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ARTICLE II
DEFINITIONS AND TERMS

Section 2.1 General

Certain words used in this ordinance are defined below. 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 mandatory and not permissive.

- 2.1.1 **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.
- 2.1.2 **AGRICULTURE:** Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboricultural or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.
- 2.1.3 **ANIMATED SIGN:** Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.
- 2.1.4 **APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit and an application for the approval of a development plan.
- 2.1.5 **AREA:** Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.
- 2.1.6 **BANNER:** Any sign of lightweight fabric or similar material that may or may not be permanently mounted to a pole, natural features or vegetation or building by a permanent frame at one or more edges. National flags, state, or municipal flags shall not be considered banners.
- 2.1.7 **BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same premises as the light source; also, any light with one or more beams that rotate or move.
- 2.1.8 **BILLBOARD:** An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
- 2.1.9 **BUFFER YARDS:** A strip of land which is planted and maintained in shrubs, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.
- 2.1.10 **BUILDING:** A combination of materials to form a permanent structure having walls and a roof, including but not limited to, all mobile homes and trailers.
- 2.1.11 **BUILDING HEIGHT:** Distance measured from the highest grade line to the mid point of a sloped roof or the eave line of a flat roof, exclusive of chimneys, cupolas, and architectural projections.

- 2.1.12 **BUILDING LINE:** An imaginary line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches and similar construction, steps excepted, to the face of this line.
- 2.1.13 **BUILDING MOUNTED SIGN:** Any sign attached to any part of a building.
- 2.1.14 **BUILDING AND ZONING OFFICER:** The individual authorized by the Borough to be the administrator of the daily application of the provisions of this zoning ordinance. The Building and Zoning Officer shall hold no elective office, have a working knowledge of zoning and meet the qualifications established for the position by the Borough Sewickley Hills.
- 2.1.15 **CANOPY SIGN:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
- 2.1.16 **CARRIAGE HOUSE:** A detached residential use of an accessory nature on a minimum three (3) acre lot or equivalent sized parcel, designed to provide separate occupancy for family members and/or household employees (See Article V, Section 5.2.2., Subsection H).
- 2.1.17 **CHANGEABLE LETTER SIGN:** A portable, temporary sign with either an internally illuminated background or lighted arrow or with no illumination, and designed to accommodate removable and manually installed lettering.
- 2.1.18 **CLEAR SIGHT TRIANGLE:** That area between the intersecting centerlines of two (2) streets, alleys or roadways, at a point seventy-five (75) lineal feet from the point of intersection along each of the streets, alleys or roadways. Where an urban collector or arterial roadways is one or both of the intersecting roadways, the lineal distance from the point of intersection is extended to one hundred fifty feet (150).
- 2.1.19 **CLINIC:** Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.
- 2.1.20 **COMMERCIAL MESSAGE:** Any wording, logo, or other representation, excluding telephone numbers, paging number or other communications numbers, that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- 2.1.21 **COMMUNITY SEWAGE SYSTEM:** Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.
- 2.1.22 **CONDITIONAL USE:** That use which is permitted in a zoning district only following recommendation of the Planning Commission and approval of Borough Council, in strict compliance with standards expressly outlined for such uses.
- 2.1.23 **COVERAGE:** That percentage of the lot area covered by principal and accessory use structures, including sidewalks, driveways and parking areas.

- 2.1.24 CURATIVE AMENDMENT (landowner curative and municipal curative): An amendment proposed by a property owner challenging the validity of zoning regulations as they apply to property in which he has an interest and requiring municipal action on his petition or a municipal curative amendment, in which the Borough Council declares by formal action that specific parts of the zoning ordinance are substantially invalid in order to cure the alleged defects.
- 2.1.25 DEVELOPMENT OR DEVELOP: The improvement of a recorded parcel through the construction of a principal use for which all required permits have been issued.
- 2.1.26 DIRECTIONAL OR INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered incidental.
- 2.1.27 DWELLING: Any structure designed and constructed on the property and used as the living quarters for one (1) or more families.
- 2.1.28 EARTH DISTURBANCE: An earth disturbance occurs whenever bare, erodible earth or soil is exposed to the erosive forces of wind or water. For the purposes of this ordinance, earth disturbances shall include all excavations or fills where bare soil is exposed or stripping of topsoil or removals of ground cover.
- 2.1.29 EASEMENT: A grant of limited use of private land for a public or quasi-public purpose.
- 2.1.30 ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.
- 2.1.31 FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
- 2.1.32 FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- 2.1.33 FLAT WALL SIGN: Any sign attached parallel to, but within twelve inches (12") of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- 2.1.34 FLOODPLAIN: A normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Floodplain Management Act (Act of October 4, 1978, P.L. 851, No. 166) and

regulations pursuant to the Act and delineated on a map produced by FEMA (Federal Emergency Management Agency) shall dictate. Borough Ordinance #4 of 1987, as amended from time to time, shall regulate construction within designated floodplain areas.

- 2.1.35 **FOREST:** Areas, groves or stands of mature or largely mature trees (i.e. greater than six inches [6"] caliper [diameter] at a height of fourteen inches [14"] above the ground) covering an area greater than one (1) acre; or groves of mature trees (greater than twelve inches [12"] caliper [diameter] at a height of fourteen inches [14"] above the ground) consisting of more than thirty (30) individual trees.
- 2.1.36 **FREE-STANDING SIGN:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. If the message is removed from a structure that was originally designed and used as a free-standing sign, this structure shall still be considered a sign.
- 2.1.37 **GARAGE:** A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.
- 2.1.38 **HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, plus no more than one (1) paid employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structures or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.
- 2.1.39 **HOMEOWNERS' ASSOCIATION:** An organization formed to manage the common open space and common facilities within a development plan that are not to be publicly owned and maintained. Membership in, and financial support of such organization is mandatory for all owners of private property in the plan.
- 2.1.40 **INTERNALLY ILLUMINATED SIGNS:** Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
- 2.1.41 **LAND DEVELOPMENT:** Any of the following activities:
- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
- (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential

building on a lot or lots regardless of the number of occupants or tenure; or

- (2) 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.

B. A subdivision of land.

C. Excluding land development plans in accordance with Section 503 (1.1) of the Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

- 2.1.42 LAND DEVELOPMENT PLAN: Those plans, drawings and supporting documents required to be submitted as per the provisions of Article III.
- 2.1.43 LANDSLIDE-PRONE AREA: Land that is susceptible to movement or sliding, as identified in the Soil Survey of Allegheny County, prepared by the Soil Conservation Service of the United State Department of Agriculture; or as identified on the Landslide Susceptibility Map of Allegheny County; or as established by geotechnical investigation.
- 2.1.44 LIGHT INDUSTRY: Manufacturing facilities involving hard or soft goods production where assembly or manufacturing uses are the primary processes and which do not involve environmental hazards to the Borough. Environmental standards for this use category are found in Article IV.
- 2.1.45 LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having frontage on a street.
- 2.1.46 LOT, AREA OF: The horizontally projected area of a lot computed exclusive of any portion of the street right-of-way of any public thoroughfare.
- 2.1.47 LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
- 2.1.48 LOT OF RECORD: A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania.
- 2.1.49 LOT, WIDTH OF: The horizontal distance between side lot lines, measured at the required front setback line.
- 2.1.50 MAJOR HIGHWAY: A transportation facility designed to accommodate large volumes of traffic. For the purposes of this ordinance, Interstate Route 79 shall meet this definition.
- 2.1.51 MEDIATION: A voluntary negotiating process in which parties in a zoning proceeding or an appeal 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.

- 2.1.52 **MOBILE HOME:** A transportable single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile homes.
- 2.1.53 **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.
- 2.1.54 **MULTIPLE FAMILY STRUCTURE:** Any structure used for the occupancy of two (2) or more families.
- 2.1.55 **NON-COMMERCIAL RECREATION USES:** Such uses as neighborhood tot lots, public parks and private swimming pools.
- 2.1.56 **NONCONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning 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.
- 2.1.57 **NONCONFORMING SIGN (LEGAL):** Any sign that does not conform to the provisions of this ordinance.
- 2.1.58 **NONCONFORMING STRUCTURE:** A structure or part of a structure not complying with the applicable dimension and use provisions of this ordinance or amendments heretofore enacted.
- 2.1.59 **NONCONFORMING USE:** A use, whether of land or of a structure, which does not comply with the applicable use provisions of the Zoning Ordinance heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of the ordinance, or prior to the application of the ordinance to its location by reason of annexation.
- 2.1.60 **OFF-PREMISES SIGNS:** A sign that draws attention to or communicates information about a business service, commodity, accommodation, attraction that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.
- 2.1.61 **ON-PREMISES SIGNS:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.
- 2.1.62 **OPEN SPACE:** Land in a Planned Residential Development or as part of a density transfer arrangement used for recreation, resource protection, amenity and/or buffers, not including any area of a lot constituting the minimum lot areas, any part

of any existing or future street right-of-way, easement of access, or area set aside for public facilities.

- 2.1.63 **PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- 2.1.64 **PERSONAL AND PROFESSIONAL SERVICES:** For the purpose of this ordinance these uses shall include those activities of a commercial nature wherein services are offered on a one to one basis, including but not limited to hairdressers, barbers, accountants, insurance and real estate sales, attorneys, dentists and doctors.
- 2.1.65 **PLANNED RESIDENTIAL DEVELOPMENT:** A development of a tract of land for residential purposes under single ownership or control, the development of which is unique and of a substantially different character than that of the surrounding area. Such development shall be based on a plan which allows for flexibility of design not available under standard zoning district requirements.
- 2.1.66 **PLANNING COMMISSION:** Borough Planning Commission, Borough of Sewickley Hills, Pennsylvania.
- 2.1.67 **PORTABLE SIGN:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich boards signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are specifically prohibited in all zoning districts.
- 2.1.68 **PRIVATE (COMMERCIAL) RECREATION:** An enterprise operated by other than a public agency for profit, for the indoor or outdoor pursuit of leisure activities, sports and recreation including, but not limited to, miniature and par three (3) golf courses, golf or batting practice facilities, playing fields, racquet clubs, swimming pools, riding stables, and similar facilities.
- 2.1.69 **PUBLIC BUILDING:** Any structure owned or operated by a public body or agency, or by any public utility agency, which dispenses general service to the public, including road maintenance, garages and utility substation.
- 2.1.70 **PUBLIC HEARING:** A formal meeting held pursuant to public notice by the Borough Council or Planning Commission or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with Act 170 of 1988.
- 2.1.71 **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".
- 2.1.72 **PUBLIC NOTICE:** A notice published once each week for two (2) successive weeks in a newspaper designated by Borough Council. 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.

- 2.1.73 PUBLIC (NON-COMMERCIAL) RECREATION: An enterprise operated by a public agency, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of leisure activities, sports and recreation including, but not limited to, parks, playgrounds, playing fields, golf courses, tennis courts, golf or batting practice facilities, swimming pools and similar facilities.
- 2.1.74 PUBLIC UTILITIES FACILITY: All of the buildings, wells, dams, reservoirs, plant and equipment of public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instruments of ownership, operation, lease, license, use, control, furnished or supplied for by/or in connection with the business of any public utility.
- 2.1.75 PUBLIC WATER SYSTEM: A system which provides water to the public for human consumption which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The term includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under such control which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption.
- 2.1.76 RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.
- 2.1.77 RESIDENTIAL USES: Any single-family home, two-family home, attached dwelling, apartment or dwelling group.
- 2.1.78 RIGHT-OF-WAY: Land legally dedicated for public purposes, including but not limited to, a street, alley or interior walk.
- 2.1.79 SETBACK: The required minimum horizontal distance between the building lines and the lot boundary lines on the front, sides and rear of a recorded lot. Where a lot boundary line and a right-of-way line are not the same, the setback shall be the minimum horizontal distance between the right-of-way line and the building line.
- 2.1.80 SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 2.1.81 STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. Local Access Streets are those used primarily to provide access to abutting properties.
 - B. Collector Streets are those which, in addition to giving access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.
 - C. Arterial Streets are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
 - D. Marginal Access Streets are minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.
- 2.1.82 **STREET FRONTAGE:** The distance for which a lot line of a zone lot adjoins a street, from one lot line intersecting said street to the furthest distant of the same lot line intersecting the same street.
- 2.1.83 **STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings; swimming pools, signs, billboards, carports, porches, and other building features but not including sidewalks, drives, fences and patios.
- 2.1.84 **SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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 in parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- 2.1.85 **TEMPORARY SIGN:** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
- 2.1.86 **TRANSIENT FACILITY:** The use of a parcel which is visible from a major highway and where services are provided for transient trade, including motels, hotels and bed and breakfast establishments.
- 2.1.87 **WATERCOURSE:** A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- 2.1.88 **WETLANDS:** Those areas that are inundated or saturated by surface or ground water as determined by the Pennsylvania Department of Environmental Protection, at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- 2.1.89 WINDOW SIGN: Any sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- 2.1.90 YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
- 2.1.91 YARD, REAR: An open unoccupied space of the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot and the rear line of the building. A building shall not extend into the required rear yard.
- 2.1.92 YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.
- 2.1.93 ZONING HEARING BOARD: The Zoning Hearing Board of Sewickley Hills Borough, as duly constituted by and established pursuant to this ordinance.