

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purpose 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 also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. Any word or term not defined in this Ordinance shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
- G. The words “such as”, “included”, “including” and “specifically” shall provide examples. These examples would otherwise comply with the provision.
- H. The word “person” includes a firm, company, corporation, partnership, trust, organization or association as well as an individual.

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 indicated otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of “adjacent”.

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.

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

Adult Bookstore. A use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, video tapes, coin- or token- operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or “specified sexual activities”. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimers disease, mental abilities, or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiter, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual “specified sexual activities” related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to 3 or more persons at one time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of “specified sexual activities” for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

Alley. A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear on 1 or more lots.

Animal. A “Small Animal” small domestic animals including but not limited to dogs, cats, rabbits, birds or fowl. A “Large Animal” may include horses, cows and pigs.

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

Apartment. See “dwelling types”

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance, and his/her heirs, successors, and assigns.

Auto, Boat and/or Mobile/Manufactured Home Sales. An area, other than a street, used for the outdoor or indoor display, sale or rental of one 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 complied with. This use shall not include amobile/ manufactured home park (unless the requirements for that use are also met) 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, any 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”, such as a “convenience store”. This use shall not include a use 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. This use may include a “convenience store”. 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. This use shall not include a use meeting the definition of a “truck stop”. See storage limits and other requirements in Section 402.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a “story” if a) the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and b) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

Bed and Breakfast. A single family detached 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. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Boarding House or “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, 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 more consecutive days.

Borough. Borough of Bowmanstown, Carbon 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 by 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: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

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 1 building, measured in one direction that is most closely parallel to the required lot width. For an 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 solid waste transfer facility. This definition shall not include a “junkyard.”

Cartway. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Certificate of Occupancy. A certificate issued by the Borough Zoning Officer upon compliance with the Borough Ordinances and the allowable use designation according to the Borough Zoning Ordinance following inspection of property as required by Borough Ordinances.

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 of trees from November 15 to December 30 that were produced on the premises.

Church. See “Place of Worship.”

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a “standard antenna”. Commercial communications antennae shall include, but are not limited to, antenna used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for retransmitting cellular telephone communications. See Section 402.

Commercial District. The TC, C and I/C Zoning Districts.

Commercial Recreation. The offering of leisure-time activities for a profit-making purpose. This term shall not include any “Adult Use.” For the purposes of this Ordinance, recreation facilities shall not be considered to be commercial recreation when clearly limited to residents of a development and their occasional invited guests. Instead, such recreation shall be a permitted accessory use to that development.

1. Commercial Indoor Recreation. A type of “commercial recreation” use that: a) does not meet the definition of Commercial 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 district use by Section 306.
2. Commercial Outdoor Recreation. A type of “commercial 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

3. shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Commercial Use. 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. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a “treatment center.”

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 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. Such easement shall restrict the original and all subsequent property-owners, leases and all other users of that land.

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 4,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an “auto service station.”

Curative, Municipal. A process provided in the PA Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children’s own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a “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 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 State 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 meet the definition of a Group Day Care Home, and 3) is registered with the applicable State Agency. • See Section 402.
- Note: As of 2018, such agency was the PA Department of Human Services

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.

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

Driveway. A privately owned, constructed, and maintained vehicular access from a street to 1 or 2 principal buildings or their accessory buildings, and which does not meet the definition of a street or an alley.

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.” 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 this Ordinance.
- B. Apartments. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Mid-Rise Apartments. Three or more dwelling units within a building that is higher than 35 feet or 3-1/2 stories.
- D. Sectional or “Modular” Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a “mobile / manufactured home” and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile / manufactured home.
 1. Mobile / Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a “Recreation Vehicle.” The terms “mobile home” and “manufactured home” have the same meaning. This term is different from a “Sectional Home,” which is defined above. See standards in Section 402.
- F. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit.

- G. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- H. Township or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one “family.” See definition of “family.” 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 either or both of the following: a) 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, or b) two separate and distinct sets of kitchen facilities.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District.

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

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. 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 persons living in a single dwelling unit and functioning as a common household unit. A family shall include a maximum of 4 persons who are not “related” to each other (see definition in this Section). See the “Group Home” provisions of Section 402, which may allow a greater number of unrelated persons in certain circumstances. A “Treatment Center” shall not be considered a “Family” or a “Group Home.” For a use involving greater numbers of unrelated persons, see “Boarding House.”

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.” The term “wall” does not include engineering retaining walls, which are permitted uses as needed in all Districts. See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public, and that may include Automatic Transaction Machines.

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. 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 porches, decks or breezeways.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods, furniture and items of a closely similar character. The term “Garage Sale” shall include “Yard Sale”, “Rummage Sale”, or any similar activity.

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 Bowmanstown Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as “publicly-owned recreation.” This term shall not include a prison.

Group Home. The use of any lawful dwelling unit which meets all the following criteria:

1. Involves the care of the maximum number of persons permitted by the “group home” standards of Section 402, and meets all other standards of such section.
 2. Involves persons functioning as a common household unit.
 3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of another “handicap”• as defined by applicable Federal law.
 4. Does not meet the definition of a “treatment center.”
 5. Does not involve the housing or treatment of persons who: a) could reasonably be considered at threat to the physical safety of others and/or b) were previously convicted of a sexual felony committed against a minor.
- NOTE: The Federal Fair Housing Act Amendments defined “handicap” as follows: “1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21.” This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, an area equal to 20 percent of the building coverage may exceed the maximum height to provide for the roof peak, provided such 20 percent is not occupied by persons. See exemptions for certain types of structures in Section 802. A maximum of one more story may be exposed in the rear of a building compared to what is visible in the front of a building. For height of signs, see Article 7 entitled “Signs.”

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 that:

- A. is conducted primarily by a permanent resident of the dwelling, and only involves a maximum of one person working on-site at a time who does not reside within the dwelling;
- B. meets the applicable requirements for a “home occupation” as stated in Section 403 (note: home occupations are divided into “light home occupations” or “general home occupations”);

- C. only includes uses that are clearly incidental and secondary to the principal residential use; and
- D. does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).
- E. A Home occupation shall comply with the limitations on parking or commercial vehicles that is stated in Section 403.D. under “Residential Accessory Structure.”

Home Occupation, General. A type of “home occupation” that meets the definition and standards for a “home occupation” and which does not meet the definition of a “Light Home Occupation” as listed below.

Home Occupation, Light. A type of “home occupation” that complies with all of the following standards:

- A. meets the requirements for a “Light Home Occupation” as stated in Section 403;
- B. primarily involves the operator visiting clients at their home or business or using mail, telephone or electronic communications, as opposed to having customers routinely visit the site of the home occupation; and
- C. is limited to only the following types of activities:
 - 1. office-type work (such as writing, editing, drafting, tax preparation and computer use),
 - 2. clerical work (such as typing, stenography, addressing and sending mail),
 - 3. custom sewing and fabric and basket crafts,
 - 4. creation of visual arts (such as painting, sculpture or wood carving),
 - 5. sales and surveys over the telephone,
 - 6. repairs to computers and computer peripherals,
 - 7. a construction tradesperson, provided that if any truck(s) are routinely driven from the home to job-sites by non-residents, then the use shall be considered a “General Home Occupation”, and
 - 8. activities an applicant proves to the satisfaction of the Zoning Officer are closely similar to the above activities.

(Note- Light Home Occupations are permitted by right under Article 3.)

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 a “Medical 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 30 days shall be considered a “boarding house” and shall meet the requirements of that use. See also “bed and breakfast” use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Industrial Use. A use which includes manufacturing, distribution, warehousing, and other operations not primarily residential or commercial in nature.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste that

is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves, tree limbs or similar a yard waste materials, or d) items clearly awaiting imminent recycling at an approved recycling facility.

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 designated to move under its own power, other than a vehicle clearly 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.

See also the definition of “unregistered 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 1 or more of the following types:
 - 1. “Junk.” (see definition).
 - 2. Three or more “junk vehicles” or “unregistered vehicles” that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the requirements of Section 402 for an auto repair garage or auto service station.
 - 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.
- C. A junkyard specifically shall include but not be limited to any metal scrap yard or auto salvage yard.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the 403.D.9.c “Keeping of Pets” provisions of this Ordinance. A kennel may also serve other animals.

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 and if such lease is for a remaining period of at least 12 months) 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.

Life Care Center. A residential use designed and operated exclusively for adults of 55 years of age or older and/or physically handicapped persons that includes a nursing home and certain limited support facilities intended specifically to serve the needs of these residents.

Livestock, Raising of. The raising and keeping of livestock, horses, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the “Keeping of Pets” section of Section 403. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A contiguous separate parcel of land that is recorded or that will be recorded or that will be recorded after Borough final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

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. A lot abutting upon a curved street or streets shall be considered a “corner lot” if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

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:

1. Areas within the designated “future” or “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 1 lot (Note- proposed streets are not required to be excluded in determining density of apartments or townhouses under Section 402); and
2. Areas that are currently or will be required to be dedicated as common open space on a separate lot (Note- proposed common open spaces are not required to be excluded in determining density of apartments or townhouses under Section 402).

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way line.

1. Front Lot Line (Street Line). A lot line separating the lot from the existing street right-of-way.
2. 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.
3. 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 prescribed front yard setback line, unless otherwise stated. In the event of a curbed lot line, such lot width at the minimum prescribed front yard 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.

Massage. The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)’s skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Parlor. An establishment that meets all of the following criteria:

- A. “Massages” are conducted.
- B. The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the State.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

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 are 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. 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. See Section 402. See also “After Hours Club.”

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 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 Park. A parcel of land under single ownership which includes 3 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.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

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, or is legally established through the granting of a variance by the Zoning Hearing Board, and which is otherwise not merged pursuant to the provisions of Section 805.

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). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons. 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 (see definition), laboratories, photographic studios and/or television or radio broadcasting studios.

Official Zoning Map. The map as adopted by Borough Council which designates the location and boundaries of zoning districts.

Open Space, 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 of the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation, and

- D. does not use any of the following areas to meet minimum 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, that does not have provisions for entry with a 20 feet minimum width by pedestrians from a street open to the public or from an adjacent common open space area 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 the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - 8) portions of land that have a width of less than 20 feet.

Ordinance, This. The Bowmanstown Borough Zoning Ordinance, including the Official Zoning Maps, as amended.

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. Uses that do not have to be approved as uses by the Zoning Hearing Board. A “nonconforming use” shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

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, 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 domestic animals that are normally considered to be kept 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

Pharmacy. Dispensing of any state regulated substances for medicinal use.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include 1 dwelling unit as an accessory use. If a religious use is primarily residential in nature, it shall be regulated under the appropriate “dwelling type.” See standards in Section 402.

Planning Commission. The Borough of Bowmanstown, Carbon County, PA Planning Commission.

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.

Public Notice. Notice required by the PA Municipalities Planning Code. (Note: As of 1995, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Borough, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Public Nuisance. The term *public nuisance* covers a wide variety of minor crimes that threaten the health, morals, safety, comfort, convenience or welfare of a community.

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 public or private primary or secondary school, a place of worship, 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, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third, 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 Building, Structure 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, Children’s Play Equipment or a permitted Apartment for Care of Relative. For skateboard ramps, see Residential Accessory Structure Standards in Section 403. 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. The OSR, R-1, R-2 and R-3 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use, 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 a primary or substantial portion of the total trade, the requirements of a “tavern” or nightclub as applicable must be met.
- C. See “Drive-Thru 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”, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Borough or the State 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” (such as privately operated schools of trade, vocation of business).

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

Sectional Dwelling. See under “Dwelling Units.”

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

Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the is being measured. See exceptions for eaves and cornices in Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets- For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Shed. Any structure without a permanent foundation, built for storage purposes.

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. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. See also “Billboard.”

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solar Power System. A system in which solar panels or other renewable energy generators are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.

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 transfers 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 applications.

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 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 (and Half-Story). A level of 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 provided for in the definition of “basement.” 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 3 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.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Bowmanstown Borough Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a “household” swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a “nightclub” or an “after-hours club.” The sale of food may also occur. See also 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 50 used tires on a lot. See “Outdoor Storage” in Section 403.

Townhouse. See “Dwelling Types.”

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 permitted accessory use in a “hospital”) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than 1 year and who need such facilities because of:

- A. criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol,
- B. addiction to alcohol and/or a controlled substance, or
- C. a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. See Section 402.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a valid license and an inspection sticker that have each expired less than 90 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 PA Municipalities Planning Code. See Section 111.

Wall. See “Fence.”

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.

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.

Wind Turbines. A turbine having a large vaned wheel rotated by the wind to generate electricity.

Wood Burner. A heater or stove that is fueled by wood.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use and which is measured inward from a lot line. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yard setbacks.

Yard, Front or “Minimum Front Setback”. A “yard” measured from along the front lot line (which is the existing street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto 2 or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance. See special front yard provisions, including regarding corner lots, through lots and front yard exceptions, in Section 803.
- D. Every lot shall include at least one front lot line.

Yard, Rear or “Minimum Rear Setback”. A “yard” extending the full-width of the lot and which is always measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance. Every lot shall include a rear lot line.

Yard, Side or “Minimum Side Setback”. A “yard” which establishes the minimum setback for 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 lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance. See “Corner Lot” provisions in Section 803.B. Every lot shall include at least one side lot line, although such lot line may be regulated as a front yard under Section 803.B.

Zoning Map. The Official Zoning Map of Bowmanstown Borough, Carbon County, 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 Bowmanstown Borough Zoning Ordinance, as amended.