELLING UNIT DENSITY - The maximum number of dwelling units authorized per gross acre.

EMPLOYEE CAFETERIA OR DINING ROOM - An eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

ENLARGEMENT - An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, excluding communications towers and communications antennas, as defined herein.

EXPRESS AGENCY - Any establishment which provides packaging, mailing, shipping and/or delivery services to businesses and/or the general public.

FAMILY - An individual or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or a group of not more than eight (8) persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record or do not constitute a direct threat to others or their physical property.

Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

FARM - A tract of land containing not less than ten (10) acres upon which are maintained, grown and produced for sale or use on the property: domestic livestock, horses, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs or other crops or produce typical of farm activity in Allegheny County. Kennels for breeding or boarding domestic pets shall be considered farm activity and shall be limited to farm tracts.

FENCE - A natural or man-made barrier of any material, other than shrubbery or a retaining wall designed and approved in accordance with the Borough Grading Ordinance, erected for the purpose of protection, screening, confinement, enclosure or privacy.

FINANCIAL INSTITUTION - Banks, Savings and Loan Associations and similar institutions that lend money or are engaged in a finance-related business.

FLOOR AREA OF BUILDING - The sum of the gross horizontal area of the several floors of the principal building(s). All dimensions shall be measured between exterior faces of walls.

FRONT YARD - See YARD, FRONT.

FRONT YARD LINE - See YARD LINE, FRONT.

FUNERAL HOME - A building used for the preparation and embalming of deceased human beings for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARDEN APARTMENT - A residential building containing not less than four (4) dwelling units and no more than twenty-four (24) dwelling units and not exceeding three (3) stories in height, sometimes designed around courts or common open spaces, often having private balconies or patios.

GASOLINE SERVICE STATION - An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and handwashing of motor vehicles and the sale, installation or minor repair of tires, batteries or other automobile accessories, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires.

GOLF PRACTICE FACILITY, SEMI-PRIVATE - A recreational facility which is operated for profit and advertised to the general public, but which may or may not require membership for the use of some or all of its facilities and which includes as its principal use golf practice facilities such as putting greens, driving ranges and golf instruction and which may include miniature golf, a clubhouse/restaurant and related recreational facilities as accessory uses.

GRADE - The mean elevation of the ground adjoining the building on all sides as referenced to the centerline of abutting streets at the midpoint of the street lot line(s).

GREENHOUSE OR NURSERY - A retail business which includes the growing and selling outdoors or inside a structure of flowers, plants, trees, shrubs and other natural flora and the products which aid in their growth and care, but not including on-site storage of landscaping materials in quantities used by a landscaping contractor.

GREENHOUSE, PRIVATE - Structures in excess of 200 square feet used for the growing of flowers, plants, shrubs, trees and other natural flora for the personal use and enjoyment of the owners not involving the sale of any product.

GROSS DENSITY - The average number of dwelling units per acre of total site area. The total site area includes all lands used for residential purposes, open space, recreation, entrance drives, traversing streets and land used for any or all other purposes.

GROUP CARE FACILITY – A facility operated by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation that provides room and board and specialized social, health and rehabilitative services on a 24-hour basis to permanent residents who are not included in the “protected classes” covered by the Federal Fair Housing Act (42 U.S.C. 3601 et seq.), including 24-hour supervision by staff qualified by the licensing or sponsoring agent.

HALF STORY - A story with a cubic content of not more than fifty percent (50%) of the cubic content of the first, or ground, story of the building.

HEAVY MANUFACTURING - The assembly, processing, production, forging or fabrication of products from raw materials, including any process using hazardous materials, as regulated by the PA Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (US EPA).

HEIGHT OF BUILDING - The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HEIGHT OF SIGN - The vertical distance measured from ground level to the highest point on the sign or its supporting structure.

HELIPAD - A designated permanent area for the landing of helicopters, which shall not include refueling or basing of helicopters, nor the maintenance and repair of helicopters, other than emergency repairs.

HOME OCCUPATION - An accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the residential character of the dwelling.

HOME OFFICE OR SERVICE - An accessory use conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which is limited to an office of an engineer, attorney, architect or similar recognized profession or the office of a realtor, insurance agent, investment counselor,

manufacturer's representative, broker or similar office or service where customers or clients do not routinely visit and where no one who is not a resident of the dwelling is employed.

HOSPITAL - An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability, but not including narcotics addiction or those found to be criminally insane.

INDEPENDENT LIVING FACILITY - A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

INDOOR RECREATIONAL FACILITY - See RECREATIONAL FACILITY, INDOOR.

JUNK YARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or other scrap or discarded goods or materials, with or without the dismantling, processing, salvaging, recycling, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a junk yard.

KENNEL - Any household or other establishment where more than four (4) dogs or more than six (6) cats who are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

LAND DEVELOPMENT PLAN - A plan containing all of the written and graphic materials required by the Borough Subdivision and Land Development Ordinance which encompasses a proposed land development, as defined and regulated by the Borough Subdivision and Land Development Ordinance, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public 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 persons having a proprietary interest in land.

LANDSCAPING CONTRACTOR - A retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care and which may include one (1) or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amount of reddog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

LIGHT MANUFACTURING - The assembly, processing or production of finished products, not involving the use of any raw materials or any hazardous materials, as regulated by the PA Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (US EPA), including, but not limited to, communications equipment and services; computer components and accessories; dolls, toys and sporting goods; electrical parts, accessories and equipment; electronic components, accessories and equipment; jewelry and musical instruments; laboratory apparatus; machinery, equipment and supplies; metal fabrication and machining; office machines and equipment; optical instruments and products; precision instruments; printing, publishing, shipping, packaging, mailing and distribution; and similar products and services.

LOCAL STREET - See MASTER PLAN OF STREETS.

LOT - Any tract or parcel of land described in a deed or other instrument recorded pursuant to the laws of the Commonwealth which is or may be occupied by a principal building and its accessory uses or buildings, if any, together with the open space required by this Ordinance.

LOT AREA - The area of a lot measured on a horizontal plane bounded by the front, rear and side lot lines of the lot. No part of a lot which is also part of a public street, road or alley shall be included in determining the area of a lot.

LOT COVERAGE - That percentage of the lot covered by all buildings on the lot including sun parlors, foyers, porches, breezeways, projecting eaves, gutters, awnings, steps, patios and so on. Swimming pools shall not be included in the calculation of lot coverage.

LOT LINE, FRONT - The line contiguous with the street line.

LOT LINE, REAR - The line generally parallel to the front lot line which defines the rear of the lot.

LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line.

LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

MAJOR TRAFFIC THOROUGHFARE - An arterial or collector route designated on the Borough Master Plan of Streets.

MANUFACTURED HOUSING UNIT - See MOBILE HOME.

MANUFACTURING, HEAVY - See HEAVY MANUFACTURING.

MANUFACTURING, LIGHT - See LIGHT MANUFACTURING.

MASTER PLAN OF STREETS:

ARTERIAL ROADS - Roads designed to carry high volumes of traffic between communities or geographic areas. Roads classified as arterial roads in the Borough are PA Route 51, PA Route 837 and PA Route 885.

COLLECTOR ROADS - Roads designed to carry traffic to and from arterial roads. Roads classified as collector roads in the Borough are Cochran's Mill Road, Coal Valley Road, Elliott Road, Gill Hall Road, Lewis Run Road (between Route 51 and Route 885), Old Clairton Road, Payne Hill Road, Ridge Road, West Bruceston Road and Worthington Avenue.

CONNECTOR ROADS - Roads that carry traffic between collector-type roads. Connector roads in the Borough are Alice Mine Road, Chamberlin Road, Miller Road, Scotia Hollow Road and Walton Road.

LOCAL STREETS - Streets designed to carry traffic to and from each land parcel in the Borough.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CENTER - A development comprised of two (2) or more of the following uses: medical clinic, medical professional offices, medical research facility, nursing home or hospital.

MEDICAL CLINIC - Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

MEDICAL RESEARCH FACILITY - An establishment for carrying on investigation in the natural, physical and social sciences which are directly related to the provision of health services to the general public, but not including any manufacturing or new product development.

METHADONE CLINIC - A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance and detoxification of persons.

MID-RISE APARTMENT - A residential building containing at least four (4) stories which are no more than forty-five (45) feet in height, but no more than seven (7) stories which are no more than eighty (80) feet in height.

MINI-WAREHOUSE/SELF-STORAGE FACILITY - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal property.

MOBILE HOME - A structure transportable in one or more sections which is built on a chassis, and is designed to be used as a dwelling unit with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home is intended to be occupied as a dwelling complete, including major appliances, often furniture, and contains sleeping accommodations, a flush toilet, an enclosed tub or shower bath, kitchen facilities, and interior plumbing, heating and electrical systems meeting the requirements of the Borough, County and State regulations pertaining to building construction for human habitation.

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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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.

MOTEL/HOTEL - A building, or a group of buildings, having units containing sleeping accommodations which are available for temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than two (2) transient occupants not normally quartered on the premises shall be considered as a motel/hotel facility under the provisions of this Ordinance.

MULTIFAMILY DWELLING - See DWELLING, MULTIFAMILY.

MUSIC STUDIO - See STUDIO, ART, PHOTOGRAPHY OR MUSIC.

NATURE PRESERVE - An area protected by public ownership or private ownership restricted by conservation easements where the natural environment is protected from man-made changes and only low intensity activities are allowed such as bird-watching, hiking, walking and passive enjoyment.

NATURE TRAIL OR HIKING/BIKING TRAIL - An easement right-of-way or linear parcel of land improved to provide a pathway for walking, hiking or biking in a natural environment protected from more intense development.

NET DENSITY - The average number of dwelling units per acre of land that is proposed or actually in use for residential purposes.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure or part of a building or structure, manifestly not designed to comply with the applicable use provisions of this Zoning Ordinance or Amendment thereto, where such building or structure lawfully existed prior to the enactment of this Ordinance or Amendment thereto. Nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT - Any lot which does not comply with the applicable area and bulk provisions of this Zoning Ordinance or Amendment thereto, where such lot was lawfully in existence prior to the enactment of this Ordinance or Amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE - Any use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or Amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance or Amendment thereto, or prior to the application of such ordinance or amendment to its location by reason of annexation; however, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking or loading conditions, or the existence of less than the required supplementary regulations, excluding signs.

NUDITY - The showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding twenty-four (24) hours.

OFFICE, BUSINESS - Any office of a corporation, partnership or sole proprietorship used primarily for the conduct of the business, including accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions and not including any manufacturing or processing or storage of machinery or heavy equipment.

OFFICE, PROFESSIONAL - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature.

OFF-STREET PARKING AREA - A paved, open off-street area, accessory to the principal use of the lot containing two (2) or more parking spaces, including the aisles and/or driveways which provide access to the parking spaces.

OIL AND GAS DRILLING - The removal of oil and gas resources from the ground by means of drilling in accordance with the provisions of the PA Oil and Gas Act (58 P.S. §§ 601.101 - 601.605) as now or hereafter amended.

OPEN SPACE - Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for public use or the private use or enjoyment of the owners or occupants adjoining such open space and their invited guests.

OPEN SPACE, PRIVATE - See PRIVATE OPEN SPACE.

OPEN SPACE, PUBLIC - See PUBLIC OPEN SPACE.

PARKING AREA - See OFF-STREET PARKING AREA.

PARKING SPACE - An area within an enclosed garage or on the surface of the ground designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Act 247 of 1968, 53 P.S. §10101 et seq., as amended.

PERSONAL CARE BOARDING HOME - A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3) permanent residents, 62 or more years of age, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) consecutive hours, but who are not in need of hospitalization or skilled or intermediate nursing care. Twenty-four (24) hour supervision shall be provided by staff qualified to meet the licensing requirements.

PERSONAL SERVICES - Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors and related activities.

PHOTOGRAPHY STUDIO - See STUDIO, ART, PHOTOGRAPHY OR MUSIC.

PLAN - A survey of a lot upon which is shown the location of existing and/or proposed structures, existing contours, proposed grading, location and dimensions of yards, feasibility of proposals for the disposition of stormwater and sanitary waste, indications of zoning compliance, name of the applicant and landowner, area location map, dates of preparation and revisions, and evidence of preparation by an architect, landscape architect or engineer.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance.

PRINCIPAL BUILDING - The main building or buildings on a lot in which the principal use or uses are conducted.

PRINCIPAL STRUCTURE - The main structure or structures on a lot in which the principal use or uses are conducted.

PRIVATE - Of, or pertaining to, any procedure, establishment, or grounds limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE CLUB - Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes which is open only to members and their invited guests and not to the general public.

PRIVATE GARAGE - A one (1) story building or an integral part of a dwelling used for storage of not more than four (4) motor vehicles and used either by the owner or tenant of the lot on which it is erected, for a purpose accessory to the principal use of the lot, or rented by the owner or tenant of such lot on a weekly or monthly basis for such storage of motor vehicles by others.

PRIVATE GREENHOUSE - See GREENHOUSE, PRIVATE.

PRIVATE OPEN SPACE - Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for the private use or enjoyment of the owners or occupants of property adjoining such open space and their invited guests.

PUBLIC BUILDING - Any building which is owned and/or operated by a Federal, State, County or local government.

PUBLIC GARAGE - Any garage, other than a private garage or storage garage, available to the general public which is used for storage, parking, or rental of motor vehicles, but which is not used for the repair or maintenance of motor vehicles.

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

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the Sunshine Act, as amended.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OPEN SPACE - Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for use by the general public.

PUBLIC RECREATION - Leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction except for rules and standards of conduct and use.

PUBLIC SERVICE CORPORATION FACILITIES - Any facility of a corporation or authority organized to provide public services which are regulated by the Public Utility Commission (PUC) which does not meet the definition of Essential Services, including, but not limited to, sewage treatment plants, water treatment plants, water storage towers, reservoirs, pumping stations, high tension electrical transmission towers, switching facilities, substations, administrative buildings, maintenance buildings and similar facilities, excluding communications towers and communications antennas, as defined herein.

QUADRUPLEX - A multifamily building, other than a townhouse or garden apartment, containing only four (4) dwelling units in one structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

REAR YARD - See YARD, REAR.

REAR YARD LINE - See YARD LINE, REAR.

RECREATIONAL FACILITY, COMMERCIAL - An enterprise operated by other than a public entity for profit for the outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, amusement parks, arenas, stadia, amphitheatres, racetracks and similar facilities.

RECREATIONAL FACILITY, INDOOR - An enterprise operated for profit in a completely enclosed building which offers amusement or entertainment to the general public, including, but not limited to, movie theaters, bowling alleys, indoor skating rinks, video or amusement arcades, billiard parlors, dance halls, indoor sports complexes and similar facilities, but not including any adult business.

RECREATIONAL FACILITY, PRIVATE - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmens clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

RECREATIONAL FACILITY, PUBLIC - An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATION-RELATED COMMERCIAL USES - Those retail sales and service uses which are directly related to the needs of persons utilizing the recreational facilities located along the Montour Trail, including, and limited to, concession stands, ice cream stores, delicatessens, bicycle rental, bicycle repair, pro shops, sporting goods and similar uses related to use of the Trail and other recreational sites along the Trail.

RESEARCH AND DEVELOPMENT - Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing as an accessory use where concepts are tested prior to full-scale production.

RESIDENCE IN COMBINATION WITH BUSINESS - A dwelling unit located in the same building with a professional office, business office, retail store or other commercial use.

RESTAURANT - An establishment which offers food and beverages for sale either on the premise or on and off the premises as a principal use and which may serve alcoholic beverages for consumption on the premises as an accessory use.

RESTRICTED SURFACE MINING - The removal of minerals by surface mining which is restricted to the area included in a grading permit issued for an approved subdivision or land development and which removal is incidental to the development of the site.

RETAIL SALES - The selling of commodities and/or services on the premises directly to consumers, but not including any on-site manufacturing or processing of any products or any wholesale sales of products.

SCHOOL - Any building or grounds or portion thereof used exclusively for education purposes or uses attendant to the education of children or adults.

SCHOOL, COMMERCIAL - A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

SCHOOL, PUBLIC OR PRIVATE - A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education, but not including commercial schools.

SEMI-PRIVATE GOLF PRACTICE FACILITY - See GOLF PRACTICE FACILITY, SEMI-PRIVATE.

SETBACK - See BUILDING SETBACK LINE.

SEXUAL CONDUCT - Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions of acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breasts.

SHED - An accessory building used to store lawn and garden tools and equipment and other personal property of the residents of a dwelling on the same lot, but not including any motorized vehicles.

SHELTER FOR DOMESTIC PETS - An accessory building or other accessory structure used to protect or confine domestic pets owned by the residents of the dwelling on the same lot, excluding fenced runs or kennels as defined by this Ordinance.

SHOPPING CENTER - A site under single ownership and control which is developed as a unit for two (2) or more retail establishments in one (1) or more buildings and designed so that parking, loading and access facilities are shared.

SIDE YARD - See YARD, SIDE.

SIDE YARD LINE - See YARD LINE, SIDE.

SIGN - A sign is defined as any letter, word, model, banner, flag, device or representation used as, or which is in the nature of, an announcement, direction or advertisement concerning the business conducted on the premises, including interior signs which are visible from the street, and may be of the following types or forms:

A structure erected on supports or suspended or projected from a building, including a banner or flag;

The fastening of a board or other pre-painted material having pre-painted or printed thereon letters, words or insignia; or,

The erection or superimposing of separate cutout letters on the walls of a building or placing said letters on a plane surface which projects from the wall of the building.

SIGN, ADVERTISING - A sign which offers services or goods produced or available somewhere other than on the lot on which the sign is located. The words advertising sign include the word billboard. Neither directional, warning or other signs posted by public officials in the course of their public duties shall be construed as advertising signs.

SIGN, BUSINESS - A sign which offers services or goods available on the lot on which the sign is located.

SIGN, GROSS SURFACE AREA OF - The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed, excluding the necessary supports or uprights upon which the sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a

structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation or other communication material.

SIGN, TEMPORARY - A sign which offers premises for sale, rent or development, or advertises the services of professionals or building trades during construction or alteration of the premises upon which the sign is located.

SIGN FACE - The entire area upon which graphic or written material or information is placed for viewing from a single direction.

SLOPE - The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

STORAGE GARAGE - A building, other than a private garage or parking garage, used for the storage of motor vehicles.

STORAGE TRAILER - Any vehicle or transportable structure which is enclosed and mounted on wheels and is used as a conveyance on streets drawn by its own or other motive power intended to carry materials, equipment or other vehicles, but which is not intended for human occupancy, and which is used without permanent foundation as an accessory structure for the storage of goods and materials directly related to the principal use(s) of the lot.

STORY - That portion of a building, other than the basement (as defined), 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 the floor and the ceiling next above it.

STREET - Any way, whether public or private, used or intended to be used by vehicular traffic and pedestrians, including avenue, boulevard, road, highway, freeway, parkway, lane, alley, thoroughfare or viaduct.

STREET CENTER LINE - A line which is usually at an equal distance from both street lines or right-of-way lines.

STREET LINE - See LOT LINE, FRONT.

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

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls, enlargement of floor area or height of building, or change in the means of ingress and egress.

STUDIO, ART, PHOTOGRAPHY OR MUSIC - Establishments engaged in the display and sale of music, art or photography products and supplies and which may include training of individuals or groups of students for a fee.

SUPPORTING COMMERCIAL USES - Retail sales or personal services or business services for the convenience of the employees and visitors to an office park, including, but not limited to, a newsstand, travel agency, florist shop, card and gift shop, restaurant or delicatessen or coffee shop, sale of office supplies, copy service and similar facilities.

SURFACE MINING - Any extraction of any mineral for sale or other commercial purposes which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term mineral includes, but is not limited to anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

SURFACE MINING, RESTRICTED - See RESTRICTED SURFACE MINING.

SWIMMING POOL - A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, inground or above ground, used as a recreational facility for swimming, bathing or wading and having a depth at any point of more than eighteen (18) inches or a surface area of more than one hundred (100)-square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

SWIMMING POOL, COMMUNITY OR CLUB - A swimming pool owned and operated by a homeowners association or similar non-profit community or residents association or corporation the use of which is restricted to the owners or residents of the dwelling units represented in the homeowners association or similar non-profit association or corporation.

TELEPHONE CENTRAL OFFICE - A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company; but, in a residential district, not to include public business facilities, storage of materials, truck or repair facilities or housing of repair crews; which is considered to be an essential service.

TEMPORARY STRUCTURE - Any structure which is erected to be in place for not more than twelve (12) months, including, but not limited to, tents, air-supported structures, bleachers, portable bandstands, reviewing stands, mobile office units, construction trailers, sales offices for lots or dwelling units or other structures approved for construction.

TIMBER REMOVAL - The cutting or harvesting of live or dead, standing or fallen trees for cordwood, for timber, for pulp or for any commercial purpose, when practiced in accordance with accepted silviculture principles, excluding the clearing of trees by the landowner for his own use, clearing for the development of building sites as part of an approved subdivision, land development or building permit, clearing for farming operations or selective removal of individual trees which are dead, damaged, diseased or constitute a danger to neighboring properties or the general public.

TOWNHOUSE - A residential building consisting of at least three (3) and no more than ten (10) attached dwelling units, separated from one another by continuous vertical walls, without openings from basement to roof and having diverse architectural facades or treatment of material and with not more than three (3) adjoining units having the same front yard setback.

TRANSITIONAL DWELLING - A facility operated by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation that provides room and board and specialized social, health or rehabilitative services on a short term basis to residents who are assigned by a Court of Law, or referred by a public, semi-public or nonprofit agency for 24-hour supervision, counseling and care for a specified period of time, including alcoholic recover, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other court ordered treatment and other similar short-term supervised living arrangements.

TRIPLEX - A multifamily building, other than a townhouse or garden apartment, containing only three (3) dwelling units in one structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

TRUCK TERMINAL - A facility where the principal use is servicing, repair and storage of trucks and other motorized equipment and trailers and which may provide warehousing and transfer facilities as an accessory use.

USE - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure or on a tract of land.

VARIANCE - Relief from the literal terms of this Ordinance granted only by the Zoning Hearing Board in accordance with criteria established by the Pennsylvania Municipalities Planning Code.

VEHICLE SALES AND SERVICE - A paved open area on a lot used for the display and sale of new or used motor vehicles, including a building or buildings which may contain offices, showrooms and a vehicle servicing area within a completely enclosed building.

VETERINARY HOSPITAL - An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

WAREHOUSING - The storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WATCHMAN'S FACILITY - An accessory use located in either a principal structure or an accessory structure on property in an industrial zoning district to provide security for the principal use of the property.

WHOLESALE - A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

YARD - An open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT - The yard extending along the full lot width parallel to or concentric with, the front lot line and being the minimum horizontal distance between the front lot line and the front yard line required by this Ordinance.

YARD LINE - A line drawn parallel to or concentric with, the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

YARD LINE, FRONT - A front yard line bounds the front yard and is parallel to or concentric with, the front lot line.

YARD LINE, REAR - A rear yard line bounds the rear yard and is parallel to the rear lot line.

YARD LINE, SIDE - A side yard line bounds the side yard and is parallel to the side lot lines.

YARD, REAR - A yard extending between the side yards of the lot parallel to the rear lot line and being the minimum horizontal distance between the rear lot line and the rear yard line required by this Ordinance.

YARD, SIDE - A yard extending along the side lot line from the required front yard to the rear lot line and being the minimum horizontal distance between the side lot line and the side yard line required by this Ordinance.

ZONING OFFICER - The person appointed by the Borough to administer this Ordinance as required by the Pennsylvania Municipalities Planning Code. The Zoning Officer shall have all the powers and duties and be subject to all the provisions set forth in the Pennsylvania Municipalities Planning Code with respect to Zoning Officers.

102.3 Interpretation of Regulations

In addition to the provisions of Section 101.4 and 101.10, the interpretation of the regulations of this Ordinance is intended, to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, or ordinances of the Borough, as particularly refer to area and bulk regulations, and impose higher standards, the most restrictive requirement shall govern.

The illustrative sketch plan on the following page is provided to aid in the interpretation of the area and bulk requirements of this Ordinance.

ILLUSTRATIVE SKETCH

SKETCH PLAN DEFINING ZONING ORDINANCE
AREA AND BULK REGULATION TERMS