

ARTICLE 2

DEFINITIONS AND INTERPRETATION OF LANGUAGE

2.100 INTERPRETATION OF LANGUAGE

For the purpose of this ordinance, the following words and phrases shall have the meaning assigned to them:

- 2.101 Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- 2.102 The word "shall" is always mandatory.
- 2.103 The word "building" shall include the word "structure" and any portion of the building or structure.
- 2.104 The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- 2.105 The word "person" includes an individual, partnership, corporation, incorporated association or any other similar entity.
- 2.106 The word "includes" or "including" shall not limit the term of the specified example, but is intended to extend its meaning to other instances of like, kind and character.

2.200 DEFINITIONS

The following words and phrases shall have the meanings assigned to them in this section as follows:

ACCESS DRIVE: A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE OR ACCESSORY:

- (a) A use conducted on the same lot as a principal use to which it is related, and located either within the same structure or in an accessory

structure or as an accessory use of land; except that off-street parking need not be located on the same lot.

- (b) Clearly incidental to, and customarily found in connection with a particular principal use, and
- (c) Either in the same ownership as such principal use or operated and maintained on one lot with such principal use for the express benefit of its owner, employees, customers or visitors.

An accessory use includes:

- (a) Residential accommodations for caretakers of institutions and large commercial or industrial uses.
- (b) Keeping of domestic animals, but not for sale or hire.
- (c) Swimming pools whose use is restricted to the occupants of the principal use and guests for whom no admission or membership fee is charged.
- (d) Domestic or agricultural storage customarily found in barn, shed, tool room or similar structure.
- (e) Incinerators.
- (f) In connection with permitted commercial or manufacturing uses, the storage of goods normally carried in stock, used in, or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations. The floor area used for such accessory storage shall be included in the maximum floor area permitted for the specified use.
- (g) The removal for sale or otherwise of loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same lot, or in connection with grading said lot, but in no case to a point below the legal street grade.
- (h) Accessory off-street parking spaces, open or enclosed.
- (i) Accessory off-street loading berths.

(j) Accessory signs.

(k) Accessory radio or television antennas.

(l) Home occupation.

**AGRICULTURE:** The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for farm homes, and packing, treating or storing the produce provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities, and provided further that the above uses shall not include commercial hog farms or fur farms, and excluding fertilizer plants or sale of fertilizer, feed stores, tanneries, and similar objectionable uses.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any form of contaminant in such place, manner, or concentration inimical or which may be inimical to the public health, safety, or welfare or which is, or may be injurious to human, plant or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

**ALLEY:** A minor way, which may not be legally dedicated, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**ALLUVIAL SOILS:** Areas subject to periodic flooding.

**ALTERATIONS:**

(a) All incidental changes or replacements in the non-structural parts of a building or other structures.

(b) Minor changes or replacements in the structural parts of a building or other structure, limited to the following examples and other of similar character or extent:

(1) Alteration of interior partitions to improve livability in non-conforming residential buildings provided no additional dwelling units are created thereby.

(2) Alteration of interior partitions in all other types of buildings or other structures.

(3) Making windows or doors in exterior walls.

- (4) Strengthening the load bearing capacity of a floor to permit accommodation of a specialized unit of machinery or equipment, but not over an area which exceeds ten percent of total floor area.

AMENDMENT: A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the municipality.

AMUSEMENT GAME MACHINES: A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrated relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT MACHINES, OTHER: A coin-operated machine or device, not including amusement games, which provide a ride, sensation, electronic reading or weight, photograph, lamination, or item of merchandise provided at random among other items of merchandise, for use by and to the amusement of the public.

AMUSEMENT MACHINE COMPLEX: A group of more than two amusement games or other amusement machines, in the same place, location or premises.

ANIMAL HOSPITAL: A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APARTMENT CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartments for more than two families.

APARTMENT HOUSE: A building occupied by three (3) or more dwelling units.

AREA, BUILDING: The total area taken on a horizontal plane at the level of the ground surrounding the main building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE: A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

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

AUTOMOBILE GARAGE, MINOR: An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

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

AUTOMOBILE OR GASOLINE SERVICE STATION: A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil, other fuel, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing automobiles and other vehicles.

AUTOMOBILE AND/OR MOBILE HOME SALES LOT: An open lot, used for the outdoor display or sales of new or used automobiles, recreation vehicles, or mobile homes, and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE WASHING (CAR WASH): A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automobile Service Stations.

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

BASEMENT: A story whose floor is more than 12 inches, but not more than half of its story height, below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). Any portion of a basement, when used as a dwelling, shall be counted as a story for purposes of height measurement.

BILLBOARD:

- (a) A sign indicating a business other than one conducted on the premises on which said sign is located, and
- (b) Upon which matter of any character is printed, posted, or lettered by any means, for the purpose of advertising.

A billboard may be either freestanding or attached to a surface of a building or other structure.

BLOCK: A tract of land bounded by any combination of the following:

- (a) Streets
- (b) Public park
- (c) Railroad right-of-way, excluding siding and spurs
- (d) Corporate boundary lines of the municipality

BOARD: The Zoning Hearing Board of the municipality.

BOARDING HOUSE: A building, where for compensation, provisions are made for lodging and meals for at least three (3) but not more than fifteen (15) persons. Shall also include dormitories whether or not such include cooking facilities.

BUILDING: Any structure permanently affixed to the land having a roof supported by columns or walls used for shelter or enclosures. When divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

BUILDING, LINE: A line parallel to the front, side, or rear lot line set so as to provide the required yard.

BUILDING, PRINCIPAL: A building which contains the principal use of the building site on which it is situated. In a residential district a dwelling is a principal building on the zone lot.

BULK: The term used to describe the size of buildings or other structures and their relationship to one another to open areas such as yards, and to lot lines. The term bulk, therefore, includes;

- (a) The size, including height and floor area, of building or other structure.
- (b) The relation of the number of dwelling units in a residential building to the area of the lot.
- (c) The relation of buildings and other structures to areas in open yards.

CAMP: Any one or more of the following, other than a hospital, place of detention, school offering general instructions, or a mobile home park.

1. Any area of land or water of a design or character used for seasonal, recreational or similar temporary living purposes which may include any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters.
2. Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

CAMPING GROUND: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings, of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters, but not including a mobile home camp, court, or park.

CARPORT: An accessory building open on three (3) sides which is attached to the main building and primarily designed or used for parking automobiles.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

COMMISSION OR PLANNING COMMISSION: The Planning Commission of the Borough of Parryville

CONDITIONAL USE: A special exception (see definition) which falls within the jurisdiction of the governing body rather than the Zoning Hearing Board.

CONDOMINIUM: A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy.

A condominium is a dwelling unit which has all of the following characteristics:

1. The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
2. The unit may be any permitted dwelling type.
3. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P.L. 196 and in accordance with the provisions for open space, roads, or other development features as specified in this ordinance and the subdivision and land development regulations.

**CONSTRUCTION:** Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

**COURT:** Any unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**COURT, INNER:** A court which does not extend to a street, alley, yard, or outer court.

**COURT, OUTER:** A court which extends to a street, alley, yard, or other outer court.

**COVERAGE:** The percentage of the plot or lot area covered by the area of all buildings and structures thereon.

**CURB LEVEL:** The officially established grade of the curb in front of the mid-point of the lot.

**DAIRY:** A commercial establishment for the manufacture or processing of dairy products.

**DEMOLITION:** Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**DENSITY:** Density is a measure of the number of dwelling units per acre of area. It shall be expressed in dwelling units per acre.



1. Density, Gross: This is the maximum density that may be permitted in any zoning district. It is calculated by dividing the total number of dwelling units by the Base Site Area. This density is illustrative only, net density is controlling.
2. Density, Net: This is the maximum density permitted on the buildable portion of the site. All tracts of land within a district may be developed to the same net density. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area. This density controls actual site capacity.

DETACHED BUILDING: One which has yards on all four sides.

DISTRICT: A portion of the territory of the municipality within which certain uniform regulations and requirements apply under the provisions of this ordinance.

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

DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in-restaurants, drive-in-theaters and similar uses.

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof or waste material of any kind but not including approved sanitary land fill disposal.

DUPLEX HOME: A two family unit consisting of a family unit on the first level and a family unit on the second level.

DWELLING OR RESIDENTIAL STRUCTURE: Any structure containing one or more rooms providing sleeping and sanitary facilities, not including a motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boarding house or similar structure.

DWELLING, SINGLE FAMILY, DETACHED: A dwelling other than a mobile home used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A dwelling used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building. References to single family semi-detached dwellings shall include two family detached dwellings.

DWELLING, SINGLE FAMILY, ATTACHED (ROW): A dwelling used by one family, and having two (2) party walls in common with other buildings (such as row houses or town houses).

DWELLING, TWO FAMILY, DETACHED: A dwelling used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, TWO FAMILY, SEMI-DETACHED: A dwelling used by two (2) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

DWELLING UNIT: One or more rooms for living purposes, together with separate cooking and sanitary facilities used or intended to be used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission distribution facilities including substations.

EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

ENLARGEMENT: An addition to the floor area of an existing building or an increase of a tract of land into a contiguous tract of land.

ENTERTAINMENT FACILITIES: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals, and related uses.

**ESSENTIAL SERVICES:** The construction or maintenance, by public utilities, public authorized cable television companies or governmental agencies, of gas, solid waste, electrical, telephone, sewage, or water distribution systems. These include equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment which conform to the height regulations of the district in which they are proposed; except that buildings and electric substations are excluded.

**FAMILY:**

- (a) A single competent and responsible person occupying a dwelling unit and maintaining a household, or
- (b) A household head and one or more other persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, or
- (c) Two or more but not in excess of five unrelated competent responsible persons, at least one of whom shall be an adult occupying a dwelling unit, living together and maintaining a common household.

**FARM:** Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Ordinance, a farm shall not include the raising of fur bearing animals, riding academy, livery or boarding stables or dog kennels.

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

**FLOOD FRINGE:** That portion of the flood plain outside the floodway.

**FLOOD PLAIN:** (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 or runoff of surface waters from any source.

**FLOODWAY:** The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA: The sum of the gross area of the several floors of a building or buildings measured from the face of exterior walls or from centerlines of walls separating two buildings. In particular, floor area includes:

- (a) Basement space, except such enclosure as does not have any windows on exterior walls.
- (b) Elevator shafts, stairwells and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more.
- (c) Roofed terraces, exterior balconies, breezeways or porches, provided that over 50 percent of the perimeter of these is enclosed.
- (d) Any other floor space used for dwelling purposes, no matter where located within a building.
- (e) Accessory buildings, excluding space used for accessory off-street parking or for loading berths.
- (f) Any other floor space not specifically excluded, except space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, HABITABLE: The sum of the horizontal areas of all rooms used for habitation, such as living room, kitchen, or bedroom, but not including hallways, stairways, cellars, attics, service rooms, or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court.

FLOOR AREA RATIO: The total floor area allowable on a given lot, divided by the area of that lot. (For example, a building containing 15,000 sq. ft. of floor area on a given lot of 10,000 sq. ft. of lot area has floor area ratio of 1.5).

FOREST: Areas, groves, or stands of mature or largely mature trees (i.e., greater than 6 inches caliper) covering an area greater than one-quarter acre; or groves of mature trees (greater than 12 inches caliper) consisting of more than 10 individuals.

GARAGE, PRIVATE:

- (a) Accessory to a principal building, either attached to it or separate, and
- (b) Used for storage purposes, and other personal uses of an owner, or tenant.

GARAGE PUBLIC: Any enclosed or covered space other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GARDEN APARTMENTS:

- (a) Free-standing multiple dwellings, two or three stories in height, in which not less than two and not more than four dwelling units per floor are served by one staircase.
- (b) Designed to afford a maximum amount of common open space per family.

GARDENING: The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

GENERAL NUISANCE: Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

- (a) Fire and explosion hazards.
- (b) Electrical and radioactive disturbances.
- (c) Noise and vibration.
- (d) Dust, dirt, fly ash.
- (e) Glare.
- (f) Smoke, odors.
- (g) Other forms of air pollution not listed above.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUP HOME: A facility established for the purpose of sheltering unrelated persons not constituting a family. Such facilities shall be under the constant supervision of competent, responsible, qualified persons. For the purpose of this Ordinance, shelters for battered women shall be considered as group homes.

HEIGHT OF BUILDING: The vertical distance measured from the average level of finished grade along all the exterior walls of a building to:

- (a) The highest point of the roof, in the case of a flat roof;
- (b) The mean height between eaves and ridge, in the case of a pitched roof.
- (c) The highest point on any structure which rises wholly or partly above the roof line, and whose area equals or exceeds 20 percent of the ground floor area of the building which supports it.

HEIGHT OF SIGN: The vertical distance measured:

- (a) From ground level to the highest point on the sign itself and/or its supporting structure.
- (b) Along the face of the sign or its supporting frame from lowest point to highest.

HOME OCCUPATION: An accessory use which:

- (a) Is clearly incidental or secondary to the residential use of the dwelling unit, or
- (b) Is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit, except that, in connection with the practice of the medical profession or with other offices whose operations require supplementary secretarial, clerical, accounting or drafting skills, one person not residing in such dwelling may be employed.
- (c) Does not include the housing, care or education etc., of persons who normally would be subject to institutionalization for mental, physical, criminal or like reasons.

In connection with the operation of a home occupation it shall not be permitted:

- (a) To sell articles produced elsewhere than on the premises.
- (b) To have exterior displays of goods visible from the outside.

- (c) To store materials or products outside a principal or accessory building or other structure.
- (d) To make external alterations which are not customary in residential buildings.
- (e) To produce offensive and disturbing noise, smoke, odor or other objectionable affects.

**HOSPITAL:** A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanatorium, sanatarium, and preventorium.

**HOTEL:** A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals. No cooking is provided in any individual room or suites but restaurants, cocktail lounges, banquet halls, ballrooms and meeting rooms are permitted as accessory uses.

**IMPERVIOUS SURFACES:** Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

**JUNK:** Junk includes scrap metals and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, tinfoil, bottles, old tools, and machinery, fixtures and appliances, lumber, boxes or crates, pipe and pipe fittings), and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are not subject to being dismantled.

**JUNK YARD:** Junk yards consist of buildings or premises where junk, waste, discarded or salvage materials are bought, sold, stored, packed, or handled. Junk yards include automobile wrecking yards, house wrecking, and structural steel materials and equipment. The purchase or storage of used furniture, household equipment, and used cars in operable condition, are not included but the keeping or storage of two (2) or more automobiles not under registration or not operable will constitute a junk yard in the sense of this Ordinance.