

ARTICLE 200. Definitions and Word Usage

§ 212-201. Word usage.

- A. Unless a contrary intention appears clearly, the following words and phrases shall have, for the purpose of this Chapter, the meanings given in the following clauses. Any word or phrase not defined specifically herein is intended to be used with its meaning in standard usage.
- B. For the purpose of this Chapter, words and phrases used herein shall be interpreted as follows:
 - (1) Words used in the present tense include the future.
 - (2) The term "shall" is mandatory.
 - (3) Words used in the singular number shall include the plural, and the plural the singular, unless the context indicates clearly to the contrary.
- C. The following definitions shall apply to this Chapter:

§ 212-202. Definitions.

ACCESSORY

- (1) ACCESSORY BUILDING — See "building, accessory."
- (2) ACCESSORY USE — See "use, accessory."

ACRE — Forty-three thousand five hundred sixty (43,560) square feet.

ADULT BOOKSTORE/VIDEO STORE — Any commercial establishment in which more than five percent (5%) of the inventory offered for sale or rental to the public consists of books, publications, film or other media which depict nudity or sexual conduct, as defined herein, or any establishment which advertises whether by way of signage or other advertising methods the sale or rental of said media.

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

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

ADVERTISING SIGN – An off-premises sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity which is sold, offered or conducted elsewhere than on the lot upon which such sign is located.

ACTIVE RECREATIONAL LANDS — Improved areas intended for active recreational activities, such as swimming, playgrounds, skating, baseball, soccer, tennis or other active sports.

ALLEY — A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties and is not intended for general traffic circulation.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from (1) location or position to another.

APARTMENT STRUCTURE – A structure containing three (3) or more dwelling units.

APARTMENT UNIT – One (1) or more rooms with private bath and kitchen facilities comprising and independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

AREA –

- (1) **LOT AREA** — The area contained in the property lines of the individual parcels of land shown on a subdivision plan or required by this Chapter, excluding any area within an existing or designated future street right-of-way.
- (2) **FLOOR AREA (GROSS)** — The sum of the areas of the several floors of the building or structure, as measured from the exterior faces of the walls. It does not include basements, unenclosed porches, attics not usable for human occupancy nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles nor any such floor space intended and designed for accessory heating and ventilating equipment.

ANIMAL HUSBANDRY – The keeping or raising of livestock, horses and poultry.

ARTERIAL STREET — A major street serving as a principal or heavy-traffic street of considerable continuity and used primarily as a traffic artery for intercommunications between large areas. This definition specifically includes Ingomar Heights Road, Big Sewickley Creek Road, Rochester Road, Brandt School Road, Reis Run Road, Nicholson Street (state maintained) and Bayne-Wexford Road.

ASSISTED LIVING FACILITY — A residential facility in a retirement community for the elderly, as defined herein, containing apartments for independently mobile residents which are designed with safety and emergency call features monitored by staff and which provides laundry and housekeeping services and a minimum of (1) meal each day in a common dining facility and which provides staff supervision and assistance in such matters as bathing, dressing, diet and medications prescribed for self-administration.

ATRIUM HOUSE — A residential building containing at least three (3), but no more than six (6), attached dwelling units, no more than (1) story in height, each with a private atrium which is entirely enclosed by a minimum eight (8)-foot wall and where all living spaces (living room, den and bedrooms) face on the atrium.

AUTOMOTIVE SALES – Storage and display of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicle sales includes motor vehicle retail or wholesale sales.

BASEMENT — The space enclosed by the foundation or ground floor wall of a building partly below the average level of the adjacent ground. A basement shall not be counted as a story for the purposes of height measurement unless 1/2 or more of its volume is above the average level of the adjacent ground.

BED AND BREAKFAST – An owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation.

BIG-BOX RETAIL STRUCTURE – A building that houses a retail establishment or establishments that has a footprint of 75,000 square feet or greater.

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

BOARDINGHOUSE — Any dwelling with fewer than twenty (20) sleeping rooms in which more than three (3) persons, either individually or as families, are commercially housed or lodged, with or without meals. A rooming house or a furnished rooming house shall be deemed a "boardinghouse."

BOARD OR ZONING HEARING BOARD — The Franklin Park Borough Zoning Hearing Board.

BUILDING — A structure under a roof, used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

- (1) **BUILDING, ACCESSORY** — A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. An accessory building shall not exceed six hundred (600) square feet. Any portion of a principal building devoted to an accessory use is not an accessory building. The regulation on size of an accessory building should be included in the text provisions.
- (2) **BUILDING, PRINCIPAL** — A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING HEIGHT — A vertical distance measured from the average elevation of the proposed finished grade around and at the structure to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between the eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE — The rear line of the minimum front yards, as herein designated for each district, measured from the street line.

BUILDING SPACING — The minimum distance between two (2) buildings. The minimum building spacing shall be measured from the outermost wall, excluding projections such as bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. This term is not included in the text.

BUSINESS SIGN – An on-premises sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted other than incidentally on the premises upon which such sign is located or to which it is affixed.

CEMETERY – Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

COLLECTOR STREET — A street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a residential development and the streets for circulation within such a development. This definition specifically includes Cole Road, Wexford Run Road, McAleer Road, Pine Creek Road, McDevitt Road, Magee Street Extension, West Ingomar Street and Locust Road.

COMMERCIAL COMMUNICATIONS TOWER — Any structure designed for transmitting or receiving radio, television or telephone communications which is operated by any agency or corporation other than a public utility regulated by the Public Utilities Commission (PUC).

COMMISSION OR PLANNING COMMISSION — The Franklin Park Borough Planning Commission.

COMMUNITY CENTER – A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMPREHENSIVE PLAN — The Comprehensive Plan for Franklin Park Borough, Allegheny County, adopted _____, by Franklin Park Borough under the applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

CONDITIONAL USE — An authorized use which may be granted only by Borough Council, pursuant to express standards and criteria prescribed in this Chapter, after review and recommendation by the Planning Commission and a public hearing by Borough Council.

CONTRACTOR’S STORAGE YARD – An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor’s storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

CONTRACTING – A business that provides landscaping, construction, remodeling, home improvement, excavation, paving, land development and related services in a contractual basis and which may include contractor’s offices and/or contractor’s storage yard.

CONVENIENCE STORE – Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

CONVERSION – A change of the principal use of any building or structure.

COUNTRY CLUB / GOLF COURSE — A land area and buildings containing recreational facilities, clubhouse and usual accessory uses, owned by the members and open only to members and their guests for a membership fee.

CROP FARMING – The raising, keeping and sale of field, truck and tree crops.

DAY CARE – A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare (“DPW”), providing care or supervision to children, excluding (a) care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child) and (b) care furnished in places of worship during religious services. The following are the categories of day care:

- (1) **DAY CARE HOME** – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to four, five or six children who are not related to the operator and who are 15 years of age or younger.

- (2) DAY CARE CENTER – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to seven or more children who are not related to the operator and who are 15 years of age or younger.
- (3) GROUP CHILD DAY CARE HOME – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to more than six but fewer than 16 older school-age children or more than six but less than 13 children of any other age level, including (a) care provided at the parent’s work site when the parent is not present in the child care space or (b) care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens. This definition does not include care provided (a) in a facility where the parent is present at all times when child care is being provided or (b) during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

DENSITY –

- (1) GROSS DENSITY - That ratio of the total number of dwelling units to the total acreage comprising a given parcel.

DIRECTLY ILLUMINATED SIGN – A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such a sign, including but not limited to neon and exposed-lamp signs. Directly illuminated signs are permitted when found to be in compliance with all provisions of this Chapter and upon approval by the governing body. Directly illuminated signs are not permitted in residential districts.

DRIVE THROUGH FACILITY - Any portion of a BUILDING or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY — A minor vehicular way providing access between a street and a parking area or garage within a lot or property.

DUPLEX – single-family attached dwelling structures having only (1) wall in common with another dwelling unit.

DWELLING — A building containing (1) or more dwelling units.

DWELLING UNIT — Any room or group of rooms located within a residential building and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by (1) family.

EASEMENT — A grant of the specified use of a parcel of land to the public, a corporation or a person. Any utility-related structure within an easement shall conform to the zoning district requirements in which it is located.

EATING PLACE – An establishment which offers food and beverages for sale on the premises as a principal use and may serve alcoholic beverages for consumption on the premises, as permitted by the Commonwealth of Pennsylvania Liquor Control Board.

ENTERTAINMENT — Any activity, commercial or noncommercial, whether or not 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, festivals, parks, ball fields and related uses.

ENTERTAINMENT FACILITY – A structure or area for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances, and indoor and outdoor concert halls. Entertainment facility includes restaurants as an accessory use. Entertainment facility does not include adult or sexually-oriented businesses.

EQUIPMENT REPAIR SHOP (MINOR) – A business establishment that repairs consumer electronics, appliances and tools that can be carried into the establishment by the customer and where all repairs are conducted inside the establishment and remain indoors. Equipment repaired at this type of establishment includes personal computers, cameras, small appliances, televisions, power tools, lawn mowers and similar devices.

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

ESSENTIAL/COMMERCIAL COMMUNICATIONS TOWER — Any structure designed for transmitting or receiving radio, television, telephone or other communications which is owned or operated by any agency, franchisee or authority of the Franklin Park Borough, Allegheny County or the Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency and which is also operated by any agency or corporation or public utility regulated by the Public Utilities Commission (PUC) or Federal Communications Commission (FCC).

ESSENTIAL COMMUNICATION TOWER — Any structure designed for transmitting or receiving radio, television or telephone communications which is or operated by any agency, franchisee or authority of the Franklin Park Borough, Allegheny County or the Commonwealth of Pennsylvania or any police, fire emergency medical or emergency management agency.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems or collection, communication, supply or disposal systems, including pools, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service for the public health or safety in general.

FACADE – The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY — One (1) or more persons related by blood, foster relationship, marriage or adoption and, in addition, any domestic servants or gratuitous guests thereof, or a group of not more than five (5) persons who need not be so related and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

FARM — A tract or parcel of land containing not less than five (5) acres upon which are maintained, grown and produced for sale or use, domestic livestock, furbearing animals, dairy products, poultry, eggs, fruit and vegetables and other such crops and animals.

FARM MARKET – The offering for sale of fresh agricultural products directly to the consumer at an open air market

FENCE – A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without.

FENESTRATION – Products that fill openings in a building envelope, such as windows, doors, skylights, curtain walls, etc., designed to permit the passage of air, light, vehicles, or people.

FESTOON LIGHTING – A directly illuminated sign, including a group of incandescent light bulbs either hung or strung overhead, located to attract attention or used to outline a sign or other structure, but not including festive lighting.

FINANCIAL ESTABLISHMENT – Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

FLASHING SIGN – An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use. Included are oscillating or revolving lights. Flashing signs are not permitted because of normal competition with traffic and other safety lighting.

FLOODPLAIN — Any streams, ponds or lakes subject to a One-hundred (100) year-recurrence-interval flood, as delineated by the United States Army Corps of Engineers, or subject to erosion caused by a one-hundred (100) year-recurrence-interval flood. In addition, any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of floodlines, subject to the review and approval of a professional engineer selected by the municipality.

FLOOR AREA — See "gross floor area."

FLOOR-AREA RATIO — The amount of floor area permitted on a lot in relation to the size of the lot.

FRANKLIN PARK BOROUGH OR BOROUGH — The Franklin Park Borough.

FREESTANDING SIGN – A self-supporting sign resting on or supported by means of poles or standards on the ground.

FUNERAL HOME – A place or premises devoted to or used in the care and preparation for the funeral and burial of dead human bodies and maintained for the convenience of the bereaved for viewing or other services in connection with dead human bodies and as an office or place for carrying on the profession of funeral directing but not cremation.

GARAGE, PRIVATE — A building or portion thereof designed or used privately for the storage of motor vehicles and used by the occupants of the main building to which it is an accessory. Not more than one (1) of the housed vehicles shall be a commercial vehicle of more than two (2) tons' capacity.

GASONLINE SERVICE STATION – A structure and surrounding land used predominantly for the storage and sale of petroleum fuel and lubricants primarily to motor vehicles, and can include the allocation of space for the sale of items such as snack food, drinks and tobacco products.

GOVERNING BODY OR BOROUGH COUNCIL — The Franklin Park Borough Council.

GREENHOUSE – The indoor raising of plants, shrubs and trees for sale and transplantation.

GROSS FLOOR AREA — The sum of the areas of the several floors of the building or structure, as measured from the exterior faces of the walls. It does not include basements, unenclosed porches, attics not usable for human occupancy nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles nor any such floor space intended and designed for accessory heating and ventilating equipment.

GROSS LAND AREA — The total land and water surface area contained within the boundaries of a lot or parcel.

HALFWAY HOUSE - A group residence for those who have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

HOME OCCUPATION – The accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business or the production of handicrafts on a residential site. The use is incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

HOSPITAL – An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

IMPERVIOUS SURFACE AREA – Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

IMPROVEMENT — Construction of any building or structure or any addition or enlargement thereof, any street, driveway, paved area, stormwater management facility, sanitary sewers, public waterlines, clearing or grading.

INDEPENDENT LIVING FACILITY — A residential facility in a retirement community for the elderly, as defined herein, which provides on-site supervision available to independently mobile residents on an as needed basis and which offers at least one (1) meal a day in common dining facilities.

INDIRECTLY ILLUMINATED SIGN – A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

INDUSTRIAL PARK – A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

INTERMEDIATE NURSING CARE — Health related care and services, above the level of room and board, provided on a regular basis to resident individuals who do not require hospital or skilled nursing care, but who, because of mental or physical condition, require services under a plan of care supervised by licensed and qualified personnel.

KENNEL — A facility located on an agricultural lot of five (5) or more acres on which four (4) or more animals, including but not limited to dogs and cats, are kept, bred, trained or boarded at any one (1) time, whether for profit or not.

LAND DEVELOPMENT — The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively.
- (2) A single nonresidential building on a lot or lots, regardless of the number of occupants or tenure, including any structural alteration to an existing building which results in additional lot coverage.
- (3) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

LAND DEVELOPMENT PLAN — A plan prepared in accordance with the application requirements of Chapter 184, Subdivision and Land Development, for approval of a land development, as defined herein.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIBRARY – A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

an area of mature deciduous and/or evergreen trees covering a lot or a portion of a lot and consisting of thirty percent or more largely deciduous canopy of trees having a ten-inch or greater caliper, or any grove of deciduous trees consisting of eight or more trees having an eighteen-inch or greater caliper.

LOT — A parcel of land used or set aside and available for use as the site of one (1) or more buildings and any buildings accessory thereto, or for any other purpose, in one (1) ownership and not divided by a street nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the owner of the lot. A lot, for the purpose of this Chapter, shall or shall not coincide with a lot of record. The word "lot" includes the words "plot" or "parcel."

- (1) **LOT, AREA** — The area contained within the property lines of the individual parcels of land shown on a subdivision plan required by this Chapter, excluding any area within an existing or designated future street right-of-way.
- (2) **CORNER LOT** — A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines.

- (3) DEPTH OF LOT — The distance from the street line of the lot to its opposite rear line, measured in the general direction of each side line of the lot.
- (4) LOT OF RECORD — Any lot which individually or as part of a subdivision has been recorded in the office of the Recorder of Deeds of Allegheny County.
- (5) LOT WIDTH — The width dimension of a lot at the right-of-way line measured at near right angles to the depth or along the curve in the event that the right-of-way line is curved.
- (6) THROUGH LOT — An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT COVERAGE — That portion of the lot which is covered by the footprint of all principal and accessory structures, expressed as a percentage of the total area of the lot.

LOT LINE HOUSE — A single-family detached dwelling located on a separate lot and set on a side lot line, provided a five (5)-foot maintenance easement is provided on the property which adjoins that side lot line. (See Illustration 2 in Appendix A.)

LOT LINES — Any boundary line of a lot.

- (1) LOT LINE, REAR — Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line and, except that in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.
- (2) LOT LINE, FRONT — See "street line."
- (3) LOT LINE, SIDE — Any lot line which is not a street line or a rear lot line.

LUMBERYARD – An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MANUFACTURING – The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MATURE WOODLANDS – an area of mature deciduous and/or evergreen trees covering a lot or a portion of a lot and consisting of thirty percent or more largely deciduous canopy of trees having a ten-inch or greater caliper, or any grove of deciduous trees consisting of eight or more trees having an eighteen-inch or greater caliper.

MEASUREMENT OF YARD DEPTHS AND WIDTHS ON VARIOUS SHAPED LOTS — Front and rear yard depths and side yard widths are the respective distances from the lot line to the nearest point of the building. Front yard depth and side yard width shall be measured at right angles from the building to the nearest location of the lot line. Rear yard depth shall be measured at a right angle from the rear of the building to the nearest location of the lot line.

- (1) Refer to Figure 1-2: Measurement of Rear Yard Depths on Various Shaped Lots, at the end of this Article for schematic details. The rear lot line is that lot line most nearly parallel to the front lot line. In the case of triangular lots the intersection of the side lot lines shall be treated as the mid-point of the rear lot line.

- (2) For the purpose of identifying the various yards, a house on a corner lot shall be considered as fronting on the street from which it derives its house number.

MEDICAL OFFICE – A building used exclusively by physicians, dentists, or similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy contained in one (1) or more units designated to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. For the purposes of this Chapter, any inhabited trailer shall be considered a single-family dwelling and as such shall be subject to all applicable regulations in this or other municipal ordinances.

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

MOTEL / HOTEL – A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation.

MPC — The Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, P.L. 805.

MULTIPLEX — A group of at least three (3), but no more than six (6) single-family attached dwellings, each of which have direct access to private yard, or multiple family dwellings, each of which share yards and access, arranged in a variety of configurations, including back-to-back, side-to-side or vertically.

MUNICIPAL OR MUNICIPALITY — Franklin Park Borough.

MUNICIPAL SEWAGE DISPOSAL SYSTEM AND/OR MUNICIPAL AUTHORITY — A municipal sewage disposal system shall be one (1) which is owned and operated by the municipality and which has been approved by the appropriate county and state officials, agencies having jurisdiction over such matters and/or a municipal authority.

MUNICIPAL WATER SUPPLY AND/OR MUNICIPAL AUTHORITY — A municipal water supply system shall be one which is owned and operated by the municipality and which has been approved by the appropriate county and state officials agencies having jurisdiction over such matters and/or a municipal authority.

NO-IMPACT HOME BASED BUSINESS – A business conducted from a house that has no impacts on the neighborhood, through adherence of the standards contained in Section _____ of this Chapter

NONCONFORMING STRUCTURE — A structure or building or portion thereof manifestly not designed to comply with the applicable dimensional provisions of this Chapter, or amendment heretofore or hereafter enacted where such structure or building existed lawfully prior to the enactment of the subject provisions of this Chapter or amendments.

NONCONFORMING USE — A use of land, a building or structure which does not comply in whole or in part with the applicable use provisions of this Chapter, or amendment heretofore or

hereafter enacted, where such use existed lawfully prior to the enactment of the subject provision of this Chapter or amendment.

NONILLUMINATED SIGN – A sign which is nonilluminated, either directly or indirectly.

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

NURSERY – the outdoor raising of plants, shrubs and trees for sale and transplantation.

NURSING HOME — A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled nursing care or intermediate nursing care or both levels of care to two (2) or more patients who are unrelated to the nursing home administrator for a period exceeding 24 hours.

OFFICE (PROFESSIONAL) – The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

OFFICE (VETERINARY) – A business establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

OFF PREMISES SIGN – A sign which directs attention to an activity not conducted on the same lot.

ON-PREMISES SIGN – A sign which directs attention to an activity conducted on the same lot.

OPEN SPACE — A lot, parcel or parcels of land or a body of water, portions thereof or a combination thereof in any given development, the amount of which has been determined for each zoning district, that is to remain generally free of buildings or other structures. Such lands shall consist of environmentally sensitive lands as defined by this Chapter.

OUTDOOR STORAGE OR DISPLAY – The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY – An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

PARALLEL SIGN – A sign mounted parallel to a wall or other vertical building surface.

PARK – A non commercial, not-for-profit facility designed to serve the recreation needs of the community.

PARKING:

- (1) **PARKING AREA, PRIVATE** — An open, off-street area, other than a private street or way (with adequate means of access), used exclusively for the parking of automobiles of occupants of the premises.
- (2) **PARKING AREA, PUBLIC or PARKING LOT, PUBLIC** — An open, off-street area, other than a private street or way (with adequate means of access), available to the general public for the parking of motor vehicles.

PARKING LOT – An open area, excluding a street or other public way, used for the parking of automobiles, whether for free or for compensation.

PARKING GARAGE – A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of the building. This definition includes parking garages, deck parking, and underground or under-building parking areas.

PATIO HOUSE — A residential building containing no more than six (6) detached or semidetached single-family dwellings, each with one (1) dwelling unit from ground to roof, where each dwelling unit is enclosed by a wall located at the lot line, creating a private yard between the house and the wall. (See Illustration 5 in Appendix A)

PERSON — Includes a corporation, partnership, association or other legal entity as well as an individual.

PERSONAL CARE BOARDING HOME — A facility licensed to operate as such by the Commonwealth of Pennsylvania where a sleeping room and board is provided to more than three (3) permanent residents who are not relatives of the operator and who are mobile or semimobile, but who require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) hours, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

PLACE OF WORSHIP – A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services.

PORTABLE STORAGE UNIT – A container that is not affixed to the land that is designed for temporary, short-term storage.

PRINCIPAL –

- (1) **PRINCIPAL BUILDING** — See "building."
- (2) **PRINCIPAL USE** — See "use."

PRINTING – A business establishment primarily engaged serving consumers and other businesses in the reproduction of documents through digital technology or machines.

PRIVATE CLUB OR LODGE — A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership and pay dues.

PRIVATE RECREATION — Recreation facilities and supporting buildings owned by the members and open only to members and their guests for a membership fee. These facilities are primarily supporting sports and recreational activities in which the participants are actively engaged. Included are swimming, tennis, health and exercise and similar uses.

PRIVATE STREET — A private way used or intended to be used for passage by motor vehicles owned and maintained privately and not maintained by the Borough.

PROJECTING SIGN – Any sign mounted to a wall or other vertical building surface other than a parallel sign.

PROJECTION — An architectural feature, including bays, balconies, chimneys, stairways, canopies as used in vehicular drive-in facilities and similar structures. Roof overhangs, eaves, cornices, terraces and unenclosed, uncovered porches less than three (3) feet above grade are not considered projections.

PUBLIC NOTICE — Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days nor less than seven (7) days from the date of the hearing.

PUBLIC UTILITY BUILDING AND STORAGE YARD – A building or structure used or intended to be used by any public utility, including, but not limited to any gas treatment plant reservoir, tank or other storage facility, water treatment plant, well, reservoir, tank, or other storage facility, electric generating plant, distribution, or transmission substation, telephone switching or other communications plant, any storage yard for public utility equipment or vehicles, and any parking lot for parking vehicles or automobiles to serve a public utility.

RECREATION VEHICLE — A vehicle or attachment to a vehicle which is designed for human habitation only under transient circumstances such as camping, traveling or other leisure time activities, or any other recreational equipment such as a boat and its trailer.

RECREATIONAL FACILITY – A place designed and equipped for the conduct for the conduct of sports and leisure activities.

REPAIR SHOP, VEHICULAR – A place dedicated to the fixing and restoration of consumer goods, other than automobiles.

RESEARCH AND DEVELOPMENT FACILITY – A production facility which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include the initial manufacturing of developed product as an accessory use.

RETAIL SHOPS AND STORES – A business establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

RETIREMENT COMMUNITY FOR THE ELDERLY — A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which includes one (1) or more of the following special features or services associated with the needs of elderly or retired persons, including, but not limited to, transportation, common dining facilities, laundry service, housekeeping service, recreation programs, dispensaries, personal services, florist and/or gift

shop, branch bank, postal station, personal care boarding home, nursing home, assisted living facilities, independent living facilities and similar services for facilities.

RIGHT-OF-WAY — Land set aside for use as a street, alley or other means of travel. With respect to use by utilities, see "easement."

- (1) **EXISTING RIGHT-OF-WAY** — The legal right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.
- (2) **FUTURE RIGHT-OF-WAY** — The right-of-way deemed necessary as appropriate to provide adequate width for future street improvements.

RIPARIAN BUFFER – A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

ROOMER — See "boarder."

SCHOOL – Any public or private institution offering instruction for students up to and through the secondary level.

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

SERVICE BUSINESS – Any enterprise conducted for gain which primarily offers services to the general populace, such as shoe repair, valet service, watch repair, barber shop, beauty parlor, and similar services and activities related to the personal needs of people, but not including massage or similar services.

SEWER (SANITARY)

- (1) **PUBLIC SEWER SYSTEM** — Any municipal system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant. It shall also be referred to as an "off-lot" or "off-site sewer." This shall include capped sewers when installed to Borough specifications.
- (2) **PRIVATE SEWER SYSTEM** — Any privately owned and maintained system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or central septic tank disposal system. It shall also be referred to as an "off-lot" or "off-site sewer."
- (3) **PRIVATE SEWAGE DISPOSAL** — An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory buildings on a single lot, subject to the approval of the Allegheny County Health Department.

SETBACK – The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building (as the case may be), including terraces, patios, decks, or any covered projection thereof, excluding steps.

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

SHOPPING CENTER – A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, and provision for goods delivery separated from customer access.

SHOPPING PLAZA – see “shopping center”

SIGN – Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public.

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

SITE — A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

SITE AREA — All land area within the site as defined in the deed. The actual area shall be from the actual site survey rather than the deed description.

SKILLED NURSING CARE — Professionally supervised nursing care and related medical or other health services provided for a period exceeding twenty-four (24) hours to an individual who is not in need of hospitalization, but whose needs are such that they can only be met in a nursing home on an inpatient basis, and who needs care because of age, illness, disease, injury, convalescence or physical or mental infirmity, including the provision of daily inpatient services that are needed on a daily basis by the patient, ordered by a physician, which requires the skills of, and are furnished directly by or under the supervision of, technical or professional personnel, including but not limited to, registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SLOPES — Areas where the average slope exceeds eight percent (8%), which are subject because of the slope to high rates of stormwater runoff and, therefore, erosion.

SOLICITOR — The Solicitor of the Borough of Franklin Park.

SOLID WASTE FACILITY – Any land used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

SPECIALITY RETAIL – An establishment devoted exclusively to the sale of distinctive, high quality merchandise, including one (1) or more of the following: art and photography galleries or studios; antiques; books; boutique items; candles; candy; cards and stationery; cut and dried flowers; gifts; handicrafts; homemade and gourmet food and baked items; interior decorator items; leather goods; men’s ladies’ and children’s apparel; pipes and tobacco; and shops of a similar nature, but not including adult uses.

STABLE (COMMERCIAL) – Any lot on which horses are kept, boarded, trained or rented

STORY — That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is not a floor above it, then the space between the floor and the ceiling next above it.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, provided that where a future right-of-way width for a street or street has been established, then that width shall determine the location of the street line.

STRUCTURE — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, garages, sheds, walls, fences and signs.

SUBDIVISION — The division or redivision of a lot, tractor parcel of land, by any means, into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or residential dwellings shall be exempted.

SWIMMING POOL – An outdoor water pool which is not operated for gain and which is intended to be used for swimming or bathing by any family or persons residing on the premises and their guests.

TAVERN – An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

TEMPORARY STRUCTURE – A structure or use necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

TOWNHOUSE — A residential building containing at least three (3), but no more than six (6) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from basement to roof, each unit having independent access directly to the outside and having no other units above or below

TRUCK SALES – see “automotive sales”

TRUCK TERMINAL – Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

TWIN HOUSE — A semidetached single-family dwelling having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit

UPHOLSTERER – A business that repairs and replaces upholstery to house-hold and office furnishings; does not include motor vehicle upholstery or repair.

USE — Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- (1) **USE, ACCESSORY** — A use located on the same lot with a principal use and clearly incidental or subordinate to and in connection with the principal use.
- (2) **USE, PRINCIPAL** — The main use on a lot.

USED OR OCCUPIED — As applied to any land or building, includes the words "intended, arranged or designed to be occupied."

UTILITIES — Those services customarily rendered by public utility corporations, municipalities or municipal authorities in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).

VARIANCE — A modification of the literal provisions of this Chapter which the Franklin Park Borough Zoning Hearing Board is permitted to grant when strict enforcement of such provisions would cause undue hardship owing to circumstances unique to the individual property concerning which the variance is sought in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

VEHICLE REPAIR AND INSPECTION – A business establishment that services motor vehicles with all types of repair work including engine and transmission repairs, body work, painting or similar activities.

VEHICLE SALVAGE YARD – Any lot or parcel, or part thereof, including automobile graveyards, where a salvage vehicle, or parts thereof, are located for the purposes of resale as parts or parts as salvage only.

VILLAGE HOUSE — A single-family detached dwelling which is distinguished by very small front and side yards, enhanced by landscaping to buffer the dwelling from the street.

WALL SIGN – A sign attached parallel to but within twelve (12) inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.

WAREHOUSE OR WAREHOUSING — A building used for the storage of goods and merchandise. An establishment for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WATERCOURSE – Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.

WEAK LINK TOWNHOUSE — A residential building containing no more than six (6) townhouses, as defined herein, each of which has both a one (1) story and a two (2) story section and where the one (1) story section is at least ten (10) feet wide or thirty percent (30%) of the lot width, whichever is greater.

WHOLESALE – An establishment or place of business primarily engaged in selling or distributing merchandise to industrial, commercial, institutional, or professional or to other business users.

WINDOW SIGN – Any business sign which is oriented to the public right-of-way and is attached to the outside or inside of a window.

YARD — An open space, unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- (1) **YARD, FRONT** — A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards.
- (2) **YARD, REAR** — A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- (3) **YARD, SIDE** — A yard between a structure and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

ZONING LOT - a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width and improvement. A zoning lot need not necessarily coincide with the record lot, which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county.

ZONING DISTRICT — A section of Franklin Park Borough for which uniform regulations governing the use, height, area, density and intensity of use of buildings and land and open space about buildings are herein established.

§ 212-203. Area and bulk regulation terms illustrated.

The terms defined in § 212-202 which govern area and bulk regulations are illustrated as follows:

