

ARTICLE II
Definitions and Word Usage

§ 180.4 Definitions.

180.4.1 Word usage. As used in this chapter, words in the singular number include the plural, and words in the plural include the singular; words in the masculine gender include the feminine and neuter; and the word "building" includes the word "structure," and the word "structure" includes the word "building."

180.4.2 Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated.

ACCESSORY STRUCTURE - See STRUCTURE, ACCESSORY ***[Amended 03-21-07 by Ord. No. 1000]***

ACCESSORY USE - See USE, ACCESSORY ***[Added 03-21-07 by Ord. No. 1000]***

ADULT ARCADE - Any place where the public is permitted or invited wherein coin operated, slug 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 sexual conduct as defined herein. ***[Added 7-16-97 by Ord. No. 871]***

ADULT BOOKSTORE/VIDEO STORE - Any commercial establishment in which more than five percent (5%) of the inventory offered for sale or rental to the public consists of any book, books, magazines or other reading material, films, videotapes, pictures, slides or other visual or audio medium to an adult clientele [eighteen (18) years or older] and where the material offered for sale, use, rental or lease largely focuses on items relating to, depicting, describing or referring to matters explicitly sexual. ***[Added 7-16-97 by Ord. No. 871]***

ADULT BUSINESS - An adult arcade, adult bookstore/video store, adult movie theater or movie house or other adult entertainments, as defined herein, even if such activities are not the only activities conducted upon the premises. ***[Added 7-16-97 by Ord. No. 871]***

ADULT ENTERTAINMENT - An establishment providing entertainment consisting of live dancing, posing, acting or other theatrical presentation involving personnel whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to or resulting in producing lustful emotions. ***[Added 7-16-97 by Ord. No. 871]***

ADULT MOVIE THEATER OR MOVIE HOUSE - Any movie theater, including adult mini-theaters which on a regular continuing basis shows films rated "NC-17" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular continuing basis so-called "adult films" depicting sexual conduct, as defined in this chapter. ***[Added 7-16-97 by Ord. No. 871]***

AUTOMOBILE - A self-propelled, four-wheeled, free-moving vehicle primarily for personal conveyance on a street or roadway, including, if unmarked and devoid of advertising, vans and pickup trucks with a gross weight of five thousand (5,000) pounds, but not including trucks with a gross weight over five thousand (5,000) pounds, buses or vehicles equipped with living or sleeping quarters. **[Amended 1-19-72 by Ord. No. 486; 2-15-84 by Ord. No. 679]**

AUTOMOBILE AND GASOLINE SERVICE STATION - Any premises used for supplying gasoline and oil, tires, accessories and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as:

- (1) Spray painting.
- (2) Body, fender, clutch, transmission, differential, axle, spring and frame repairs.
- (3) Major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan.
- (4) Repairs of radiator requiring removal thereof.
- (5) Complete recapping or retreading of tires.

AUTOMOBILE AND/OR TRAILER SALES AREA - An open area, other than a street or way, used for the display or sale of new or used automobiles or trailers and where minor and incidental repair work (other than body and fender) may be done.

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

AWNING - An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a rigid covering is attached. **[Amended 9-20-00 by Ord. No. 917]**

BILLBOARD - A permanent outdoor advertising sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not accessory to the use of, products sold on, or the sale or lease of, the property on which it is displayed. **[Added 03-21-07 by Ord. No. 1000]**

BOARD - The Zoning Hearing Board created by this chapter. ***[Amended 3-16-83 by Ord. No. 659]***

BOROUGH - The Borough of Whitehall.

BOROUGH TRAFFIC ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the BOROUGH TRAFFIC ENGINEER or a professional engineer licensed as such in the Commonwealth of Pennsylvania and utilized by the BOROUGH to advise the regularly appointed BOROUGH ENGINEER. ***[Added 2-7-18 by Ord. No. 1103]***

BOROUGH ZONING ENABLING ACT - The Pennsylvania Municipalities Planning Code and all its amendments. ***[Amended 3-16-83 by Ord. No. 659]***

BUILDING - A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

BUILDING COMMISSION - The duly authorized members of the Building Commission appointed by the BOROUGH COUNCIL under the Building Code of this BOROUGH, Ordinance No. 10, and amendments thereto.¹

BUILDING, HEIGHT OF - The total number of stories in a building and the vertical distance measured from the curb level to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable or hip or gambrel or pent roofs.

BUILDING INSPECTOR - The duly authorized Code Enforcement Officer appointed by the Borough pursuant to Chapter 78 of the Code of the Borough of Whitehall and the Pennsylvania Municipalities Planning Code. ***[Amended 1-19-00 by Ord. No. 912]***

BUILDING INTEGRATED SOLAR ENERGY SYSTEM – A SOLAR ENERGY SYSTEM that is an integral part of a BUILDING, building component, building material or is contained within a building opening, window glazing or façade. ***[Amended 4-16-2014 by Ord. No. 1063]***

BUILDING MOUNTED SOLAR ENERGY SYSTEM – A SOLAR ENERGY SYSTEM mounted or attached to any part of a BUILDING ***[Amended 4-16-2014 by Ord. No. 1063]***

CANOPY - An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than two stanchions. A canopy is comprised of a rigid structure over which a rigid covering is attached. ***[Added 9-20-00 by Ord. No. 917]***

¹ Editor's Note: See Ch. 9, Building Commission.

CEMETERY - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such property.

CHURCH, CATHEDRAL OR TEMPLE - Includes any or all of the following: church, manse, rectory, convent, parish school or similar BUILDING incidental to the particular use; school for religious education; convents and other BUILDINGS for the housing of students, teachers, communicants and domestic or maintenance employees; but not including business offices (except administrative offices housed within the structure), rescue missions or the occasional use for religious purposes of properties not regularly so used.

CODE ENFORCEMENT OFFICER - See Building Inspector. ***[Added 01-19-00 by Ord. No. 912]***

COMMISSION - The duly authorized members of the Planning Commission as appointed by the BOROUGH COUNCIL.

COMMON OPEN SPACE LAND - Land that is held in common open ownership and which is permanently restricted in use to public or private recreational use. ***[Added 7-16-80 by Ord. No. 610]***

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned single-story BUILDING or STRUCTURE containing communications equipment required for the operation of a WIRELESS COMMUNICATIONS TOWER with a maximum height of twelve (12) feet, maximum GROSS FLOOR AREA of two-hundred and fifty (250) square feet, and located within the fenced enclosure of the WIRELESS COMMUNICATIONS FACILITY. ***[Added 7-11-08 by Ord. No. 1011]***

COMMUNICATIONS EQUIPMENT CABINET - A small enclosure containing communications equipment required for the operation of a WIRELESS COMMUNICATIONS ANTENNA with a maximum height of four (4) feet and covering an area of less than sixteen (16) square feet. ***[Added 7-11-08 by Ord. No. 1011]***

COMMUNITY CENTER – A structure or premises used as a place for recreation, sport, cultural or community purposes, on a non-commercial or non-profit making basis, having its principal objective the advancement of the community, social, civic or cultural interests. Examples of services and activities may include, but not be limited to: assembly rooms; community rooms; art centers; fitness centers; gym and recreational court facilities; swimming pools; adult- and child-care services; health and wellness programs; food pantry; after-school programs; youth and adult educational programs; and similar uses functioning as a community service. Not included in the category of community center are those businesses and occupations served by this Chapter as medical clinics, medical-related activities, personal services, service businesses, private clubs or fraternal organizations. ***[Added 6-7-17 by Ord. No. 1097]***

CONDITIONAL USE - See USE, CONDITIONAL **[Added 03-21-07 by Ord. No. 1000]**

COUNCIL - The Council of the BOROUGH.

CURB LEVEL - The elevation of the established curb opposite a point midway between the extremes of the plane of the existing or proposed structure which faces the curb.

DAY CARE - Care of individuals, regardless of age, provided as a daytime service, and as regulated by the Commonwealth of Pennsylvania. **[Added 08-21-02 by Ord. No. 949]**

DECK - A structure consisting of a surface or flooring supported by columns or an unenclosed, permanent foundation that is above the ground surface, except that decks less than 12 inches above the ground surface may be on an enclosed, uninhabitable, permanent foundation. A deck may be covered by a permanent roof but is not enclosed. **[Added 5-20-98 by Ord. No. 884]**

DENSITY, DWELLING UNIT - The maximum number of DWELLING UNITS permitted per gross acre of site area. **[Added 7-16-80 by Ord. No. 610]**

DIAMETER AT BREAST HEIGHT (DBH) – A standards method for the measurement of trees wherein the diameter of a tree is measured at approximately four and a half (4 ½) feet above its average ground level using a diameter taper **[Added 5-16-18 by Ord. No. 1108]**

DISTRICT - A land area as identified on the official Whitehall Borough Zoning Map within which certain uniform regulations and requirements apply under the provisions of this Chapter. **[Added 03-21-07 by Ord. No. 1000]**

DWELLING - A building, or portion thereof, designed for and used exclusively for residential occupancy in accordance with this Chapter, including one FAMILY, TWO FAMILY and MULTIPLE-FAMILY DWELLINGS, but not including apartment hotels, hospitals, hotels, boarding-houses, institutional homes, residential clubs, rooming houses, tourist courts, trailers, SHORT TERM RENTALS, and the like. **[Amended 08-21-02 by Ord. No. 949, Amended 09-05-18 by Ord. No. 1111]**

DWELLING, MULTIPLE-FAMILY - A BUILDING or portion thereof containing three (3) or more dwelling units, each for exclusive use by one (1) family.

DWELLING, TWO-FAMILY - A BUILDING containing only two (2) noncommunicating dwelling units, each for exclusive use by one (1) family and each with its own separate exterior entrance door.

DWELLING UNIT - One (1) or more living or sleeping rooms with cooking and sanitary facilities for one (1) person or one (1) family.

ESSENTIAL SERVICES – The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems and their ACCESSORY STRUCTURES. **[Added 2-7-18 by Ord. No. 1103]**

FAMILY - A single person occupying a DWELLING or DWELLING UNIT and maintaining a household; two (2) or more persons related by blood or marriage or adoption occupying a DWELLING UNIT and maintaining a household; not more than three (3) unrelated persons occupying a DWELLING or DWELLING UNIT, living together and maintaining a common household. The term shall include ANY TENANT or person(s) paying any rent, fee or rate for use of a Dwelling or portion thereof as a SHORT TERM RENTAL for a period of less than 30 days **[Amended 3-16-83 by Ord. No. 659, Amended 09-05-18 by Ord. No. 1111]**

FIREWOOD - Wood prepared for use as a heating fuel for the purpose of burning in an indoor fireplace or a wood-burning furnace. **[Added 11-05-99 by Ord. No. 905]**

FLOOR AREA, GROSS - The sum of all floor areas within the BUILDING as measured from the outside face of the exterior walls. **[Added 7-11-08 by Ord. No. 1011]**

FREESTANDING SOLAR ENERGY SYSTEM – A SOLAR ENERGY SYSTEM that is independently supported and not mounted or attached to any part of a BUILDING, AWNING or CANOPY. **[Amended 4-16-2014 by Ord. No. 1063]**

FRONT ENTRANCE - A porch attached to the front face of a dwelling covered by a permanent roof matching architecturally the main roof of the building, not including an awning or canopy. **[Amended 9-20-00 by Ord. No. 917]**

FRONTAGE - The width of a LOT or parcel abutting a STREET as measured at and along the FRONT LOT LINE. **[Added 03-21-07 by Ord. No. 1000]**

GARAGE, COMMUNITY - A single BUILDING or a group of MINOR garages erected for the use of adjacent property owners or residents of MULTIPLE DWELLINGS, used for the storage of motor vehicles and not for repair or maintenance thereof.

GARAGE, MINOR - Either a one-story BUILDING or an integral part of a DWELLING, used for storage of motor vehicles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot. Minor Garage shall not exceed the door height of eight feet, an external height of 15 feet, and a floor area of 750 square feet. **[Amended 2-19-97 by Ord. No. 862]**

GARAGE OR RESIDENCE SALE - The sale of items by an individual or FAMILY conducted on their premises. All goods offered for sale shall be sold or removed immediately after the sale. Such sales shall be limited to two (2) per calendar year. Each sale shall not exceed two (2) days in duration. **[Added 3-17-93 by Ord. No. 799]**

GARAGE, PUBLIC - Any BUILDING used for the storage and repair of motor vehicles not defined as a "MINOR" or "COMMUNITY GARAGE" under the definitions aforesaid.

GENERAL HOSPITAL - A BUILDING or BUILDINGS in which sick and injured persons are given medical and surgical care. ***[Added 7-1-70 by Ord. No. 473]***

GREEN SPACE - An area with vegetation or natural cover which is free of impervious surfaces. ***[Amended 9-20-00 by Ord. No. 917]***

HIGH-RISE APARTMENTS - Apartments in a BUILDING containing four (4) or more habitable stories. ***[Added 9-17-69 by Ord. No. 466]***

HOME OCCUPATION - An accessory use of a residence in a business-like or commercial manner, which is conducted within a DWELLING by a resident of the dwelling, and is clearly secondary to the use of the LOT for residential purposes. ***[Added 08-21-02 by Ord. No. 949]***

HOUSE TRAILER - Any vehicle or portable structure used for living or sleeping purposes.

LANDSCAPING - The finishing and adornment of unpaved yard areas with trees, shrubs, ground cover, and other such living plantings. ***[Added 03-21-07 by Ord. No. 1000]***

LOADING SPACE - An off-street space or berth abutting upon a street or way or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space or berth is not less than ten (10) feet in width and sufficient in length, measured perpendicularly to the street or way, to ensure that no vehicle using the space shall extend beyond a property line, but in no case less than twenty-five (25) feet in length.

LOT - A designated parcel, tract, or area of land established by an approved PLAT or otherwise permitted by law, and to be used, developed or built upon as a unit. ***[Amended 03-21-07 by Ord. No. 1000]***

LOT AREA - The horizontal measure of the area included within a LOT, excluding the area within a STREET right of way. ***[Added 03-21-07 by Ord. No. 1000]***

LOT, BUILDABLE AREA OF - That portion of a LOT bounded by the REQUIRED YARD AREAS. When a yard is not required, the boundary is the LOT LINE. ***[Amended 03-21-07 by Ord. No. 1000]***

LOT, BUILDING LINES OF - The lines that bound the BUILDABLE AREA OF LOT, including front, rear and side BUILDING lines. ***[Amended 03-21-07 by Ord. No. 1000]***

LOT, CORNER - A LOT abutting upon two (2) or more STREETS at their intersection. ***[Amended 03-21-07 by Ord. No. 1000]***

LOT DEPTH - The mean distance from the STREET line at the front of a LOT to the extreme rear line of the LOT, measured parallel to the mean direction of the side lines thereof. ***[Amended 03-21-07 by Ord. No. 1000]***

LOT LINE - A legally established line dividing one LOT from another LOT, parcel, STREET or any public place. **[Added 03-21-07 by Ord. No. 1000]**

LOT LINE, FRONT - Any LOT LINE separating a LOT from a STREET. **[Added 03-21-07 by Ord. No. 1000]**

LOT LINE, REAR - The LOT LINE which is most distant from and most parallel to the FRONT LOT LINE, and which separates a LOT from another LOT, parcel, or any public place except STREETS. **[Added 03-21-07 by Ord. No. 1000]**

LOT LINE, SIDE - Any LOT LINE which is not a FRONT or REAR LOT LINE. **[Added 03-21-07 by Ord. No. 1000]**

LOT, THROUGH - A LOT abutting upon two (2) or more STREETS but not at their intersection. **[Amended 03-21-07 by Ord. No. 1000]**

LOT WIDTH - The distance between the SIDE LOT LINES of the LOT, measured at the shortest distance at or between the front and rear BUILDING lines as determined by the prescribed FRONT and REAR YARD. **[Amended 03-21-07 by Ord. No. 1000]**

MAJOR EXCAVATING, GRADING OR FILLING - Any operation (other than in connection with the foundation for a structure) involving:

- (1) Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities or physically affect private property within one thousand (1,000) feet of the intended operation;
- (2) A volume of earth movement exceeding an average of one-half ($\frac{1}{2}$) of a cubic yard per square foot or sixteen thousand (16,000) cubic yards, whichever is the lesser; or
- (3) A change in ground elevation exceeding fifteen (15) feet.

MAJOR TRAFFIC THOROUGHFARE - A main traffic artery designated on the Zoning District Map as "major traffic thoroughfare."

NO-IMPACT HOME BASED BUSINESSES – A business or commercial activity administered or conducted as an ACCESSORY USE which is clearly secondary to the use of the property as a residential dwelling and which involved no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements: **[Added 2-7-18 by Ord. No. 1103]**

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent (25%) of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT - A LOT the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the current requirements of the zoning DISTRICT in which it is located by reasons of such adoption or amendment. ***[Amended 03-21-07 by Ord. No. 1000]***

NONCONFORMING STRUCTURE - See STRUCTURE, NONCONFORMING ***[Added 03-21-07 by Ord. No. 1000]***

NONCONFORMING USE - See USE, NONCONFORMING ***[Added 03-21-07 by Ord. No. 1000]***

NURSING OR CONVALESCENT HOME - An institution for the care of persons who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed by the Commonwealth of Pennsylvania as a skilled or intermediate care facility. The terms shall not include hospitals; psychiatric hospitals; alcohol and drug abuse rehabilitation centers; or institutions providing out-patient services except for continuing care for prior residents who have resided in the home for a minimum of fifteen (15) days. ***[Added 04-17-96 by Ord. No. 851]***

OFFICE BUILDING - A BUILDING designed or used primarily for office purposes, no part of which is used for manufacturing or a DWELLING, other than living quarters for a watchman or janitor.

PARKING AREA - An open space, other than a street or way, used for the parking of only automobiles.

~~PARKING STALL - A space in a garage or PARKING AREA, not less than nine (9) feet wide and twenty (20) feet long, reserved for the parking of only one (1) automobile. **[Amended 1-21-76 by Ord. No. 537; 3-16-83 by Ord. No. 659] [Deleted 2-7-18 by Ord. No. 1103]**~~

PARKING STALL – A space in a garage or PARKING AREA reserved for the parking of only one (1) vehicle.

PATIO - A permanent and durable surface constructed on-grade that does not have a permanent roof. **[Added 5-20-98 by Ord. No. 884]**

PERMITTED USE - See USE, PERMITTED **[Added 03-21-07 by Ord. No. 1000]**

PERSONAL CARE FACILITY - A proprietary facility, licensed by the Commonwealth of Pennsylvania, where food, shelter and personal assistance or supervision are provided for at least twenty-four (24) consecutive hours for four (4) or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration, but do not require hospitalization or care in a nursing home. It is the intent of this definition that the phrase "PERSONAL CARE FACILITY" be synonymous with "personal care home for adults," as that term is defined in 55 Pa Code § 2600.4 **[Added 3-4-92 by Ord. No. 780; Amended 4-18-18 by Ord. No. 1107]**

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - An area of land controlled by a landowner or a group of landowners acting together and developed as a single entity for a number of DWELLINGS, the DEVELOPMENT plan for which does not necessarily correspond in LOT size, type of DWELLING UNIT, DWELLING or population density, LOT coverage or required open space to any other zoning district in the BOROUGH. **[Added 7-16-80 by Ord. No. 610]**

PLAT - The map or plan of a subdivision or land development, whether preliminary or final. **[Added 03-21-07 by Ord. No. 1000]**

PORCH - A structure attached to a dwelling covered by a permanent roof but is not enclosed and is constructed on an enclosed, uninhabitable, permanent foundation. **[Amended 9-20-00 by Ord. No. 917]**

PREMISES – Land and/or structures or portions thereof under the control of a property owner or agent. **[Added 6-6-12 by Ord. No. 1046]**

PRIVACY FENCE – A barrier made to inhibit public view and provide seclusion for non-residential and commercial uses. **[Added 6-7-17 by Ord. No. 1097]**

PRIVATE SWIMMING POOL - An impoundment of water, either in or above ground, of more than eighteen (18) inches in depth, having a surface area of more than one hundred (100) square feet, used or intended to be used as a swimming pool in connection with a single-FAMILY residence and available only to the occupants of said residence and the guests thereof. **[Added 7-7-76 by Ord. No. 543]**

PROFESSIONAL OFFICE - A use that involves administrative, clerical, financial, governmental, professional operations, and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, legal, medical or dental offices. **[Amended 6-6-12 by Ord. No. 1046]**

PUBLIC BUILDING - A BUILDING or structure owned by a government agency and used for public purposes.

RENT – A tenant's payment of consideration to the owner of a DWELLING or land for the use of the DWELLING or land, including the rental of rooms with or without cooking facilities **[Added 09-05-18 by Ord. No. 1111]**

RESIDENTIAL AREA - An area zoned and/or used for residential purposes. **[Added 03-21-07 by Ord. No. 1000]**

RESTAURANT – an establishment which, as the principle use, offers food and beverages in a ready-to-consume state. **[Added 9-4-19 by Ord. No. 1121]**

- A. HIGH-TURNOVER RESTAURANT, DRIVE THROUGH – a RESTAURANT that serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption on or off the premises, typically including a public service area with counter and queuing areas. This use may or may not include table service and may include a drive through lane and window. **[Added 9-4-19 by Ord. No. 1121]**
- B. HIGH-TURNOVER RESTAURANT, TAKE OUT – a RESTAURANT that serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption on or off the premises, typically including a public service area with counter and queuing areas. This use may or may not include table service and shall not include a drive through lane and window. **[Added 9-4-19 by Ord. No. 1121]**
- C. LOW-TURNOVER RESTAURANT – a RESTAURANT that serves food on the premises where orders are placed with waitpersons by customers seated at tables and food and beverages are served at the table by waitpersons and where the usual length of stay is one (1) hour or more. A low-turnover restaurant may or may not offer take out service as an accessory use, but shall not include a pick-up or drive-through window. **[Added 9-4-19 by Ord. No. 1121]**

RETIREMENT COMMUNITY – A residential living environment and care facility which provides specialized care and supervision relating to health, social and/or rehabilitative services and allowing for the care of residents as well as for the operation and maintenance of residential living units. The RETIREMENT COMMUNITY may include accessory uses primarily for the benefit of the residents, including, but not limited to, personal services such as barber shop or beauty salon; dining area; theater room; community center area; physical therapy room; and library **[Added 4-18-18 by Ord. No. 1107]**

SCREENING - Consists of evergreen plantings, including but not limited to species such as rhododendrons, azaleas or mission arborvitae. Plantings shall grow to a height of at least six (6) feet and are to be no less than three (3) feet high when planted. The plantings shall be spaced to provide maximum opacity and be maintained as long as the screening is required. **[Added 6-16-93 by Ord. No. 801]**

SELF-STORAGE FACILITY – A site or complex consisting of individual WAREHOUSES for storage of household or business goods where no individual unit within the WAREHOUSE exceeds five hundred (500) square feet of floor area. **[Added 6-6-12 by Ord. No. 1046]**

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. **[Added 7-16-97 by Ord. No. 871]**

SHORT TERM RENTAL – The use of a DWELLING in which the owner rents any area of the DWELLING to one (or more) individuals for compensation or fee, including the offer of exchange in kind, or any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than thirty (30) consecutive days. This definition applies to all types of residential dwellings including (but not limited to) single family detached residential, two-family residential, multi-family residential, and residential properties commonly considered as seasonal homes, vacation homes, or tourist homes. **[Added 09-05-18 by Ord. No. 1111]**

SIGN - Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure, including billboard or poster panel, designed to carry the above visual information.

SIGN, AREA - The entire rectangular area on any plane which encompasses letters, numbers, words, symbols, or pictorial matter, including any border or framing. The SIGN may be double-faced with the SIGN AREA calculated from only one side provided that both faces are identical and orientation is back to back. **[Amended 03-21-07 by Ord. No. 1000, Amended 6-6-12 by Ord. No. 1046, Amended 2-7-18 by Ord. No. 1104]**

SIGN, AWNING – An AWNING bearing lettered or pictorial matter designed to convey information visually. **[Added 6-6-12 by Ord. No. 1046]**

SIGN, FREESTANDING – A SIGN displayed on a STRUCTURE designed and constructed upon a permanent foundation which is not attached to any BUILDING, AWNING, or CANOPY. **[Added 6-6-12 by Ord. No. 1046; Amended 2-7-18 by Ord. No. 1104]**

SIGN, ILLUMINATED - Lighting by means of lamps or other lighting devices, including light-emitting diode (LED) lights, constructed within or outside or away from the SIGN but which are an integral part of the advertising effect. **[Amended 6-6-18 by Ord. No. 1109]**

SIGN, MONUMENT – A FREESTANDING SIGN supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. **[Added 6-6-12 by Ord. No. 1046; Amended 2-7-18 by Ord. No. 1104]**

SIGN, NONCONFORMING - A SIGN lawfully existing on the effective date of this chapter or subsequent amendment hereto, which does not completely conform to the SIGN regulations applicable in the district in which it is located.

SIGN, OFF-PREMISES – A SIGN not located on the LOT or PREMISES for which the SIGN content is intended. **[Added 6-6-12 by Ord. No. 1046]**

SIGN, ON-PREMISES – A SIGN located on the LOT or PREMISES for which the SIGN content is indicated. **[Added 6-6-12 by Ord. No. 1046]**

SIGN, OVERHANGING - Any SIGN suspended from a BUILDING, a pole or other object irrespective of any restraining bracing.

SIGN, PERMANENT DISPLAY – A SIGN face which remains unaltered once it is installed and is not capable of display change without physically altering the SIGN face or materials. **[Added 6-6-12 by Ord. No. 1046]**

SIGN, TEMPORARY – A SIGN intended to display commercial or non-commercial messages for a specified time duration as permitted by this Chapter. **[Added 6-6-12 by Ord. No. 1046]**

SIGN, WALL-MOUNTED – A SIGN structurally attached and mounted parallel to or projecting perpendicular from the BUILDING wall or façade that does not project above the top of the wall or façade to which it is mounted. **[Added 6-6-12 by Ord. No. 1046]**

SINGLE-FAMILY DWELLING- A separate DWELLING designed for or occupied exclusively as a residence for only one (1) FAMILY and having no party wall in common with an adjacent BUILDING.

SITE PLAN- A plan that outlines the use and development of any tract of land, and prepared in accordance with this Chapter. **[Added 03-21-07 by Ord. No. 1000]**

SOLAR - Anything related to the collection or use of energy obtained from the sun. **[Amended 4-16-2014 by Ord. No. 1063]**

SOLAR ENERGY FACILITY – The USE of land, including a site or complex for the location and operation of one or more SOLAR ENERGY SYSTEMS that are not an ACCESSORY USE, including FREESTANDING SOLAR ENERGY SYSTEMS and all accessory BUILDINGS, STRUCTURES, and equipment. **[Amended 4-16-2014 by Ord. No. 1063]**

SOLAR ENERGY SYSTEM – Any device or combination of devices or components using one or more SOLAR PANELS to convert energy obtained from the sun into electrical or thermal energy **[Amended 4-16-2014 by Ord. NO. 1063]**

SOLAR PANEL – A device with a collection area of two (2) or more square feet used to collect and convert energy obtained from the sun into electrical or thermal energy **[Amended 4-16-2014 by Ord. No. 1063]**

SPECIAL EXCEPTION - A USE which may be authorized in a particular zoning DISTRICT when implemented in strict accordance with the expressed standards and criteria, as set forth in this Chapter, and subject to consideration and Public Hearing held pursuant to Article IX of the Pennsylvania Municipal Planning Code by the BOARD. Upon Public Hearing, the Board may deny, approve, or conditionally approve the proposed SPECIAL EXCEPTION with the attachment of written conditions and safeguards as may be deemed reasonable and necessary, and imposed at the discretion of the BOARD. **[Added 03-21-07 by Ord. No. 1000]**

STOOP - An uncovered porch. **[Added 5-20-98 by Ord. No. 884]**

STORY - That part of any BUILDING between any floor or roof next above, except that the first "story" of any BUILDING is the lowest "story" for which at least seventy-five percent (75%) of the area of its outside walls is above the average level of the ground adjacent to such outside walls.

STORY, HALF - A STORY with a cubic content of not more than fifty percent (50%) of the cubic content of the first STORY of the BUILDING.

STREET - A strip of land at least thirty-three (33) feet wide over which the owners of abutting property have the right of light, air and access.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a BUILDING or structure such as bearing walls, partitions, columns, beams or girders.

STRUCTURE - Anything constructed or erected, the use of which demands a permanent location on the soil, or anything attached to something having a permanent location on the soil.

STRUCTURE, ACCESSORY - A detached subordinate STRUCTURE, the USE of which is clearly incidental to the main STRUCTURE or to the USE of the land. **[Amended 03-21-07 by Ord. No. 1000]**

STRUCTURE, NONCONFORMING - A STRUCTURE, BUILDING, or part of a STRUCTURE, which does not comply with the current applicable USE or location provisions of this Chapter or amendment heretofore or hereafter enacted, where such STRUCTURE lawfully existed prior to the enactment of this Chapter or amendment or prior to application of this Chapter or amendment to its location by reason of annexation. **[Added 03-21-07 by Ord. No. 1000]**

TENANT – One who has the temporary use and occupation of a DWELLING or land, or portion thereof, including the rental of rooms with or without cooking facilities, owned by another person in exchange for compensation, such as rent. **[Added 09-05-18 by Ord. No. 1111]**

TERRACE - A natural embankment between a BUILDING and its LOT lines. The height of a "terrace" shall be the difference in elevation between the LOT line and the finished grade at the line of the BUILDING.

TOURIST COURT - A group of attached or detached BUILDINGS containing only individual sleeping rooms or living units (except in the case of quarters for resident manager or proprietor) with separate accessory facilities, designed for temporary use by automobile tourists or transients, including auto courts, motels or motor lodges and the like.

TOWNHOUSE DWELLING UNIT - A residential DEVELOPMENT consisting of a series of three (3) to eight (8) DWELLING UNITS, separated from each other by continuous vertical walls without openings from basement to roof and having diversified architectural facades or treatment of materials and having different setbacks to further enhance their individuality, and differing from garden apartment DWELLING UNITS in that townhouse dwelling units will not be located one atop the other. **[Added 2-3-82 by Ord. No. 639]**

TRAILER CAMP - Any parcel of ground used or designed to be used as a parking space for more than one (1) HOUSE TRAILER.

TREE OF SIGNIFICANCE - Any tree with a minimum of 12-inch diameter at breast height (DBH) **[Added 5-16-18 by Ord. No. 1108]**

TRUCK - A motor vehicle designed, used or maintained for transportation of property. **[Amended 1-19-72 by Ord. No. 486; 2-15-84 by Ord. No. 679]**

USE - The activity occurring on a lot or parcel for which land or a STRUCTURE is arranged, designed or intended, or for which land or a STRUCTURE is or may be occupied including all ACCESSORY USES. **[Added 03-21-07 by Ord. No. 1000]**

USE, ACCESSORY - A subordinate USE which is clearly incidental and related to that of a main STRUCTURE or main USE of the land. **[Amended 03-21-07 by Ord. No. 1000]**

USE, CONDITIONAL - A USE to be authorized or denied by COUNCIL in a particular Zoning DISTRICT pursuant to Public Notice and Hearing and recommendations made by the COMMISSION, and pursuant to express standards and criteria as set forth in this

Chapter and subject to considerations at Public Hearing held pursuant to Article IX, of the Pennsylvania Municipal Planning Code. When authorizing a CONDITIONAL USE, COUNCIL may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of this Chapter. **[Added 03-21-07 by Ord. No. 1000]**

USE, NONCONFORMING - A USE, whether of land or STRUCTURE, which does not comply with the current applicable use provisions of this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment or prior to application of this Chapter or amendment to its location by reason of annexation. **[Added 03-21-07 by Ord. No. 1000]**

USE, PERMITTED - Only those USES listed as allowable by right when implemented in accordance with the standards and criteria of the specific zoning DISTRICT. **[Added 03-21-07 by Ord. No. 1000]**

VEHICLE, IMMOBILE - Any mode of conveyance that may be partially dismantled, being used for spare parts and/or not properly licensed or inspected for use on the public roadways. **[Added 1-16-80 by Ord. No. 602]**

VEHICLE, RECREATIONAL - Any structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use. This definition includes but is not limited to travel trailers, collapsible trailers, pickup campers, chassis-mounted campers, tent trailers, motorized homes and boats on trailers. **[Added 1-19-72 by Ord. No. 486]**

VEHICLE, TRAILER - A vehicle designed to be towed by a motor vehicle. **[Added 8-19-92 by Ord. No. 786]**

WAREHOUSE – A BUILDING used for the storage of equipment, materials, goods, pre-manufactured or pre-assembled products or merchandise, where all such equipment, materials, goods, pre-manufactured or pre-assembled products or merchandise shall be stored within a completely enclosed BUILDING. **[Added 6-6-12 by Ord. No. 1046]**

WIRELESS COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signal, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence devices mounted on or adjacent to existing buildings, including satellite dishes, television or radio antennas or equipment. **[Added 7-11-08 by Ord. No. 1011]**

WIRELESS COMMUNICATIONS FACILITY - A site or complex used for the location and operation of a WIRELESS COMMUNICATIONS TOWER, including all accessory BUILDINGS, STRUCTURES and equipment. **[Added 7-11-08 by Ord. No. 1011]**

WIRELESS COMMUNICATIONS TOWER - A structure designed to support WIRELESS COMMUNICATIONS ANTENNAS other than a BUILDING, such as monopoles, self-supporting towers or guyed towers, located with a WIRELESS COMMUNICATIONS FACILITY. **[Added 7-11-08 by Ord. No. 1011]**

YARD AREAS, REQUIRED - Portions of a LOT which are open, unoccupied and unobstructed by STRUCTURES, except as specifically permitted by this Chapter. **[Added 9-20-00 by Ord. No. 917; Amended 03-21-07 by Ord. No. 1000]**

YARD, FRONT - A yard extending across the full width of the LOT and abutting the front LOT line, the required depth of which yard is a prescribed minimum distance between the front LOT line and a line parallel thereto on the LOT.

YARD, REAR - A yard extending across the full width of the LOT and abutting the rear LOT line, the required depth of which yard is a prescribed minimum distance between the rear LOT line and a line parallel thereto on the LOT.

YARD, SIDE - A yard abutting a side LOT line and extending from the FRONT YARD to the REAR YARD, the required width of which yard is a prescribed minimum distance between the side LOT line and a line parallel thereto on the LOT.

ZONING OFFICER – A person appointed by the Borough COUNCIL of the BOROUGH of Whitehall to enforce the regulations of this Chapter with the power conferred in the Pennsylvania Municipalities Planning Code. The Zoning Officer is also referred to as the BUILDING INSPECTOR and the CODE ENFORCEMENT OFFICER in this Chapter. **[Added 2-7-18 by Ord. No. 1103]**