

## PART 2

### DEFINITIONS

#### Section 200. General Rules of Construction.

- A. The language and words set forth in this Part are defined in order to facilitate the interpretation of the Chapter for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.
1. Words used in the present tense include the future tense.
  2. The singular includes the plural.
  3. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
  4. The masculine gender includes the feminine and neuter. The feminine gender includes the neuter and masculine. The neuter gender includes the feminine and masculine.
  5. The terms “shall and will”, “will” and “must” are always mandatory.
  6. The words “should” or “may” are permissive.
  7. The word “used” or “occupied” as applied to any land, structure, or building shall be construed to include the words, “intended, arranged or designed to be used or occupied”.
  8. The word “erected” shall be inclusive of the words “constructed, altered or moved.”
  9. For those words used in this Chapter but not defined herein, the definitions found in various chapters of the Codified Ordinances of the Borough of Highspire specifically including but not limited to Chapter 22 relating to subdivision and land development, Chapter 5 relating to buildings, Chapter 9 relating to grading and stormwater, Chapter 21 relating to streets and sidewalks, and Chapter 25 relating to shade trees shall apply.
  10. For those words used in this Chapter but not defined herein or any the definitions found in various chapters of the Codified Ordinances of the Borough of Highspire, the most recent edition of Webster’s Unabridged Dictionary shall apply.
- B. Illustrations and Tables.
1. In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Chapter.

#### Section 201. Definitions.

For the purposes of this Chapter, the following terms shall have the following meanings:

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

**ABUT or ABUTTING:** Areas of contiguous lots that share a common property or lot line, or being separated by a common border including easements, but excluding lots entirely separated by a public right-of-way for a street or alley. See also ADJOIN or ADJOINING.

**ACCESS DRIVE:** A public or private drive, other than a driveway, providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing three (3) or more units of occupancy on a single Lot.

**ACCESSORY STRUCTURE:** A structure customarily incidental and subordinate to and detached from the main or principal building or structure on the same lot, the use of which is customarily incidental to that of the principal building or structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or the principal structure or building and located on the same lot with such principal use or principal structure or building. If no principal use or principal structure or building exists on a lot with a lawful accessory use, then such accessory use shall only be considered a principal use, if the use would otherwise be allowed as a permitted principal use in the zoning district, and which shall then be subject to provisions in this Chapter relating to principal uses.

**ACTIVITY:** The use of land, structure, or building for a specific purpose.

**ADAPTIVE REUSE:** The development of a new use for an older structure or building or for a structure or building originally designed for a special or specific purpose.

**ADDITION:** Any construction which increases the size of a structure or building, including but not limited to a porch, attached garage or carport, or a new room or wing.

**ADJACENT:** Two (2) or more abutting or adjoining lots or two (2) or more lots separated only by a public right-of-way for a street or alley or another lot.

**ADJOIN or ADJOINING:** See also ABUT or ABUTTING.

**ADULT-RELATED USES:** A business or club that engages in one or more of the following areas of sales, services or entertainment:

**ADULT BATH HOUSE:** An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Chapter, shall be a medical doctor, physician, chiropractor, physical therapist or similar professional licensed by the Commonwealth.

**ADULT BODY PAINTING STUDIO:** Any establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

**ADULT BOOKSTORE:** Any establishment that has a substantial or significant-portion of its stock in trade:

- Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and
- Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT CABARET:** A nightclub, theater, bar or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**ADULT MASSAGE ESTABLISHMENT:** Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth, or a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA). This definition does not include an athletic club, health club, massage therapy establishment school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**ADULT MINI-MOTION PICTURE THEATER:** An enclosed or unenclosed building or structure with a capacity of less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MODEL STUDIO:** Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

**ADULT MOTEL:** A motel or similar establishment offering public accommodations for any consideration, that provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE ARCADE:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE THEATER:** An enclosed or unenclosed building or structure with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**ADULT NEWS RACK:** Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**ADULT OUT-CALL SERVICE ACTIVITY:** Any establishment or business that provides an out-call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**ADULT SEXUAL ENCOUNTER CENTER:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or

exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner licensed by the Commonwealth to engage in sexual therapy.

**ADULT THEATER:** A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**ADULT VIDEO STORE:** A commercial use that has fifty (50) percent or more of its stock in trade consisting of video tapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction or description of specified sexual activities or specified anatomical areas.

**ADULT OTHER:** Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

**AESTHETIC:** The perception of artistic elements, or elements in the natural or man-made environment which are pleasing to the eye.

**AGRICULTURE:** The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, vitaculture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry. Agriculture activities do not include community gardens and market gardens.

**AIR RIGHTS:** The right to use space above ground level.

**AIRPORT ZONING OVERLAY DISTRICT TERMS & PHRASES:** Unless specifically defined elsewhere herein this Part, the following words and phrases when used in Part 17 of this Chapter relating to the Airport Zoning Overlay District shall have the meaning given to them herein this subsection:

**AIRPORT(S) – HARRISBURG INTERNATIONAL AIRPORT (MDT) AND CAPITAL CITY AIRPORT (CXY):** Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon.

**AIRPORT ELEVATION:** The highest point of an airport’s usable land area measured in feet above sea level. The Airport Elevation for Harrisburg International Airport is three hundred ten (310) feet; the Airport Elevation for Capital City Airport is three hundred forty seven (347) feet.

**AIRPORT HAZARD:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

**AIRPORT HAZARD AREA:** Any area of land or water upon which an airport hazard might be established if not prevented as provided for in Part 17 of this Chapter and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

**APPROACH SURFACE ZONE:** An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone is derived from the approach surface.

**CONICAL SURFACE ZONE:** An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically or (20:1) for a horizontal distance of four thousand (4,000) feet. The conical surface zone is based on the conical surface.

**FAA:** Federal Aviation Administration of the United States Department of Transportation.

**HEIGHT:** For the purpose of determining the height limits in all Airport Overlay Zoning District related zones set forth in Part 17 of this Chapter and shown on the Airport Zoning Overlay District Map, the datum shall be mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE ZONE:** An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone is derived from the horizontal surface.

**LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

**NON-PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by Part 17 of this Chapter.

**PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE ZONE:** An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone is derived from the primary surface.

**RUNWAY:** A defined area of an airport prepared for landing and takeoff of aircraft.

**TRANSITIONAL SURFACE ZONE:** An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone is derived from the transitional surface.

**TREE:** Any object of natural vegetative growth.

**UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

**VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

**AISLE:** The traveled way by which cars enter and depart parking spaces.

**ALTERATIONS:** Any change or rearrangement in the supporting members of an existing structure or building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**AMENDMENT:** A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

**AMORTIZATION:** A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL HOSPITAL/VETERINARY OFFICE:** An establishment involved in the treatment, housing or boarding of small domestic and usual house pets animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian, which includes reception areas, offices, consultation rooms, and x-rays, as well as kennels.

**ANTENNA STANDARD:** A device, partially or wholly exterior to a structure or building, that is used for receiving electronic signals (other than a satellite dish antenna which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennae used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

**ANTENNA HEIGHT:** The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building or other structure upon which the antenna and its structure is situated.

**ANTENNA SUPPORT STRUCTURES:** Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**APARTMENT:** An individual independent dwelling unit within a multi-family dwelling/apartment building, located above a permitted ground floor non-residential use, or as otherwise provided in this Chapter.

**APARTMENT, ACCESSORY:** An individual independent dwelling unit, incorporated into the principal or accessory building or structure located on an owner occupied lot upon which the permitted principal use is a single family detached dwelling.

**APARTMENT, CONVERSION:** The creation of not more than three (3) (where permitted) multi-family dwelling units/apartments by converting an existing single-family detached dwelling without substantially altering the exterior of the building.

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

**APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include adaptive reuse, replacement, infill, and redevelopment.

**ARCADE:** A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

**AREA, BUILDING:** The total of area, in square feet, of all floors, excluding basement, of the principal building and/or structure and all accessory buildings and structures, exclusive of uncovered porches, terraces, and steps.

**ASSISTED LIVING FACILITY:** Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

**ATTIC:** That part of a building or structure which is wholly or partly within the roof framing.

**AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 162), as amended, known as the "Municipalities Authorities Act of 1945".

**AUTOMATED BANKING FACILITY:** An establishment whereby automated devices that perform banking or financial functions are operated by the consumer or patron primarily for those who remain in their automobile, but may also be operated by those customers who walk up to the device.

**AUTOMATIC CAR WASH:** A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**AUTOMOBILE, BOAT, HEAVY EQUIPMENT, MOBILE HOME, RECREATIONAL VEHICLE AND SIMILAR MOTOR VEHICLE RENTAL, REPAIR, SALES, SERVICE & WASHING:** An establishment involving the indoor and/or outdoor display, sale, or rental of new and used motor vehicles including cars, motorcycles, trailers, boats, heavy equipment and construction vehicles, mobile homes, recreational vehicles and motorhomes, trucks, other similar motor vehicles, and mobile homes, and which may include washing and polishing of vehicles, major and minor mechanical repairs and body work, straightening of body parts, painting, welding or rebuilding or transmissions state inspections, oil changes and lubrications, and tune-ups be conducted within an completely enclosed building or structure. Additionally, this use includes the retail dispensing or sales of vehicular fuels; the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**AUTOMOBILE WRECKING, JUNK AND SCRAP STORAGE & SALES ESTABLISHMENTS** An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two (2) or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as herein defined. In no district shall this use be considered to be accessory or incidental to another use.

**AWNING:** A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building or structure for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building or structure.

**BANK:** An establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans or is exchanged and that has routine interactions with the public. A bank may also provide financial counseling, planning, and services related to money management.

**BASEMENT:** A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half (6 ½) feet.

**BED AND BREAKFAST:** An owner-occupied or manager-occupied business which occupies a single family detached dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual guest rooms which do not contain cooking facilities.

**BERM:** A mound of soil, either natural or man-made, used to obstruct views.

**BEST MANAGEMENT PRACTICES (BMPs):** Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one (1) of two (2) broad categories or measures: "non-structural" or "structural". "Non-structural" BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. "Structural" BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

**BILLBOARD:** See "signs".

**BLOCK:** Land surrounded on all sides by streets (measured at the right-of-way) or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

**BOARDING HOUSE (INCLUDING "ROOMING HOUSE"):** A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a treatment center, hotel, motel, life care center, personal care, bed and breakfast, group home, group care facility, nursing home, or similar type group living use. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

**BOAT LAUNCHING FACILITY:** An area of land, structure or facility to launch and retrieve recreational boats from a trailer.

**BOAT STORAGE FACILITY:** Any area of land or any structure principally used for the temporary storage of boats for financial gain.

**BOROUGH COUNCIL:** The Highspire Borough Council also may be referenced as the Borough Council of the Borough of Highspire. See also governing body.

**BUFFER:** An open area of land located between two (2) uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**BUFFER YARD:** An open area of land located between two (2) uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense/intense/dense use and/or zoning district on the less intense/dense use and/or zoning district, whose dimensions normally exceed, but may include where specified, the required building setback or yard requirements, and which is generally planted and may include required screening, and within which no building, structure, or otherwise shall be permitted except those used as part of required screening, or other features as provided in this Chapter.

**BUILDABLE AREA:** The area of lot remaining after the yard and open space requirements of this Chapter have been met.

**BUILDING:** Any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet in area and/or having a roof supported by columns or walls, intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**BUILDING, ACCESSORY:** A detached, subordinate building or structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or otherwise principal use of the lot, which is located on the same lot as that occupied by the principal building, structure or otherwise principal use of the lot.

**BUILDING, ATTACHED:** A building connected to another building or structure via one or more common party wall(s).

**BUILDING, DETACHED:** A building surrounded by open space on the same lot.

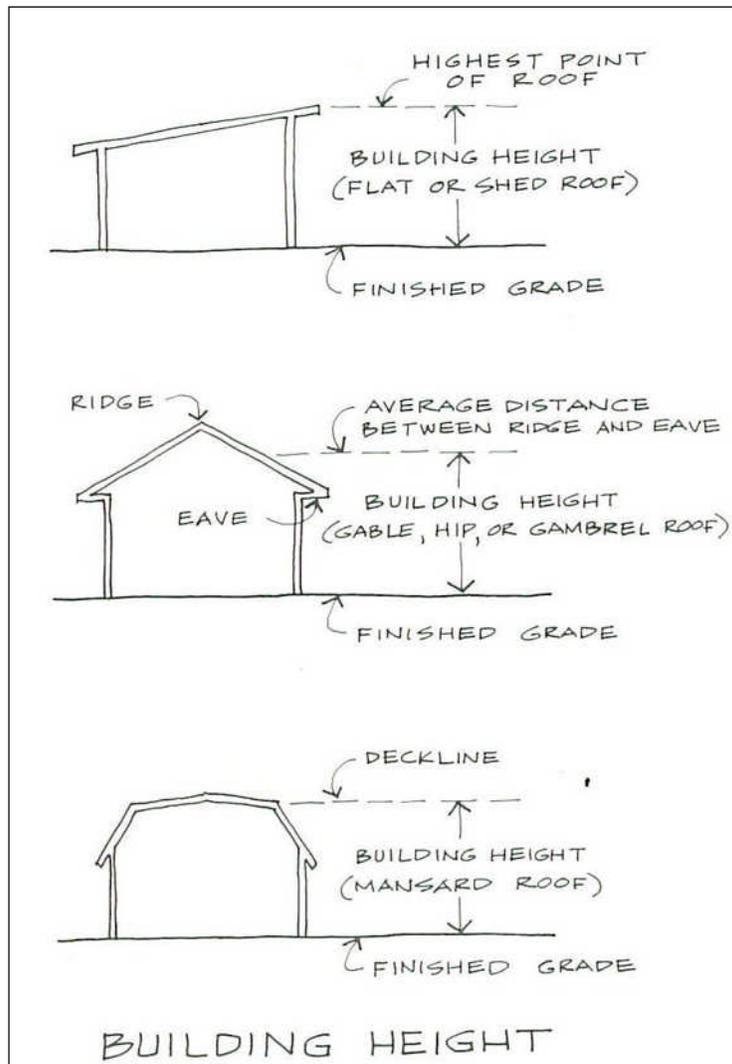
**BUILDING CODE OFFICIAL:** One who is certified by the Pa. Department of Labor and Industry to manage, supervises and administer code enforcement activities under the authority of the Pa. Uniform Construction Code pursuant to Chapter 5 relating to buildings of the Codified Ordinances of the Borough of Highspire, relating to buildings

**BUILDING FACADE:** The front exterior face or elevation of a principal building, often the side of the building facing the public street right-of-way (excluding alleys)

**BUILDING FOOTPRINT:** The area of a building or structure measured from the exterior surface of the exterior walls at grade level. Where a building or structure is elevated above grade level, the building footprint is the area the building would cover if it were located at ground level.

**BUILDING HEIGHT:** The vertical distance from the average finished grade in front of the building where the address is taken to:

- (1) the top of the highest roof beams on a flat or shed roof,
- (2) the deck level on a mansard roof, and
- (3) the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.



**BUILDING LINE:** A line parallel to the front, side, and/or rear lot line touching that part of the structure closest to said lot line.

**BUILDING, NON-CONFORMING:** See Non-Conforming Structure or Building.

**BUILDING, PRINCIPAL:** A building or structure that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The principal building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main structure on a given lot.

**BUILDING PERMIT:** A document signed by the Building Code Official, as required in Chapter 5 relating to buildings of the Codified Ordinances of the Borough of Highspire, relating to buildings, as a condition precedent to

the commencement the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such building or structure complies with the provisions of Chapter 5 relating to buildings, and this Chapter 27 relating to zoning of the Codified Ordinances of the Borough of Highspire. Also see Zoning Permit.

**BUSINESS SERVICES:** Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; interior decorating; taxidermy; and upholstering. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; funeral homes, mortuaries; warehouses and distribution facilities; and contractor's offices.

**CALIPER, TREE:** The diameter of a tree trunk.

**CAMPER:** Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

**CAMPGROUND OR CAMP:** A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for recreational vehicles, trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one or more seasons a year.

**CAMP SITE:** Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**CAMPING UNIT:** Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as a temporary living quarters for recreation, education, or vacation purposes.

**CANOPY:** See Awning.

**CARPORT:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides, and is accessory to a principal or accessory building or structure.

**CARTWAY:** The portion of a street right-of-way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the street, but not including unimproved shoulders, and curbs, sidewalks or swales.

**CELLAR:** A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half (6 ½) feet.

**CEMETERY:** A parcel of land used as a burial ground for human or animal remains.

**CERTIFICATE OF USE AND OCCUPANCY:** The certificate issued by a duly authorized Borough officer which permits the use of a building or structure 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 and/or zoning permit (see Section 303).

**CHANGE OF USE:** Any use that substantially differs from the previous use of a structure, building/ or land.

**CHIMNEY:** A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

**CLINIC, MEDICAL:** An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, and x-ray, but may also include a pharmacy provided that such use has access only from the interior of the building or structure, on an outpatient basis by three (3) or more licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.

**CLUB, CLUBHOUSE OR LODGE, PRIVATE:** A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fundraising of such club. This use shall not include bar, boarding house, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests.

**CLUB, PRIVATE:** an organization catering exclusively to members and their guests and not the general public. Private clubs shall include but not be limited to, educational, fraternal, service and political organizations, labor unions and social and athletic clubs.

**COLD-FRAME:** An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

**COMMERCIAL RECREATION:** An establishment operated as a gainful business whose main purpose is to provide the general public with an amusing or entertaining activity, and where tickets are sold or fees are collected for the activity:

**INDOOR COMMERCIAL RECREATION:** An establishment operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, swimming pool, dance or gymnastic instructional school, tennis courts, etc., when operated within a completely enclosed building or structure. This use does not include a theatre.

**OUTDOOR COMMERCIAL RECREATION:** An establishment operated as a gainful business and open to the public upon open land, wholly or partially outside of a building or structure, for the purpose of leisure time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-cart track, and skating rinks, but also including amusement rides or regular live entertainment. This use excludes a park, golf course and an outdoor shooting range.

**COMMERCIAL VEHICLE:** Any motor vehicle licensed by the Commonwealth of Pennsylvania as a commercial vehicle.

**COMMON AREA:** The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

**COMMON ELEMENTS:** Means and includes:

- (1) The land on which a building is located and portions of the building which are not included in a unit;
- (2) The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building (not including those elements of a building held in ownership by a private resident);

- (3) The yards, parking area and driveways;
- (4) Portions of land and building used exclusively for the management, operation or maintenance of the common elements;
- (5) Installations of all central services and utilities;
- (6) All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- (7) Such other facilities as are designated as “common elements”.

**COMMON FACILITIES:** When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and the water, within the development site, designed and intended for the use or enjoyment of residents of the development, not including Streets, off-Street parking areas, and areas set aside for public facilities.

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

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

**COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

**COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY:** A communications tower or other facility which transmits or receives a radio, television or other communications signal.

**COMMUNITY GARDEN:** An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be used collectively by members of the group and may include common areas maintained and use by group members.

**COMPREHENSIVE PLAN:** The official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of the Borough of Highspire, as amended from time to time.

**COMPOSTING:** The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

**CONDITIONAL USE:** A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Chapter.

**CONDOMINIUM:** A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

**CONDOMINIUM ASSOCIATION:** The community association that owns, administers and maintains the common property and common elements of a condominium.

**CONSERVATION AREA:** Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

**CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONTIGUOUS:** Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

**CONTINUING CARE RETIREMENT COMMUNITY:** An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

**CONTRACTOR'S OFFICE & STORAGE YARD:** An establishment of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

**CONVENIENCE STORE:** An establishment primarily engaged in the retail sale of frequently or reoccurring needed goods for household consumption.

**GENERAL CONVENIENCE STORE:** A convenience store which generally includes the retail sale of fuel for passenger vehicles, oil, grease, automobile accessories, propane, kerosene, along with prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware.

**NEIGHBORHOOD CONVENIENCE STORE:** A convenience store which generally includes the retail sale of prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware. Neighborhood convenience stores shall not include gas/fuel pumps, selling of gas/fuel for motor vehicles, nor automatic car washing facilities.

**CRAFTSMAN OR ARTISAN STUDIO:** An establishment primarily engaged in the on-site production, display and sale of goods created on-site by hand manufacturing involving only the use of hand tools or domestic mechanical equipment not exceeding eight (8) kilowatts. Typical uses include painting and other media-art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production associated with this use shall occur within a completely enclosed building.

**CURB:** A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

**CURB CUT:** The opening along the curb line at which point vehicles may enter or leave the roadway.

**DAYCARE:** The offering of care or supervision of persons under the age of sixteen (16), special needs adults in lieu of care or supervision by family members, or elderly persons (generally 60 years of age and older) and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person:

**DAYCARE, ACCESSORY:** An accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) nonresidents of the site during any calendar day. An accessory daycare does not require zoning approval.

**DAYCARE, COMMERCIAL:** An establishment operated as a gainful business which the care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial daycare

facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial daycare be considered an accessory use to an individual dwelling unit. Commercial daycare facilities shall include “group child daycare homes” and “child daycare centers,” as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania.

**DAYCARE, FAMILY:** An accessory use to a single-family detached dwelling, in which the care and supervision is offered to between four (4) and six (6) nonresidents of the site during any calendar day. Family daycare facilities must be registered with the Pennsylvania Department of Public Welfare of the Commonwealth of Pennsylvania.

**DECIDUOUS:** Plants that drop their leaves before becoming dormant in winter.

**DEED RESTRICTION:** A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

**DENSITY, NET:** The number of dwelling units or units of occupancy per lot area acre (i.e. the total area within the deeded property lines, inclusive of any space within easements, but exclusive of rights-of-way).

**DEP:** Pennsylvania Department of Environmental Protection.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom development plans are being or have been made.

**DEVELOPMENT PLAN:** The provisions for a planned 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.

**DISH ANTENNA:** A parabolic dish or devices whose purpose is to receive television, radio, microwave, and other electrical signals, or may one of the same from space satellites. (see satellite dish def)

**DISTRIBUTION CENTER:** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

**DOG DAY CARE:** An establishment operated as a gainful business which the care and supervision to more than one (1) non-resident small domestic and usual house pets animals such as dogs and cats during any calendar day.

**DOG KENNEL:** A structure where three (3) or more dogs that are more than six (6) months old are kept.

**DORMER:** A projection from a sloping roof which contains a window.

**DRAINAGE EASEMENT:** The land required for the installation of storm sewer or drainage facilities, or required along a natural Stream or Watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

**DRIVE-IN:** A business establishment, including an eating establishment, offering refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building or structure, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DRIVE THRU:** A portion of a business establishment dependent on providing an access drive approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

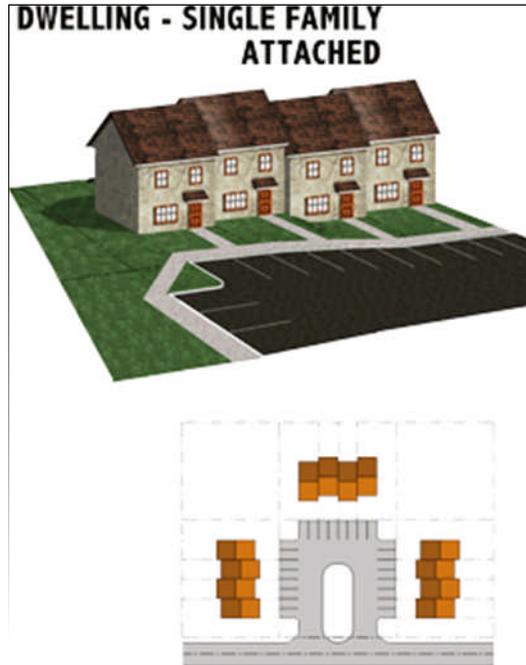
**DRIVEWAY:** A private drive, other than an access drive, providing vehicular access between a street or access drive and a parking area for not more than two (2) or less residential units of occupancy.

**DUMP:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

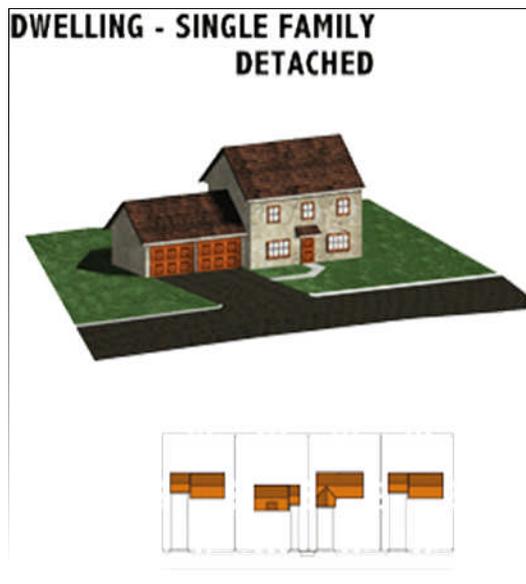
**DWELLING, MULTI-FAMILY/APARTMENT:** A building designed, occupied and used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain its own private bath and kitchen facilities. Includes apartment houses/homes. (i.e. three [3] or more dwelling units on one [1] lot.)



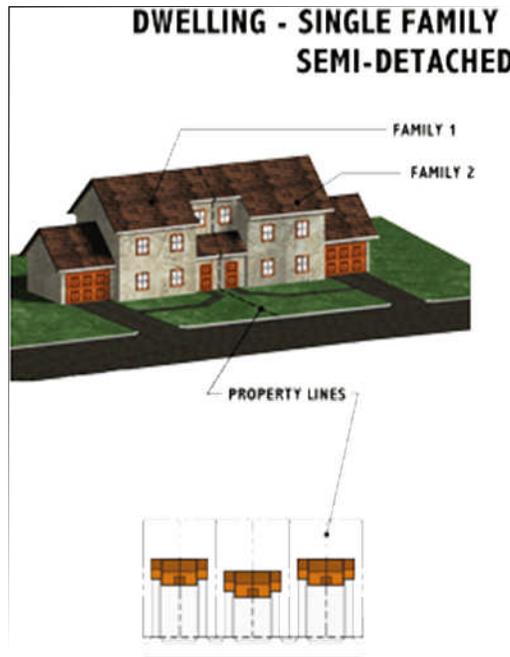
**DWELLING, SINGLE FAMILY ATTACHED:** A building containing one (1) dwelling unit occupied and used by one (1) family, having at least one (1) party wall in common with other buildings (single family attached dwelling[s]), and generally located on its own lot. For units having one (1) party wall, there shall be one (1) side yard, and for units having two (2) party walls, there shall be no side yards (except on corner lots). Standards and regulations of this Chapter shall apply to individual units, whether on a common lot or on individual lots. Includes townhouses/homes and row houses/homes.



**DWELLING, SINGLE FAMILY, DETACHED:** A building containing one (1) dwelling unit occupied and used by one (1) family, and having two (2) side yards (except on corner lots). (i.e. one [1] dwelling unit on one [1] lot.)



**DWELLING, SINGLE FAMILY SEMI-DETACHED:** A building containing one (1) dwelling unit occupied and used by one (1) family, and having one (1) party wall in common with another building (single family semi-detached dwelling), and one (1) side yard (except on corner lots). (i.e. each dwelling unit is located on its own lot.)



**DWELLING, TWO FAMILY, DETACHED:** A building containing two (2) dwelling units each occupied and used by only one (1) family, with one dwelling unit arranged, beside the other, and having two (2) side yards (except on corner lots). (i.e. two [2] dwelling units on one [1] lot.)



**DWELLING, UNIT:** One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

**EASEMENT:** A strip of land granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**EMPLOYEES:** The highest number of workers (including both part-time and full-time) both compensated and volunteer and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ENLARGEMENT:** An increase in the size of an existing structure or use, including physical size of the property, structure, building, parking, and other improvements.

**EROSION:** The removal of surface materials by the action of natural elements.

**ESSENTIAL SERVICE :**the provision by public utilities, municipal or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health, safety or general welfare.

**EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

**EXISTING USE:** An activity or use of land occurring on a lot or parcel as of the effective date of this Chapter.

**FAMILY:** One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four (4) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit. This term shall also include the number(s) of unrelated persons defined by and consider those living in a Group Care and Group Home.

**FARMERS/FLEA MARKET:** An indoor and/or outdoor establishment used for the sale of assorted new and used goods by auctioneers or by vendors on a periodic basis.

**FENCE:** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singularly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this Chapter a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Chapter when the term "lot line" is used in relation to fences it shall be synonymous with "rear lot lines", "side lot lines", "front lot lines.

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

**FINANCIAL SERVICE, OTHER :** An establishment, excluding a bank, where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

**FINISHED GRADE:** The elevation of the land surface of a site after completion of all site preparation work.

**FLOODPLAIN MANAGEMENT OVERLAY WORDS & PHRASES.** Unless specifically defined elsewhere herein this Part, the following words and phrases when used in Part 15 of this Chapter relating to the Floodplain Overlay District shall have the meaning given to them herein this subsection unless the context clearly indicates otherwise:

**BASE FLOOD:** A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

**BASE FLOOD ELEVATION (BFE):** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one - percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT:** Any area of the building having its lowest floor below ground level on all sides.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONSTRUCTION, EXISTING:** Structures for which the "start of construction" commenced before 4/15/77, the established effective date of the Flood Insurance Rate Map (FIRM) of the Borough of Highspire, Dauphin County, Pennsylvania. Existing construction may also be referred to as existing structures.

**CONSTRUCTION, NEW:** For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after 4/15/77, and includes any subsequent improvements to such structures.

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

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Borough of Highspire.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA:** Federal Emergency Management Agency.

**FIA:** Federal Insurance Administration.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff or surface waters from any surface.

**FLOODPLAIN ADMINISTRATOR:** The administrative officer appointed by the Highspire Borough Council to administer the provisions of Part 15 of this Chapter relating to the Floodplain Overlay District.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior.
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR:** The lowest floor of the lowest fully enclosed area (including basement). An unfinished or flood resistant partially enclosed area, usable solely for parking vehicles, building access or storage in an area is not considered a building's lowest floor; provided, that such space is not built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. The one hundred eighty (180) day provision shall not be applicable in instances where a park trailer, travel trailer or other similar vehicle is being stored on the owner's property, providing there is a principal structure on the property and the recreational equipment is mobile. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after *April 15, 1977* adopted by the community and includes any subsequent improvements to such structures. Any construction started after *August 2, 2012* and before *April 15, 1977* is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Borough.

**RECREATIONAL VEHICLE:** A vehicle which is a) built on a single chassis; b) not more than 400 square feet, measured at the largest horizontal projections; c) designed to be self-propelled or permanently towable by a light-duty truck; and d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION:** The BFE as indicated on profiles of the FIS for the Borough of Highspire, Dauphin County, Pennsylvania.

**REGULATORY FLOOD:** The flood having a one (1) percent chance of being equaled or exceeded in any given year. The flood that has been selected to serve as the basis upon which the "flood damage control" standards of this Chapter have been prepared; for this Chapter, the one hundred (100) year flood.

**SPECIAL FLOOD HAZARD AREA (SFHA):** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, or, AH.

**START OF CONSTRUCTION:** Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit, and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first (1<sup>st</sup>) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1<sup>st</sup>), alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE:** Damage from any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**UNIFORM CONSTRUCTION CODE (UCC):** The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**VIOLATION:** Means the failure of a structure or other development to be fully compliant with Highspire Borough's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, excluding cellar and basement areas used only for storage and the operation and maintenance of the building.

**FLOOR AREA, NET:** The total of all floor areas of a building or structure, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FLOOR AREA, HABITABLE:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**FLOOR AREA RETAIL, NET:** All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer: but not to include office space, storage space and other general administrative areas.

**FLOOR ELEVATION:** The elevation of the lowest level of a particular building, including the basement.

**FOOD SERVICE FACILITY:** An establishment in which food is processed and/or prepared on the premises, and which may be sold and consumed on the premise. This term shall also include bakeries and catering establishments.

**FORESTRY (TIMBER HARVESTING):** The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development.

**FORM:** Generally refers to the type of building or structure (e.g. two-story structure) and its architectural characteristics.

**FUNERAL HOME:** An establishment conducting embalming and cremation which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

**GARAGE, PRIVATE:** An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

**GARAGE, PUBLIC:** Any garage other than a private garage, and which is used for parking or storage of motor vehicles.

**GOVERNING BODY:** The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting and appointing authority of a general purpose unit of government. See also Borough Council.

**GREENHOUSE:** A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GREENWAY:** A greenway may be any one or combination of the following:

- (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route;
- (2) a natural or landscaped course for pedestrian or bicycle passage;
- (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and
- (4) strip or linear parks designated as a parkway or greenbelt.

**GROSS BUILDING AREA:** The total area of a building or structure available for construction or use, as measured from the exterior walls of the building or structure. Gross building area should be used in computing all square footage measurements for buildings or structures as well as dimension requirements.

**GROUP CARE FACILITY:** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**GROUP HOME:** A dwelling inhabited by not more than eight (8) handicapped persons, as identified and provided for by the Fair Housing Act and this chapter. This definition does not include persons occupying a hotel, motel, bed and breakfast, halfway house, boarding house, treatment center or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of "handicap", as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

**HALFWAY HOUSE:** A noninstitutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the

Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

**HAZARDOUS MATERIAL:** Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Borough of Highspire as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

**HAZARDOUS WASTE:** Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Township as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(NOTE: "Hazardous Waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

**HAZARDOUS WASTE FACILITY:** Any structure, group of structures, above ground or under ground storage tanks, or any other area, structures, or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Borough.

**HEIGHT:** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See also Building Height

**HEIGHT OF COMMUNICATION TOWER:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**HOME IMPROVEMENT CENTER, LUMBER, BUILDING MATERIALS SALES FACILITY –** An establishment providing for the sale of home, lawn, and garden supplies, lumber, and other similar building materials and products, including hardware stores.

**HOME OCCUPATION:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use to the resident's principal dwelling. Also see No-Impact Home Based Business.

**HOMEOWNERS ASSOCIATION:** A community association which is organized in a development in which individual owners share common interests in open space or facilities.

**HOOPHOUSE:** A structure made of piping or other material covered with translucent plastic, constructed in a "half-round" or hoop shape.

**HOSPITAL:** A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four-hour basis. The term "hospital" shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. A hospital shall be licensed as such by the

Commonwealth of Pennsylvania. The term “hospital” shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

**HOTEL:** An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access to a common interior corridor and which may provide such additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**HOUSEHOLD:** Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. See also Family.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA):** A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but are not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration. Any surface area proposed to initially be gravel or crushed stone shall be assumed to be impervious, unless designed as an infiltration BMP. This term shall also include impervious surface.

**IMPOUNDMENT:** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

**IMPROVEMENTS:** Physical changes to the land, including installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, buildings, streets, curbs, gutters, streetlights and signs, water mains, hydrants, sanitary sewer mains, including laterals to the street right-of-way lines, storm drainage lines, stormwater management facilities, sidewalks, walkways, recreational facilities, open space improvements, shade trees, landscaping, buffering, and screening, and all other additions to the tract which are required by ordinance or regulation, or are deemed necessary to result in a complete subdivision or land development in the fullest sense of the term.

**INCINERATOR:** An approved device in which combustible material, other than garbage, is burned to ashes.

**INDUSTRIAL USES:**

**GENERAL INDUSTRIAL:** An industrial use:

- (1) involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; and/or
- (2) engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials; and/or
- (3) engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and
- (4) due to the more intensive nature of the processes, materials, products, etc. such uses may disturb or endanger neighboring properties.

**LIGHT INDUSTRIAL:** An industrial use:

- (1) involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products; but
- (2) excluding the processing of extracted, raw, and/or recycled materials; and
- (3) due to the lower intensity nature of processes, materials, or products, produce no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.

Establishments involved in the production and/or repair services when such facilities are in a completely enclosed building or structure including home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; mass-produced furniture; wood products such as cabinetry, printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing nor rendering of fats.

**INDUSTRY:** The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

**INFILL:** Development of land within the Borough accessible to infrastructure that is generally surrounded by development and has been bypassed, remained vacant, and/or is underused.

**INOPERABLE MOTOR VEHICLE:** A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

**JUNK:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

**JUNK YARD:** Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

**JUNK VEHICLE:** Includes any vehicle or trailer that meets any of the following conditions:

- (1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- (2) Cannot be towed, in regards to a trailer designed to be towed,
- (3) Has been separated from its axles, engine, body or chassis, and/or
- (4) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

**KENNEL, COMMERCIAL:** An establishment operated as a gainful business licensed through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four (4) or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

**LAND DEVELOPMENT:**

- (1) The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving,
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or;
  - (b) The division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) A subdivision of land.
- (3) The following are exempted from the definition of Land Development:

- (a) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium;
- (b) The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or
- (c) The addition or conversion of a building for rides within the confines of an enterprise, which would be considered an amusement park. For the purpose of this subsection, an amusement park is defined as a tract or area used principally as a location for a permanent amusement structures or rides. This exclusion shall not comply to newly acquired acreage by an amusement park until initial land for the expanded area have been approved by the proper authorities.

**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 conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LAUNDRY AND DRY CLEANING ESTABLISHMENT (INDUSTRIAL):** A business premises equipped with large-scale clothes-washing and dry cleaning equipment.

**LAUNDRY AND DRY CLEANING ESTABLISHMENT (PERSONAL):** A business premises equipped with individual clothes-washing equipment for the use of retail customers or the drop off and pick up of clothing for dry cleaning (off site).

**LEASE:** A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

**LIBRARY:** A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

**LIGHTING:**

- (1) **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) **Direct or Flood:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) **Indirect:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LOADING SPACE:** Except as otherwise provided in Part 19, an off-street loading / unloading space upon an area of land, open or enclosed, other than a street, used primarily for the standing, loading or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets. .

**LONG TERM CARE NURSING FACILITY:** A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services twenty four (24) hours a day and seven (7) days a week to individuals who do not require more intensive hospital-based care.

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

**LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting streets (excluding alleys) or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135)

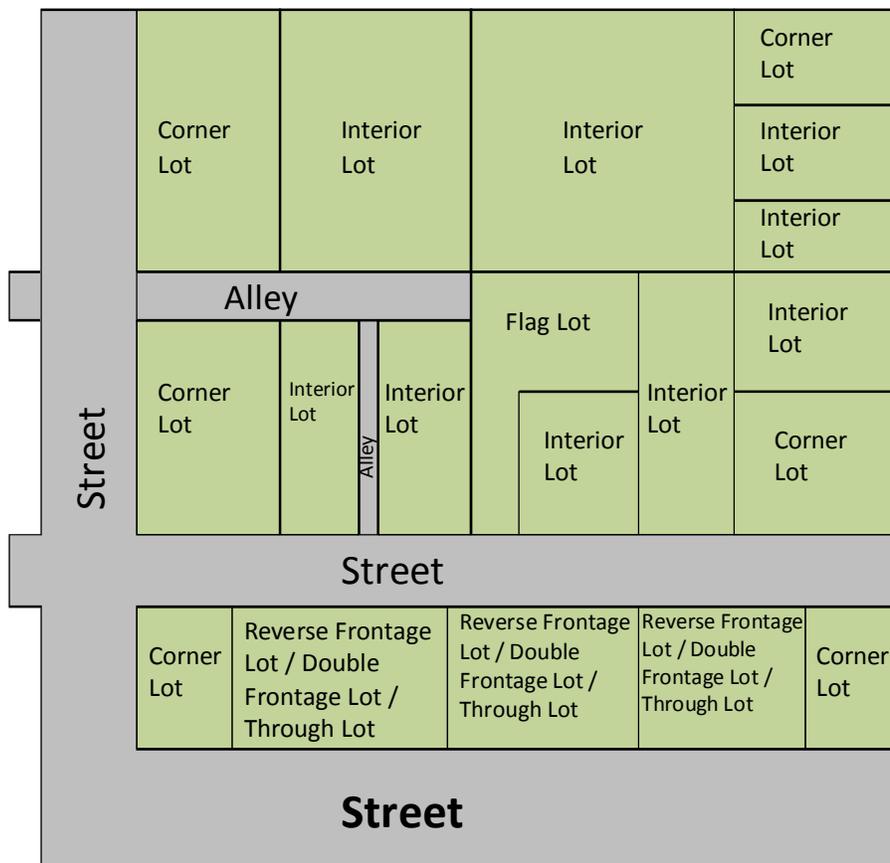
degrees or the radius of the street line is less than ten (10) feet. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

**LOT, DEPTH:** The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.

**LOT, DOUBLE FRONTAGE or THROUGH LOT:** An interior lot that abuts two (2) or more parallel or non-intersecting streets (excluding alleys) generally at the front and rear lot lines.

**LOT, INTERIOR:** A lot whose side lot lines do not abut upon any street (excluding alleys); a lot other than a corner lot. Lots abutting and bounded by one street, two (2) alleys, and one other lot shall be considered interior lots.

**LOT, REVERSE FRONTAGE:** An interior through or double frontage lot that is not accessible from one of the parallel or non-intersecting streets upon which it abuts and fronts.



**LOT ACCESS:** A way or means of approach to provide vehicular access to a property.

**LOT AREA.** The area contained within the property lines of the individual parcel of land, excluding space within the street right-of-way. The lot area includes the area of any utility easement or stormwater management facility.

**LOT COVERAGE:** That portion or percentage of the lot area covered by impervious materials.

**LOT FRONTAGE:** That portion of a lot abutting on the street right-of-way (excluding alleys) and regarded as the front of the lot.

**LOT LINE, FRONT:** The lot line separating a lot from a street right-of-way (excluding alleys). In the case of corner lot abutting a street right-of-way on more than one side there shall be two (2) front lot lines, one (1) side lot line and one (1) rear lot line.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plan of which was recorded, or a parcel of land, the deed of which was recorded in the office of the Dauphin County Recorder of Deeds prior to the adoption of this Chapter.

**MARKET GARDEN:** An area of land managed and maintained by an individual or group of individuals, typically of residential scale, to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

**MARINA:** A facility providing a boat dock and launch and which may include facilities for renting, storing, servicing, fueling, berthing and securing boats as well as eating and retail facilities and the sale of fuel.

**MARQUEE:** Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

**MASSAGE THERAPY ESTABLISHMENT -:** any business or part thereof, other than an adult massage establishment, where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

**MASSING:** Generally refers to the scale of a building or structure in relationship to those in vicinity (on abutting or adjacent lots, or neighborhood) to it.

**MEAN:** The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

**MINI STORAGE WAREHOUSES:** A facility providing for the enclosed storage of household items or recreational equipment, 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.

**MIXED USE:** Occupancy of a structure, building or land for more than one use, generally a permitted non-residential and permitted residential use, but may include more than one (1) permitted non-residential use.

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

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

**MOBILE HOME STAND OR PAD:** That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**MOTEL:** An establishment which provides transient lodging accommodations to the general public in sleeping units which each have separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities and living quarters for a resident manager or proprietor.

**MUNICIPAL ENGINEER:** A qualified, professional engineer licensed to practice in the Commonwealth of Pennsylvania, duly appointed as the Borough Engineer. See also borough engineer.

**MUNICIPAL OWNED USES:** Any establishment, use, facility, and/or structure owned and/or operated by Borough of Highspire, or its authorized municipal authorities or agents.

**MUNICIPAL SOLICITOR:** The licensed attorney designated by the Highspire Borough Council to furnish legal assistance for the administration of this Chapter. See also borough solicitor.

**NEW USE:** Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this Chapter.

**NIGHTCLUB:** An establishment operated as a business for the on-site consumption of alcoholic or nonalcoholic beverages where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs can offer the retail sale of carry-out beer consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and sine as an accessory use. Nightclub includes an "Under 21" club which features entertainment.

**NO IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. [Also see Home Occupation]

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE:** A use or activity that was lawful prior to the adoption, revision or amendment of this Chapter but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**OFFICE, PROFESSIONAL BUSINESS:** An establishment in which one (1) more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations, but also includes real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergymen, teachers, architects, engineers, planners, insurance agents, and similar office-oriented uses.

**OFFICE, MEDICAL:** An establishment where patients are admitted for examination and treatment to the general public without overnight accommodation and without a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and x-ray provided that such uses have access only from the interior of the building or structure, on an outpatient basis by not more than (2) licensed medical professionals including physicians, dentists, opticians, psychologists, other similar medical personnel and vocations.

**OFF-STREET PARKING:** A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

**ON-STREET PARKING:** A temporary storage (surface) for a motor vehicle within a dedicated right-of-way in accordance with Part 19 of this Chapter.

**OPACITY/OPAQUE:** Not transparent or translucent; impenetrable to light; not allowing light to pass through, measured by the observation of any two (2) square-yard area lying between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedication, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**OPEN SPACE, PRIVATE:** Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

**OPEN SPACE, PUBLIC:** Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

**ORIENTATION:** Generally refers to the manner in which a building or structure is positioned on a lot (e.g. a front building façade parallel to a front lot line.)

**OUTDOOR CAFÉ/ DINING** – an exterior seating area associated with a restaurant or a tavern/bar.

**OUTDOOR LIGHTING:** An illumination source outside any building or structure, including but not limited to an incandescent bulb, LED, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be “outdoor lighting.”

**OUTDOOR STORAGE:** A facility providing for the unenclosed storage of recreational equipment, 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.

**OVERLAY DISTRICT:** A zoning district that encompasses one or more underlying zoning districts and that imposes additional or other requirements than required by the underlying zoning districts.

**OWNER:** See Landowner.

**PARCEL:** Also see lot.

**PARK:** A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or permit uses considered commercial recreational uses.

**PARKING COMPOUND:** A public or private lot, building or structure that is designed and used for the temporary off-street storage and parking of passenger vehicles. This use shall include surface parking lots and parking structures including buildings and decks.

**PARKING LOT:** Any area of a lot used for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

**PARKING STRUCTURE:** A building or structure where passenger vehicles may be stored for temporary off-street parking, including decks and buildings

**PARKING SHARED:** Joint use of a parking area for more than one use.

**PARKING SPACE:** A space within an off-street parking compound or within a dedicated public right-of-way, for the parking of passenger vehicles.

**PARTY WALL:** A common shared wall between two separate structures, buildings, or dwelling units.

**PEDESTRIAN WALKWAY:** A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

**PERMITTED BY RIGHT USES:** Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this Chapter. A “nonconforming use” shall not be considered to be a permitted by right use, a special exception use or a conditional use.

**PERSON:** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE HOME:** A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A “halfway house” is not a personal care home.

**PERSONAL CARE HOME CENTER:** See “Assisted Living Facility”.

**PERSONAL SERVICE BUSINESS:** An establishment where service oriented activities for personal needs are provided to the general public, but, which do not involve primarily retail sales of goods or does not involve professional advisory services. Such activities shall include and be similar to barbershops, beauty salons, health spas; photographic studios; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

**PERVIOUS AREA (PERVIOUS SURFACE):** Any area not defined as impervious. This term shall also include pervious material.

**PLACE OF ASSEMBLY:** Any public or private lot, building or structure that is designed for the assembly or collection of persons at any one time, or adapted or used for purpose of assembly, where persons may congregate for civic, political, religious, educational, social, recreation and amusement purpose. A place of assembly shall include uses such as a performing arts theater.

**PLACE OF WORSHIP:** An establishment wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all buildings accessory buildings, structures and uses customarily associated with such primary purpose including rectories, convents and church-related schools and daycare facilities. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**PLANT NURSERY:** An business establishment involving the cultivation, propagation, growing and/or selling trees, shrubs, vines, and other plants primarily grown on the premises, including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

**PLAT:** The map or plan of a subdivision or land development, whether preliminary or final. For the purpose of this Chapter, the terms “plat” and “plan” have the same meaning.

**PORCH:** A roofed (covered) open area providing shelter and shade, attached to or part of and with direct access to or from a building, which creates space for a sociable transition from the public sidewalk / street or adjacent property, to the building which it is attached.

**PRINCIPAL STRUCTURE:** The main, primary, or predominant structure on a given lot, tract, or parcel.

**PRINCIPAL USE:** The main, primary, or predominant use of any lot or parcel of land.

**PRIVATE:** Not publicly owned, operated, or controlled.

**PUBLIC GROUNDS:** Includes:

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

**PUBLIC LAND:** 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 or any public school district.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter and/or the MPC.

**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'.

**PUBLIC NOTICE:** A 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 STREET/ROAD:** A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

**PUBLIC/PRIVATE WORKS FACILITY :** The erection, construction, alteration, operation or maintenance of buildings, power plants, towers, substations, water treatment plants or pumping stations, sewage disposal or pumping plants, public transportation and road maintenance facilities, and other similar public service structures by a utility, whether publicly or privately owned, or by government agency other than the Borough of Highspire (its Authorities or agents), including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

**RECREATION:** Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- (1) Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
- (2) Arts and crafts, spectating, picnicking, nature study, and board games.
- (3) Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

**RECREATION ACTIVE:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, OPEN SPACE:** The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football

fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendance.

**RECREATION, PASSIVE:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

**RECREATION AREA, ACTIVE:** Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION AREA, PASSIVE:** Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

**REDEVELOPMENT:** Public and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures accommodating new development within the context of existing streets.

**REPLACEMENT:** Remodeling or reusing an existing building or structure for new development.

**RESEARCH AND DEVELOPMENT :** any establishment which carries on investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.

**RESEARCH LABORATORY:** A building or groups of buildings in which are located facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as accessory and incidental to the main purpose of the laboratory.

**RESTAURANT:** An establishment that sells ready to consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A restaurant may include the accessory sale of alcoholic beverages. However, if such sales is a primary or substantial portion of the total trade, the requirement of a tavern or bar as applicable must be met.

**RETAIL BUSINESS:** An establishment which sells goods or merchandise and repair services for goods or similar merchandise sold on the premises to the general public for personal and household consumption and rendering services incidental to the sale of such goods. This use shall not include adult-related uses as defined herein.

**RETIREMENT COMMUNITY:** Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, storm sewer, and other similar uses, whether public or private.

**ROAD:** See "Street".

**SANITARY FACILITY, LANDFILL OR INCINERATOR:** Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the

Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992 and 40 CFR Parts 260 to 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.

**SATELLITE DISH ANTENNA:** A device incorporating a reflective surface, which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as "satellite earth stations," "television receivers only" or TCROs, and "satellite microwave antennas." (see dish antenna)

**SAWMILL:** An industrial use consisting of a building, structure, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

**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 instruction as business, art, drama, music, handicraft, dancing, and other similar type low impact uses conducted within a completely enclosed structure.

**SCHOOL, PUBLIC OR PRIVATE:** Any public, sectarian, or private non-profit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for State-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

**SCHOOL, VOCATIONAL:** Same as public or private school except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

**SCREEN:** To inhibit view of/from.

**SCREENING:** The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**SCREEN PLANTING:** A vegetative material of sufficient height and density to conceal from the view of uses, building, and structures on the premises on which the screen planting is located, from occupants on abutting and/or adjacent properties.

**SETBACK:** The required horizontal distance between a required setback line and an abutting lot line or street right-of-way line, as applicable.

- (1). **SETBACK, FRONT:** The distance between the street right-of-way line and the required front setback line. Corner lots shall have two (2) front setbacks.
- (2). **SETBACK, REAR:** The distance between the rear lot line and the required rear setback line. Corner lots shall have one rear setback.
- (3). **SETBACK, SIDE:** The distance between the side lot line and the required side setback line.

**SETBACK LINE:** The line within a property defining the required distance between a use, structure, and/or building and the abutting right-of-way line, or otherwise, front, rear, and side lot lines that establishes the area in which said use, structure, or building must be established, erected, and/or placed. In the case of lot where a front

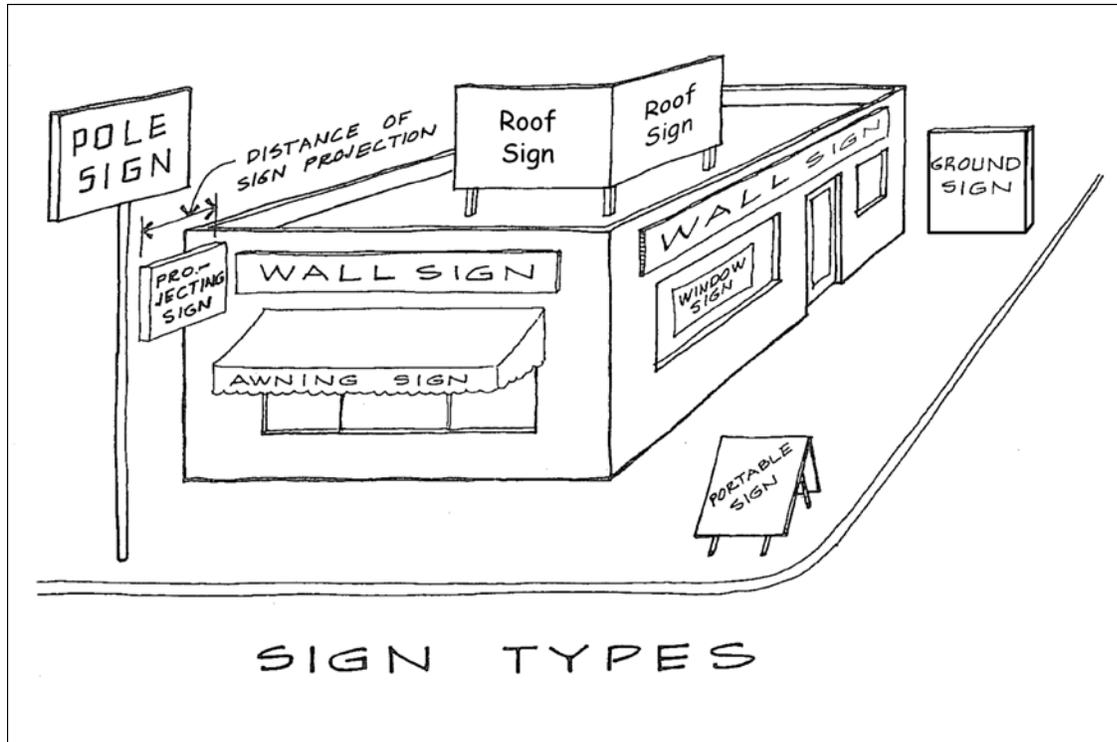
and/or rear lot line does not coincide with a recorded right-of-way, the building setback line shall be measured from the associated recorded right-of-way.

**SIDEWALK:** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**SIDEWALK AREA:** That portion of the right-of-way that lies between the edge of the right-of-way line and curb line, regardless of whether the sidewalk exists.

**SIGHT DISTANCE:** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

**SIGN:** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.



**SIGN, AREA:** The area of a sign including all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

**SIGN, AWNING, CANOPY OR MARQUEE:** A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by this Chapter.

**SIGN, BILLBOARD:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**SIGN, CONSTRUCTION:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, DIRECTIONAL:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

**SIGN, FACE:** The area or display surface used for the message.

**SIGN, FREESTANDING:** A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

**SIGN, GROUND:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**SIGN, HEIGHT:** The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Chapter when attached to a tower or spire of a House of Worship.

**SIGN, IDENTIFICATION:** A sign giving the nature, logo, trademark, or other identifying symbol, and address of a building, business development, or establishment in the premises where it is located.

**SIGN, INFLATABLE:** Any display capable of being expanded by air or other gas and used in a temporary basis to advertise a product or event.

**SIGN, OFF-PREMISE:** A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

**SIGN, PROJECTING:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.

**SIGN, REAL ESTATE:** A sign relating to the property upon which it is located, offering such property for sale or lease.

**SIGN, ROOF:** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

**SIGN, TEMPORARY:** Any sign, or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

**SIGN, WALL:** A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

**SIGN, WINDOW:** A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

**SIMILAR USE:** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See CHANGE OF USE

**SITE:** A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

**SITE PLAN:** An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

**SKETCH PLAN:** See “Plan, Sketch”.

**SKILLED OR INTERMEDIATE NURSING CARE:** Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

**SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SOLAR ENERGY SYSTEM:** Any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**SPECIAL EXCEPTION USES:** A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

**SPECIFIED ANATOMICAL AREAS:** (1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; and (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**STEEP SLOPE:** Land with a fifteen (15) feet or greater change in elevation one hundred (100) feet or less in horizontal distance or, in other terms, fifteen (15) percent or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 I \times L}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

**STOOP:** A covered or uncovered area at the front, side or rear door.

**STORAGE SHED:** A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

**STORY:** That portion of a building or structure 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 and including those basements used for the principal use.

**STORY, HALF:** A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

**STREAM:** A body of water flowing in a channel within a defined bed and banks.

**STREET:** A strip of land, including the entire Right-of-Way, publicly or privately owned, serving primarily as a means of motorized and non-motorized vehicular and pedestrian travel, and furnishing access to Abutting properties. This term shall include the terms avenue, boulevard, road, highway, freeway, parkway, lane, Alley, viaduct or any other way used for similar purposes. Streets shall conform to one of the following categories:

1. **ALLEY:** A service road that is generally parallel to a primary local, collector, or arterial street, and which is generally abuts and provides access to the rear of lots. Alleys are on the same level as a local street, and are used in cases of narrow lot frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane streets. For purposes of this Chapter, alleys shall include the following:

Name
Bank Avenue or Alley
Bessemer Avenue or Alley
Cedar Avenue or Alley
Center Avenue or Alley
Charles Avenue or Alley
Cherry Avenue or Alley
Chestnut Avenue or Alley
Church Avenue or Alley
Concord Avenue or Alley
Eastern Avenue or Alley
George Avenue or Alley
Hancock Avenue or Alley
Hickory Avenue or Alley
Hill Avenue or Alley
Iron Avenue or Alley
Legion Avenue or Alley
Logan Avenue or Alley
Lusk Avenue or Alley
Maple Avenue or Alley
Martin Avenue or Alley
Mary Avenue or Alley
Moyer Avenue or Alley
Nora Avenue or Alley
Penn Avenue or Alley
Poplar Avenue or Alley
Rhoda Avenue or Alley
Steel Avenue or Alley
Stoner Avenue or Alley
Wetzel Avenue or Alley
Whiteside Avenue or Alley

Name
Any other public street / alley with a less than or equal to twenty (20) foot wide right-of-way.

2. **ARTERIAL:** An interregional road in the street hierarchy system that carries vehicle traffic to and from the region as well as any through traffic. This street should be a controlled access street (designed to the capacity analysis of the intersection (LOS) Level of Service). ). For purposes of this Chapter, arterial streets shall include the following:

Name
2nd Street (SR 0230)
Eisenhower Boulevard

3. **COLLECTOR:** A street that provide connections with local and arterial streets. This street may serve a traffic corridor connecting communities, neighborhoods, and other business areas on an intra-County or Borough basis. For purposes of this Chapter, collector streets shall include the following:

Name
Lumber Street
Rosedale Avenue
White House Lane

4. **CUL-DE-SAC:** A street with a single means of ingress and egress and having a turnaround. The design of the turnaround may vary.
5. **LOCAL:** This classification provides direct access to adjacent land and includes connections to individual residences and commercial properties, and to higher classes of highway systems. For purposes of this Chapter, local streets shall include all roads and streets not otherwise identified as arterial streets, collector streets, or alleys.

**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 midpoint 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. Includes established grade.

**STREET LINE:** The dividing line between the street and the lot, also known as 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.

**STRUCTURE, NON-CONFORMING:** A structure or part of a structure that does not comply with the applicable provisions in this chapter or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STRUCTURE, TEMPORARY:** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**STUDENT:** An individual registered for instruction from an educational institution, whether public or private, within a given calendar year.

**SUBDIVISION:** The division or re-division of a single lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or lot development.

**SWALE:** A low-lying stretch of land that gathers or carries surface water runoff.

**SWIMMING, BATHING OR OTHER POOL:** Any structure and inflatable device intended for swimming or recreational bathing, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Ornamental ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction. Furthermore, this definition includes all above ground and below ground, permanent and temporary/portable types of pools, spas and jacuzzis.

**TAVERN/BAR:** 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.

**TEMPORARY ROADSIDE STAND:** A prospective use, intended for limited duration, for the display and retail sale of agricultural products grown and produced by the seller.

**TEMPORARY STRUCTURE:** See Structure Temporary.

**TEMPORARY USE:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**THEATER, INDOOR:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**THEATER, OUTDOOR AND DRIVE-IN:** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

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

- (1) Criminal rehabilitation, such as a criminal halfway house;
- (2) Current addition to alcohol or a controlled substance that was used in an illegal manner; and/or
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

**TURBINE HEIGHT:** The distance measured from the highest point of the wind turbine rotor plane to the ground level.

**UNDEVELOPED LAND:** Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or structure.

**UNIT OF OCCUPANCY:** An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

**USE:** The specific purpose or activity for which land, structures, or buildings are designed, arranged, or intended or for which land, structures, or buildings are occupied or maintained.

**USE, NONCONFORMING:** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment thereto or hereafter enacted, where such use was lawfully in existence prior

to the enactment of such Chapter or amendment, or prior to the application of such Chapter or amendment to its location by reason of annexation.

**UTILITY LINE:** A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

**VARIANCE, HARDSHIP:** A departure from the provisions of this Chapter relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of this Chapter as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable.

**VEGETATIVE COVERAGE:** An area covered with a vegetative material: grass, shrubs, vines and trees.

**VEHICLE, DISMANTLED OR NONOPERABLE:** A vehicle which does not display the current Pennsylvania state inspection certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

**VETERINARIAN:** A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of this Chapter the term “veterinarian” includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters and the like).

**VETERINARY:** See “Animal Hospital”.

**VESTED RIGHT:** A right that cannot be changed or altered by changes in regulation.

**WAREHOUSE :** An establishment used primarily for the indoor storage and handling of products, supplies, equipment, but not including the maintenance or fueling of commercial vehicles.

**WAREHOUSING, DISTRIBUTION AND WHOLESALING :** A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.

**WATER FACILITY:** Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

**WATERCOURSE:** A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WETLANDS:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency [USEPA] and the United States Army Corps of Engineers [USACOE].)

**WIND CHARGER:** A wind energy system direct-current generator used for charging storage batteries.

**WIND ENERGY SYSTEM:** A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, consisting of one or more

wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

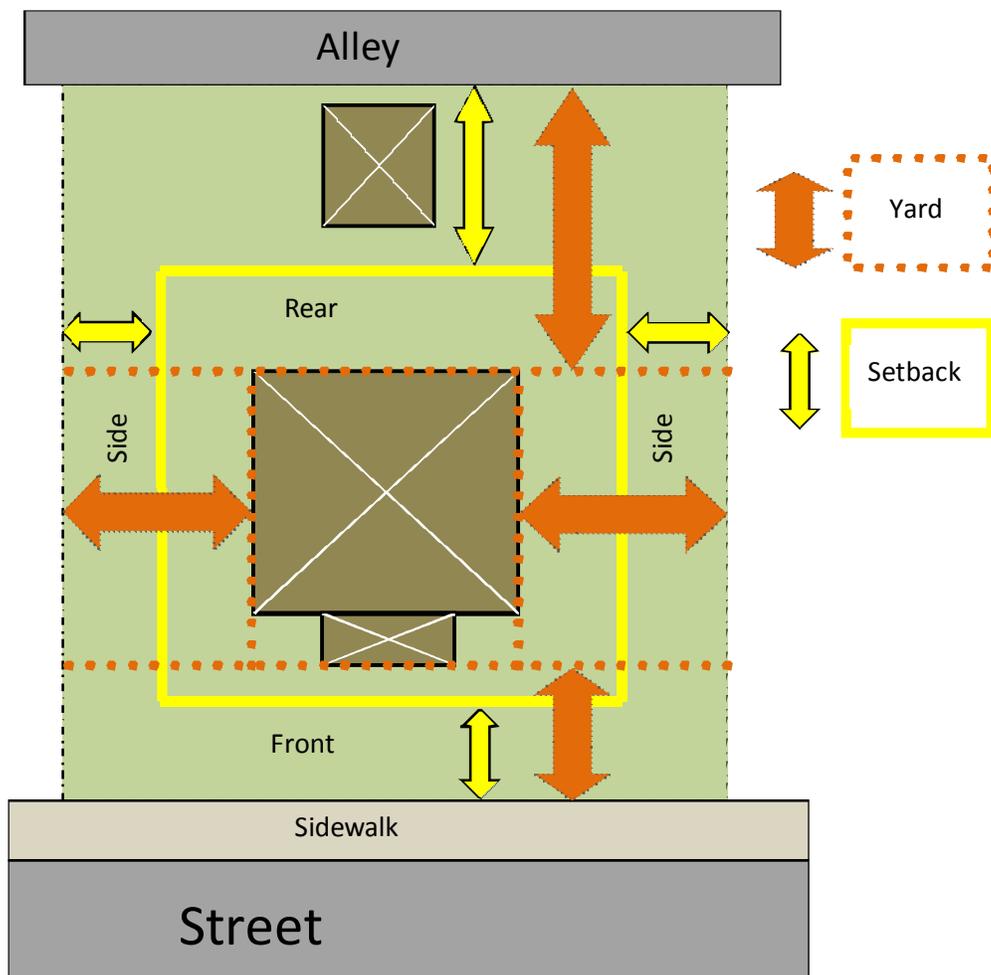
**WINDMILL:** A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE:** A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

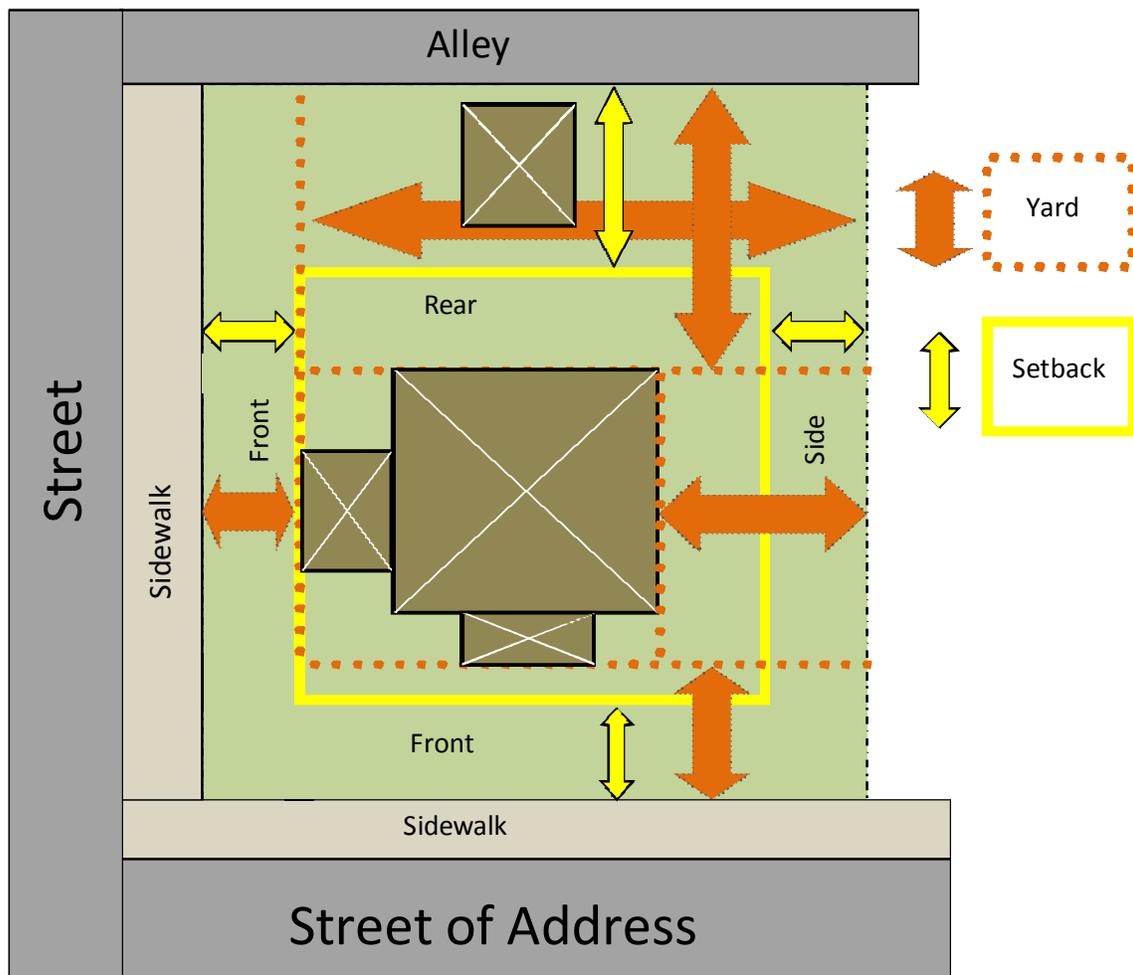
**WIND TURBINE TOWER:** The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

**YARD:** An unoccupied and unobstructed open space of land between the permitted structures and the adjoining lot line.

(INTERIOR LOT)



(CORNER LOT)



**YARD, FRONT:** The yard area extending across the full width of the lot contained between the building line of the principal structure and the front lot line or street line (excluding alleys), measured perpendicular to the building line of said structure at the closest point to the front lot line. Corner lots shall have two (2) front yards.

**YARD, REAR:** The yard area extending across the full width of the lot contained between the building line of the principal structure and the rear lot line, which may include street lines created by alleys, measured perpendicular to the building line of said structure at the closest point to the rear lot line. Corner lots shall have one rear yard, extending from the applicable front yard to the side lot line as well as from the rear lot line to the side yard.

**YARD, SIDE:** The yard area(s) extending from the front yard to the rear yard contained between the building line of the principal structure and any side lot line(s), measured perpendicular to the building line of said structure at the closest point to the nearest side lot line. Corner lots shall have one side yard.

**ZONING:** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards.

**ZONING DISTRICT:** A section of the Borough of Highspire designated in this Chapter text and delineated on the Zoning Map, in which requirements for the use of land, structures, and building and development standards are prescribed.

**ZONING MAP:** The map setting forth the boundaries of the Zoning Districts of the Borough of Highspire which shall be part of this Chapter.

**ZONING OFFICER:** The administrative officer appointed by the Highspire Borough Council to administer this Chapter and issue zoning permits.

**ZONING PERMIT:** A document signed by a zoning officer, as required in this Chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of this Chapter or authorized variance therefrom. Also see Building Permit.