

ARTICLE II

DEFINITIONS

SECTION 201 GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

SECTION 202 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance.

ACCESSORY USE OR STRUCTURE - A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

ADULT ARCADE - Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE - An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual conduct or nudity, as defined by this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS - An adult arcade, adult bookstore, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT ENTERTAINMENT - Movies which are rated "X" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER - Any commercial establishment which features 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 MINI-MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTEL - A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

AGRICULTURE - The science and art of farming, the work of cultivating the soil, producing crops and livestock.

ANIMAL HOSPITAL - An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

ANIMAL SHELTER - Any building or other structure which is used to enclose and provide protection for livestock or domestic pets.

ARTERIAL STREET - A public street which serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Township for the purposes of interpreting this Ordinance are: PA Route 88, PA Route 837, Finleyville/Elrama Road, Venetia Road and Brownsville Road.

ASSEMBLY HALL - A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

AUTOMOBILE SERVICE STATION - See SERVICE STATION, AUTOMOBILE.

BAR OR TAVERN - A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT - That portion of a building having at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST - A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BILLBOARD - Any off-premises sign with a changeable advertising face which advertises an establishment, person, activity, product or service which is unrelated to or not available on the premises on which the sign is located.

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of Union, Washington County, Pennsylvania.

BOARDING STABLE - The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

BUFFER AREA - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-'round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography which duplicates the effect of the required buffer area.

BUILDING - Any structure having enclosing walls and roofs and having a permanent location on the land. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING AREA - The total of areas taken on a horizontal plane at the finished grade level of the principal building and all accessory buildings, excluding one-story uncovered porches, bay windows, balconies, terraces and steps.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT - A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING SPACING - The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters which project beyond the wall of the building no more than two (2) feet.

BUSINESS OR PROFESSIONAL OFFICES - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CARPORT - A structure to house or protect motor vehicles, which is open to the weather for at least forty percent (40%) of the total area of its sides.

CAR WASH - A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CELLAR - That portion of a building having one-half (1/2) or more of its height below the average grade of the adjoining ground.

CEMETERY - Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CHURCH - Any structure or structures used for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels, cathedrals, temples, synagogues and the like.

CLINIC - Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE - See PRIVATE CLUB

COLLECTOR STREET - A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector roads in the Township for the purposes of interpreting this Ordinance are: Airport Road, Coal Bluff Road, Courtney, Road, Lobbs Run Road, McChain Road, Mc Clelland Road, Mingo Creek Road, Patterson Road and Stone Church 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, which is regulated by the Public Utilities Commission (PUC) or which is operated by any agency, franchisee or authority of Union Township, Washington County or the Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

COMMERCIAL RECREATION - See RECREATION, COMMERCIAL.

COMPLETELY ENCLOSED BUILDING - A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

CONDITIONAL USE - A use authorized by this Ordinance which may be granted only by the Board of Supervisors following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONSTRUCTION TRAILER, TEMPORARY - A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

CONTRACTING BUSINESS - The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD - An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE - A retail store selling food products and household supplies for the convenience of the neighboring population.

CORNER LOT - A lot at the intersection of, and fronting on, two (2) or more street rights of way.

COVERAGE - See LOT COVERAGE

DAY CARE CENTER - A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME - See FAMILY DAY CARE HOME

DENSITY, GROSS - The number of dwelling units per acre of land area.

DENSITY, NET - The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space and areas of the site which have slopes of twenty-five percent (25%) or greater.

DISTRICT - See ZONING DISTRICT.

DOMESTIC PETS - Animals or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters; gerbils; parakeets; canaries; and similar small animals or birds, but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.

DRIVEWAY - A private vehicular way providing access between a street and a parking area or garage located on a lot.

DRIVE-THROUGH FACILITY - Any principal use or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING - A building designed exclusively as living quarters for one (1) or more families, including single family, two-family and multifamily dwellings, but not including hotels, motels or boarding houses.

DWELLING TYPES - The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING** - A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.
- B. **TWO FAMILY DWELLING** - A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTIFAMILY DWELLING** - A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including garden apartments and townhouses.
- D. **GARDEN APARTMENT** - A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- E. **GROUP CARE FACILITY** - A facility licensed by the Commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. 3601 et. seq.) and persons of any age or condition who have been adjudicated by the Criminal Court system and who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.
- F. **MODULAR DWELLING** - A single family dwelling which is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for modular dwellings manufactured housing in Pennsylvania and shall be at least twenty (20) feet wide for the entire length when assembled. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- D. **PERSONAL CARE BOARDING HOME** - A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate

nursing care.

- H. TOWNHOUSE** - A multifamily residential building no more than two and one-half (2-1/2) stories in height which contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- I. TRANSITIONAL DWELLING** - A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.

DWELLING UNIT - Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT - A grant of the specified use of a parcel of land to the public, a corporation or person in which no permanent structures shall be permitted without the permission of all parties having rights to the easement.

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

ESSENTIAL SERVICES - The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Union Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Union Township to the general public.

FAMILY - An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a

direct threat to others or their physical property.

FAMILY DAY CARE HOME - A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

FAMILY PLOT - Any property used for interring dead persons or domestic pets, the use of which is restricted to the members of a family and which property is owned and operated by the members of that family.

FENCE OR WALL - A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls which are designed and approved in accordance with the Township Grading Ordinance..

FINANCIAL INSTITUTION - A bank, savings and loan association or similar institution that lends money or is engaged in a finance related business.

FLOOD PLAIN - Areas adjoining the Monongahela River and any streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Township.

FLY ASH DUMP – An exterior storage area used for the dumping and storage of waste material from the process of burning coal or other combustible materials.

FRONT BUILDING LINE - See BUILDING LINE, FRONT.

FRONT LOT LINE - See LOT LINE, FRONT.

GARAGE, PRIVATE - An accessory building or a portion of the principal building, enclosed on not less than three (3) sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC - A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or "Junk", as defined by this Ordinance.

GARAGE, REPAIR - See REPAIR GARAGE.

GARDEN APARTMENT - See "D" under DWELLING TYPES.

GARDEN NURSERY - A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GOLF COURSE - A recreational facility for which has a course, with a minimum of nine (9) regulation size holes, for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

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

GROSS FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUP CARE FACILITY - See "E" under DWELLING TYPES.

HEALTH CLUB - A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEIGHT OF BUILDING - See BUILDING HEIGHT.

HEIGHT OF STRUCTURE - The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HOME GARDENING - The growing of flowers, plants or vegetables for consumption by the persons residing on the premises, including backyard composting for personal use and noncommercial greenhouses not exceeding one hundred fifty (150) square feet in gross floor area.

HOME OFFICE - A home occupation, as defined below, including, but not limited to, an office of an attorney, architect, engineer or similar recognized profession or the office of a realtor, insurance agent, investment counselor, manufacturer's representative, broker or similar service, where customers or clients do not routinely visit the premises and where no one who is not a resident of the dwelling is employed on the premises.

HOME OCCUPATION - An accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HOSPITAL - An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOSPITAL, ANIMAL - See ANIMAL HOSPITAL.

HOTEL - See MOTEL/HOTEL.

IMPERVIOUS SURFACE - Surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

INDOOR AMUSEMENT - A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities which are accessory to a church or school.

JUNKYARD - Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL - A structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totalling four (4) or more animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such waterbodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in surface area; ponds are bodies of water less than two (2) acres in surface area.

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

- (a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
- (b) A single nonresidential building on a lots or lots regardless of the number of occupants or tenure, including any change of use or structural alteration which results in an increase in total lot coverage by structures and/or paving of 5,000 square feet or more; or
- (c) 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 the Township Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

LANDFILL - Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

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

LANDSCAPING PLAN - A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY - Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity.

LIGHT MANUFACTURING - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIVESTOCK - Any member of the bovine or equine species, including, but not limited to cows, steers, horses and ponies.

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

LOT, CORNER - See CORNER LOT.

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 Washington County.

LOT AREA - The total area within the lot lines, excluding the area within any street right of way.

LOT COVERAGE - That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

LOT, DEPTH OF - The mean distance from the street right of way line to its opposite rear lot line, generally measured parallel to the side lot lines.

LOT FRONTAGE - That portion of the lot which adjoins the street right of way or through which access is provided to a public street.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT - That lot line which is contiguous with the street centerline or the street right of way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR - That lot line which is generally opposite the front lot line.

LOT LINE, SIDE - Any lot line which is not a front lot line or rear lot line.

LOT WIDTH - The straight line distance between the point of intersection of the front building line with the side lot lines.

MANUFACTURING, LIGHT - See LIGHT MANUFACTURING.

MANUFACTURING - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

MEDIATION - A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MINERAL REMOVAL - Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mines openings.

MINI-WAREHOUSE OR 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 to the general public for a specified period of time for the dead storage of personal property.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed 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, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR DWELLING - See "F" under DWELLING TYPES.

MOTEL/ HOTEL - An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING - See "C" under DWELLING TYPES.

NONCOMMERCIAL RECREATION - See RECREATION, NONCOMMERCIAL.

NONCONFORMING LOT - Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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 heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NUDITY - The appearance of a human bare buttock, anus, male or female genitals or female breast.

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICES - See **BUSINESS OR PROFESSIONAL OFFICES**.

OPEN SPACE - An area of land or water on a development site in which no structures are permitted and which is set aside for the use and enjoyment of the general public or the owners and tenants of property which adjoins the open space.

OWNER - See **LANDOWNER**.

PARKING AREA - A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE - A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PERSONAL CARE BOARDING HOME - See "G" under **DWELLING TYPES**.

PERSONAL SERVICES - Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops and the like.

PETS, DOMESTIC - See **DOMESTIC PETS**.

PLANNING COMMISSION - The Planning Commission of Union Township, Washington County, Pennsylvania.

PRE-SCHOOL FACILITY - An establishment which offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE - The building or structure in which the principal use is conducted.

PRINCIPAL USE - The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE - Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB - Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE - See GARAGE, PRIVATE.

PRIVATE STABLE - The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE STREET - A street, including the entire private right of way, which is privately owned and maintained and which is intended for private, rather than public, use.

PRIVATE USE HELIPAD - A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration which is owned by a private entity and restricted to use by helicopters owned by such entity.

PROFESSIONAL OFFICES - See BUSINESS OR PROFESSIONAL OFFICES.

PUBLIC - Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC GARAGE - See GARAGE, PUBLIC.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION - See RECREATION, PUBLIC.

PUBLIC UTILITY INSTALLATION - Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Union Township which is reasonably necessary to furnish adequate services to the general public both within Union Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

RECREATION, COMMERCIAL - An enterprise operated for profit by other than a public entity, either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit, and whether or not the facilities are advertised to the general public, including sports, recreation or leisure activities, the use of which is limited members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools, and similar facilities.

RECREATION, PUBLIC - An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities.

RECREATIONAL VEHICLE - A single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snow mobiles, motorcycles and all-terrain vehicles.

REPAIR GARAGE - A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a "Completely Enclosed Building", as defined by this Ordinance.

REPAIR SHOP - A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT - Any establishment, including laboratories, 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 supporting storage and transportation facilities.

RESTAURANT - An establishment which offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL SALES - The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETIREMENT COMMUNITY - A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIGHT OF WAY - Land set aside for use as a street, alley or other means of travel, including existing and future rights of way, as defined below. (See also EASEMENT with respect to utilities.)

EXISTING RIGHT OF WAY - The legal right of way as established by the Commonwealth or other appropriate governmental authority and currently in use.

FUTURE RIGHT OF WAY - The right of way deemed necessary to provide adequate area or increased width for future street improvements.

SANITARY SEWER, PRIVATE - An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory building on a single lot, subject to the approval of the Sewage Enforcement Officer.

SANITARY SEWER, PUBLIC - Any municipal or privately owned sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Township specifications.

SCHOOL, PUBLIC AND PRIVATE - An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY - See MINI-WAREHOUSE/SELF-STORAGE FACILITY.

SERVICE STATION, AUTOMOBILE - A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

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

SIGN - Any structure or device used to attract attention by word or graphic display.

SIGN, SURFACE AREA OF - The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of free standing letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two sided signs, only one (1) face is counted in computing the surface area.

SINGLE FAMILY DWELLING - See "A" under DWELLING TYPES.

SITE - A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA - The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLATE DUMP – An exterior storage area used for the dumping and storing of waste material produced in the mining of coal or other mined materials.

SLAUGHTERHOUSE - An establishment where animals are butchered for human consumption and where the meat is prepared and packaged for retail or wholesale sales.

SLOPE - The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SOLID WASTE DISPOSAL - The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and nonrecyclable materials with insufficient liquid content to be free flowing.

SPECIAL EXCEPTION - See **USE BY SPECIAL EXCEPTION**.

SPECIALTY RETAIL STORE - An establishment which has a gross floor area of five thousand (5,000) square feet or less devoted exclusively to retail sales of distinctive and 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, interior decorator items, leather goods, mens' ladies' and children's apparel, pipes and tobacco and shops of a similar nature.

SPECIALTY FOOD STORE - An establishment which has a gross floor area of five thousand (5,000) square feet or less devoted to the sale of specialty or gourmet food items or meats or groceries which are packaged and which may or may not be available for consumption on the premises.

STABLE, PRIVATE - See **PRIVATE STABLE**.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding cellars.

STREET - A public or recorded private right of way which affords primary means of vehicular access to abutting property, but not including alleys.

STREET LINE - The legal right of way line which forms the dividing line between the street and the lot.

STREET, PUBLIC - A public right of way dedicated and open for public use which has been adopted by the Township, County, Commonwealth or other governmental body.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

STRUCTURE, HEIGHT OF - See **HEIGHT OF STRUCTURE**.

STRUCTURAL ALTERATIONS - A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

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

SWIMMING POOL - Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

TAVERN - See BAR OR TAVERN.

TEMPORARY CONSTRUCTION TRAILER - See CONSTRUCTION TRAILER, TEMPORARY.

TOWNHOUSE - See "H" under DWELLING TYPES.

TOWNSHIP - The Township of Union, Washington County, Pennsylvania.

TRANSITIONAL DWELLING - See "I" under DWELLING TYPES.

TWO FAMILY DWELLING - See "B" under DWELLING TYPES.

USE - The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION - A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE - A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property which, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORIES SALES AND INSTALLATION - An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshields, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE - The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

WAREHOUSE - A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE - An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WOODLANDS - Areas, groves or stands of mature or largely mature trees which are greater than six inches (6") caliper (diameter) at a height of fourteen inches (14") above the ground which cover a land area greater than one-quarter (.25) of an acre; or any grove of more than ten (10) individual trees which are mature having a caliper (diameter) greater than twelve inches (12") at a height of fourteen inches (14") above the ground.

YARD - A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

YARD, FRONT - A yard extending between side lot lines across the full lot width from the street right of way line to a line parallel to the front lot line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE - A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR - A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZONING CERTIFICATE - A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance.

ZONING DISTRICT - An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP - The official map delineating the Zoning Districts of Union Township, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD - The Zoning Hearing Board of the Township of Union, Washington County, Pennsylvania.

ZONING OFFICER - That person appointed by the Union Township Board of Supervisors and charged with the responsibility of administering and enforcing this Ordinance.