

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. Unless stated otherwise, the singular shall regulate the plural, and the masculine shall include the feminine, and vice-versa.
 - F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
 - H. If a word is not defined, it shall have its plain and ordinary meaning, within the context of the provision.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. A separate dwelling unit or units that are created within part of a principal dwelling or above a detached garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street, alley or waterway from each other.

Adult Bookstore. Any establishment or place which has a substantial or significant portion of its stock-in-trade consisting of the following items:

- A. Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; and/or
- B. Instruments, devices or paraphernalia which is designed primarily for use in connection with sexual activities or conduct.
- C. To which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still- or motion-picture machines or projectors or other image-producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.

Adult Cabaret or Adult Live Entertainment Facility. An establishment, club, tavern, restaurant, theater, or hall that features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

Adult Entertainment/adult-oriented. A use that includes any one or a combination of the following:

- A. An exhibition of any adult oriented motion pictures which are distinguished and characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas; or
- B. A live performance, display or dance of any type, which has a significant or substantial portion of the performance, any actual or simulated performance of specified sexual activities or exhibition or viewing of specified anatomical areas or persons in a state of nudity or semi-nudity; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult-Oriented. Shall include the term sexually-oriented, and vice versa, as stated herein.

Adult Use or “Adult-oriented Business”. A business or club which engages in one or more of the following areas of sales, services or entertainment: an adult bookstore, adult theater, other adult-oriented retail, commercial service or entertainment establishment, including an adult novelty store, adult video store, adult cabaret, escort agency, nude model studio, sexual encounter center, or other commercial or not-for-profit establishment where adult entertainment is presented for money or other forms of consideration. For the purposes of the Zoning Ordinance, the term Adult Use shall also include a Massage Parlor.

- A. If a term is not defined in this Zoning Ordinance, but is defined in the Adult-Oriented Business Licensing Ordinance, the definition in that Licensing Ordinance shall also apply to the Zoning Ordinance.
- B. When used in association with the term “Adult-Oriented Business”, Establishment or Establish shall mean:
 - 1. The opening or commencement of any adult-oriented business as a new business;
 - 2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business;
 - 3. The addition of any adult-oriented business or adult-oriented use to any other existing adult-oriented use; or
 - 4. The relocation of any adult-oriented business.

Adult Theater. Any theater, auditorium, concert hall or other place of assembly presenting any form of audio and/or visual material and in which a substantial portion of the total presentation time measure over any consecutive twelve-month period is or will be devoted to the showing of material which is distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A “Public Airport” shall be an Airport that does not meet the definition of a “Private Airport.” A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

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

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Pennsylvania Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility / Personal Care Home. Coordinated and centrally managed rental 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.

Auto, Boat and/or Mobile/Manufactured Home Sales. Any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are met. This use shall not include a mobile/manufactured home park or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is entirely or partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling and not to the general public. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutuel betting and any use of electronic gambling devices. This term shall not include Pennsylvania Lottery sales or lawful "Small Games of Chance."

Billboard. A type of Off-Premises Sign. See Article 7.

Boarding House (Includes "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 hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. 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 unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. Jacobus Borough, York County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Use. A form signed by an authorized Borough official that certifies that the use of the property is in compliance with this Zoning Ordinance, to the best knowledge of such Borough official.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded lot.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

A. Lattice Tower. A Commercial Communications Tower that is guyed or self-supporting with an open steel-frame structure.

B. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support.

Commercial District. The C-N, C-G and I-C Districts.

Commercial Use. The sale of goods and/or services to the general public by a for-profit entity. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. Sales from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Borough Planning Commission and approval by Borough Council, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property for the purposes of conserving open space or agricultural uses. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Raising of Livestock."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges and/or amendments to the Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. 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 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable Pennsylvania agency.*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable Pennsylvania agency.* See Section 402.

* As of 2008, this was the Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, semi-detached dwelling or single family attached dwelling. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Two Family Detached Dwelling.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the Pennsylvania Construction Codes and not the Federal requirements for Manufactured Housing.
- D. Semi-Detached Dwelling Unit. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- E. Single Family Attached Dwelling (Townhouse). One dwelling unit that is attached to 2 or more dwelling units, or that is at the end of a row of 3 or more such attached dwelling units, and which has each dwelling unit completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side setbacks shall be provided adjacent to each end unit. See standards in Section 402.
- F. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open setback areas on all sides.
 - 1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or 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 can be used without a permanent perimeter foundation.

This term is different from a "Sectional home," which is defined above. See standards for "Mobile/manufactured home" in Section 402.

B. Two Family Detached Dwelling. A building that includes 2 apartment dwellings and which is not a semi-detached dwelling.

Dwelling Unit. A single habitable living unit occupied by only one "family," as defined herein. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 402.

Employees. The highest number of workers (including part-time and full-time, 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.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, transformers, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 3 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Borough's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with banking, lending and other monetary, not material, transactions.

Flag Lot. See "Lot, Flag."

Floodplain. See definitions of this term and related terms in the Borough Floodplain Regulations.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings or dwelling units. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry or 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, and which does not involve any land development. See “Timber Harvesting” in this section and Section 402.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Borough-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Jacobus Borough or an authority created solely by Jacobus Borough, those uses listed separately in the table of uses in Article 3, such as "publicly owned recreation," or a prison.

Group Home. A dwelling unit operated by a responsible entity with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.
- E. This use does not include a State-licensed personal care home.

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 403.

A. Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Section 403.

B. Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Section 403. Among other provisions, Section 403 requires that a Minor Home Occupation not routinely involve visits to the home occupation by customers or more than one non-resident employee at a time. A Minor Home Occupation also includes, but is not limited to, a use that meets all of the requirements for a "No Impact Home-Based Business" as provided in the Pennsylvania Municipalities Planning Code.

(Note - In most cases a Minor Home Occupation is permitted by right under Section 306, while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.

1. No Impact Home-Based Business - A type of Minor Home Occupation that meets the following definition as provided in the Pennsylvania Municipalities Planning Code: 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. The business or commercial activity must satisfy the following requirements:
 - a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b) The business shall employ no employees other than family members residing in the dwelling.
 - c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

- h) The business may not involve any illegal activity.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swimming pool, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The I-C zoning district.

Inn. See Bed and Breakfast.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot, excluding any street or road right-of-way.

Impervious Surfaces. Areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

- A. For a single family attached dwelling (townhouse) development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual single family attached dwelling lot.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by Pennsylvania environmental regulations.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - 1. "Junk." (see definition) covering more than one percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 402.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The commercial housing, sheltering or keeping, for any period of time, of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of Section 403 of this Ordinance.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall mean a lot of record according to official County tax assessment records. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front building setback line. and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street. A Flag Lot shall require a variance.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot, unless another sections of this Ordinance, such as Single Family Attached Dwelling Development, specifically permits proposed streets to be included in determining density for a specific use.
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot, unless another section of this Ordinance, such as Open Space Development, specifically permits proposed common open spaces to be included in determining density for a specific use.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B., which addresses a requirement for a front setback along each street.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear setback.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines measured at the minimum required front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the Pennsylvania as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended (53 P.S. 10101 et seq.).

Nightclub. An establishment that offers amplified music and/or dancing, sells alcoholic beverages primarily for on-site consumption, has sale of alcoholic beverages composing more than 50 percent of the dollar value of its total business, includes hours open to patrons after 12 midnight, and has a building capacity of over 150 persons. Such use may also include such activities before 12 midnight.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). See Section 805. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Nudity or a State of Nudity - The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a

discernible turgid state. This term shall also include the showing of the uncovered male or female genital area.

Nursing Home. A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of 3 or more persons. As of 2008, such licensing agency is the Department of Health. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a mechanism, including legal and financial provisions, that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Borough and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, land shall not count as preserved open space if it does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
 - 8) portions of land that have a width of less than 50 feet,
 - 9) areas that are under water during normal weather conditions,
 - 10) areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Open Space Development. An optional type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development. See Section 309.

Ordinance, This. The Jacobus Borough Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a building that is normally occupied by humans, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

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 the Zoning Ordinance.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept as pets in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the Pennsylvania Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a Borough-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The R-1 and R-2 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing residential use on a lot of less than 10 acres , or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. 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.

- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is more than 60 percent of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

Right-of-Way, Existing or Legal Street. The official established street right-of-way that either the Borough or the Pennsylvania presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separately accessed units which are rented or leased for the storage of personal and small business property.

Setback. An open area of a specified minimum depth that is required to be unobstructed from the ground to the sky and that is not permitted to be covered by buildings or principal structures and that is on the same lot as the subject structure or use. Each required setback shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum setbacks.

- A. See setback exceptions in Section 803.B.
- B. Private Streets. For a building setback measured from a private street, the minimum setback shall be measured from the existing street right-of-way/easement or 20 feet from the center of the cartway, whichever is more restrictive.

Setback, Minimum Front. A "setback" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such setback area shall extend the full width of the lot from side lot line to side lot line.

- A. See Section 803 concerning setbacks along corner lots.
- B. No accessory or principal structure shall extend into the required front setback area, except as provided in this Ordinance.
- C. Every lot shall include at least one front lot line.
- D. See "Setback, Minimum Rear" concerning Through Lots.

Setback, Minimum Rear.

- A. A "setback" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum distance from the rear lot line for placement of the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear setback for a principal building, and an accessory structure shall not extend into the required rear setback for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear setback.
- D. This subsection D. addresses a "Through Lot" (which does not include a "Corner Lot") which has a front lot line along a street, and a rear lot line along a street or alley. In such case, a minimum rear setback shall be required along the rear street or alley. For a Through Lot, the front lot line shall be placed to follow any predominant pattern along the street, as determined by the Zoning Officer. Where a Through Lot is adjacent to two streets and there is not a predominant pattern of front lot lines, then the front lot line shall be consistent with the street address. If the street address has not yet been established, then the applicant may choose which street frontage is the front lot line, provided the front door of the dwelling shall face such lot line.

Setback, Minimum Side.

- A. A "setback" which establishes the minimum distance from the side line for placement of the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side setback. All other lots shall include at least 2 side setbacks, except for a corner lot.

Setback Line. A line separating a required minimum front, side or rear setback area from the area within which a building or use is allowed.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Sanitary sewage service by a sewage collection system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. For the purposes of regulating signs, the following terms shall have the following meanings:

- A. Abandoned Sign. A sign which identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is not longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.

- B. Awning. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an awning.
- C. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- D. Changeable Message Sign. A sign that is designed to vary from message to message by means of electronic lights, movable panels and/or movable letters.
- E. Flag. Fabric, banner or bunting containing distinctive colors, patterns or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.
- F. Freestanding Sign. 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.
- G. Height of Sign. The vertical distance measured from the average 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 Article 7 when attached to a tower or spire of a place of worship.
- H. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
- I. Marquee Sign. A sign that is attached to a permanent overhang over a sidewalk that extends from the face of a building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed wall sign area may be placed on a marquee, provided any new marquee shall meet this Ordinance and the Construction Codes.
- J. Monument Sign. A type of freestanding sign which has a maximum total height of 8 feet and which has a solid bottom attached to the ground, as opposed to be supported by a pole.
- K. Non-conforming Sign. A sign which was lawful when it was installed, but which would not meet current sign regulations of this Ordinance.
- L. Off-Premises Sign. 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.
- M. On-Premises Sign. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.
- N. Political Sign. A sign that advertises a candidate for election or an opinion on a current political issue.
- O. Portable Sign. A sign that is not permanently affixed to the ground or to a building, and which is not listed by Article 7 as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
- P. Projecting Sign. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.
- Q. Real Estate Sign. A temporary sign advertising the availability of land or building space for sale, lease or auction.
- R. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
- S. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;

- B. Clearing or regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Anatomical Areas - Human genitals, pubic region, anus, buttocks, female breast(s) below a point above the top of the areola, or human male genitals in a discernible turgid state, even if completely covered.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of ‘Adult Use.’

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 2 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Pennsylvania Municipalities Planning Code shall apply. See the Borough Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Subdivision and Land Development Ordinance, as amended that is applicable to Jacobus Borough.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests without financial compensation. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Target Range, Firearms. A location that is used by 2 or more persons at a time, other than residents or owners of a lot, to shoot firearms towards a target or towards skeet.

Tavern. A place where alcoholic beverages are served as more than 60 percent of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Single Family Attached Dwelling" under "Dwelling Types" in this Section.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

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

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unlicensed Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds aggregate gross vehicle weight) for which Pennsylvania regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code. See Section 111.

Wall. A man-made barrier constructed primarily of masonry, concrete, cinder block or similar materials.

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Public Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Water supply service to a building by a municipally-owned, authority-owned or Public Utility Commission-regulated water supply system that serves 200 or more lots.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An open area unobstructed from the ground to the sky that is not covered by buildings or principal structures and that is on the same lot as the subject structure or use. Each yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development).

Yard, Front. A "yard" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line.

Yard, Rear. A "yard" extending the full width of the lot and which is measured from along the rear line, and which stretches between the side lot lines parallel to the rear lot line.

Yard, Side. A "yard" which includes the distance between a side line lot and the closest portion of a principal structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.

Zoning Map. The Official Zoning Map of Jacobus Borough, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Jacobus Borough Zoning Ordinance, as amended.