

**ZONING
ORDINANCE NO 464**

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses and other bodies of water; the size, height, location, bulk, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, open spaces, and distances left unoccupied by structures and uses; the density of population and intensity of use; protecting and preserving of natural resources and agricultural land and activities and providing for the administration and enforcement of this Ordinance.

BE IT ORDAINED by the Borough Council of Mont Alto, Franklin County, Commonwealth of Pennsylvania, as follows:

ARTICLE I

**SHORT TITLE, PURPOSE, COMMUNITY
DEVELOPMENT OBJECTIVES AND DEFINITIONS**

SECTION 1.1 **SHORT TITLE**

This Ordinance shall be known and may be cited as the "Borough of Mont Alto Zoning Ordinance."

SECTION 1.2 **PURPOSE**

The provisions of this Ordinance shall be designed:

- A. To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare; coordinated and practical community development; proper density of population; civil defense, disaster evacuation, airports, and national defense facilities; provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds, the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements as well as preservation of the natural scenic and historic values in the environment and preservation of forests, wetlands, floodplains and agricultural

- B. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation; loss of health, life, or property from fire, flood, panic, and other dangers. The Zoning Ordinance shall be made in accordance with an overall program, and with consideration for the character of the Borough of Mont Alto, its various parts and the suitability of the various parts for particular uses and structures.

- C. To prevent the loss of prime agriculture lands when considering topography, soil types and classification, and present use. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basis forms of housing, including single-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobilehomes, and mobilehome parks, provided, however, that this zoning ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 1.3 COMMUNITY DEVELOPMENT OBJECTIVES

There is hereby established a new Comprehensive Zoning Ordinance for the Borough of Mont Alto, Franklin County, which is set forth in the text and map that constitute this Ordinance. Said Ordinance is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and shall be deemed to include the following related and specific community development objectives:

- A. Maintain the existing residential character to meet the full range of projected housing needs and to protect and improve the community appearance and its amenities and facilities of the residential neighborhoods.
- B. Increase the productivity of the commercial, industrial, and institutional areas for the betterment of the overall community and not in conflict with residential neighborhoods or their related activities.
- C. Restrict development on floodplains and other environmentally sensitive areas.
- D. Where indigenous resources are not amenable to development, improved streets and public utilities shall be followed.
- E. Improve neighborhoods by eliminating elements that are visually offensive and provide design features that contribute to an attractive environment.
- F. Concentrate commercial, industrial, institutional, and multiple-family residential uses in separate integrated areas so as to balance land development and to retain the aesthetic quality of the developed areas and the open areas.
- G. Strengthen agriculture, forestry, and other resource activities so that they are able to compete for land while preserving the established small town and rural area character at the same time.

- H. Direct non-rural uses and intensities to urbanized areas and suitable lands; effectively control overcrowding and under utilization; ensure efficient land use; maximize return on public investment; and minimize negative impacts on the community and its environment.
- I. Coordinate development with surrounding municipalities and the region.
- J. Provide consistency of areas designated for urban land uses with minimum size and bulk, maximum density, and type of use.
- K. Diversify the housing mix congruent with the capabilities of the area's circulation system, utilities, community facilities, physical resources, and support services.
- L. Expand goods and services to at least provide for basic needs of the resident population and attempt to capture any additional job-generating uses to expand the local economic base.
- M. Relate nature, extent, and intensity of uses to the level of streets, facilities, and utilities presently available and specified for future improvements.
- N. Take measures to conserve the existing housing supply and support activities, yet promote residential and on-residential development for new, expanded populations without adversely affecting existing neighborhoods and other conforming land uses.
- O. Encourage energy-saving techniques of land development and building construction.
- P. Preserve the architectural, historic, and other visible assets in any new or modified development.
- Q. Recognize existing development patterns and extend compatible, similar uses to receptive areas which are naturally suitable and established or programmed with required improvements to sustain development and growth of certain capacities.

SECTION 1.4 DEFINITIONS

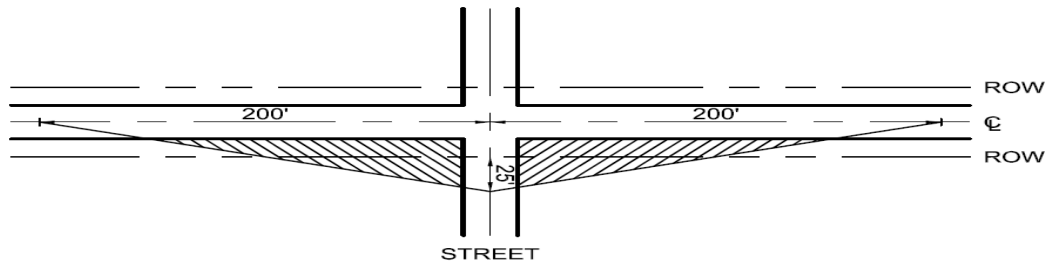
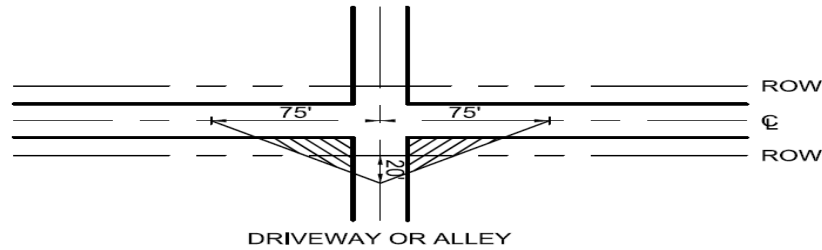
The following words are defined in order to facilitate the interpretation of this ordinance for administrative purposes, and for the carrying out of duties by appropriate officers and the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have meanings herein indicated.

Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The word "lot" shall include the words "plot" or "parcel". The term "shall" means "mandatory." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

1. **Access Drive** - A paved surface other than a street which provides vehicular access from a street or private road to a lot.
2. **Accessory Building** - A building located on the same lot as is customarily incidental and subordinate to the principal building or structure.
3. **Accessory Use** - A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.
4. **Adult Book Store** - An establishment open to the general public in which twenty (20%) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale of sexual devices.
5. **Adult Theater** - Any business enterprise which regularly features or offers to the public the presentation of motion picture films, movies, or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities or performances by persons who appear nude or semi-nude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
6. **Agricultural operation** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
7. **Agriculture** - The tilling of soil, the raising of crops, horticulture, and gardening.
8. **Alley** - A permanent service way providing a secondary means of access to abutting properties.
9. **Alterations** - Any change in the supporting members of a building, except such changes as may be required for its safety. Any change by which the area of any building is increased.
10. **Alterations, Structural** - Any change in the supporting members of a building, such as bearing columns, beams, and girders.

11. **Animal Hospital** - A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, birds or fowl by a licensed veterinarian.
12. **Apartment** - A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments, and kitchenette apartments. Conversion apartments are not included in this classification.
13. **Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, or assigns.
14. **Application For Development** - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a land use permit for the approval of a subdivision plat or plan, or for the approval of a development plan.
15. **Area, Building** - The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.
16. **Bed and Breakfast Residence or Inn** - A single family residence or portion thereof containing not more than three (3) guest rooms which are used by not more than nine (9) guests where rent is paid in money, goods, labor or otherwise.
17. **Block** - An area bounded by streets or proposed streets.
18. **Boarding House** - Any dwelling in which more than three (3) persons, either as individuals or as families, are housed or lodged for hire with or without meals. A rooming house or furnished room house shall be deemed a boarding house.
19. **Borough** - The Borough of Mont Alto, Franklin County, Pennsylvania.
20. **Building** - A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or chattels, including covered porches, bay windows and chimneys.
21. **Building, Detached** - A building surrounded by open space on the same lot, as the principal building or structure.
22. **Building Height** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the highest point of the roof for gable, hip, mansard and gambrel roofs.
23. **Building Line** - A line parallel to the front, side, or rear lot line set so as to provide the required yard.

24. **Building Setback** - The required horizontal distance between a setback line and a property or street line.
- a. **Building Setback, Front** - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."
 - b. **Building Setback, Rear** - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard."
 - c. **Building Setback, Side** - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."
25. **Building Setback Line**: An established line within a lot or property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or property line.
26. **Carport** - A covered space, open on one (1) or more sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.
27. **Cartway** - That portion of a street or alley which is improved, designed or intended for vehicular use.
28. **Cemetery** - A premises used for the burial of the dead and, with the exception of bona fide religious organizations, licensed by the Commonwealth of Pennsylvania.
29. **Clear-Sight Distance**: A line of unobstructed vision from a point four and one-half feet (4 1/2') above the centerline of a street to the nearest point on the top of an object four inches (4") high on the same centerline.
30. **Clear-Sight Triangle**: A triangular-shaped portion of land established at street intersections including driveways in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. A clear-sight triangle shall be defined by taking the specified minimum measured distances from the points as indicated on Figures 1 and 2, respectively, for a driveway intersecting a street and for a street intersecting another street. These measured distances shall form the three points of the triangle which will be connected.



31. **Cluster Residential Subdivision** - A tract of land and/or buildings planned as a whole for development of single-family dwelling unit. Said development shall permit a reduction of the lot size while at the same time maintaining the overall density requirements applicable to the district in which said land is situated and conforming to all other applicable requirements.
32. **College** - A licensed institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.
33. **Common Open Space** - A parcel or parcels of land and/or of water within a development site and designed and intended for the use or enjoyment of residents of a development, not including street and off-street parking areas set aside for public facilities.
34. **Conditional Use** - A use of land or buildings within a given district permitted only with approval of the Borough Council. Such approval may be subject to express standards and criteria or additional conditions and safeguards as are deemed necessary by Borough Council.
35. **Contractor Storage Yard** - The outdoor storage of contractor's equipment such as tractors, back hoes, and the like.
36. **Conversion Apartment** - The alteration of an existing single-family detached dwelling to accommodate two (2) dwelling units.
37. **Council** -The Borough Council of Mont Alto, Pennsylvania (also known as Governing Body).
38. **County** - Franklin County, Pennsylvania.

39. **County Planning Commission** – Franklin County Planning Commission
40. **Coverage, Lot** - That portion or percentage of the plot or lot area covered by buildings.
41. **Cross-Walk** - A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.
42. **Curb Level** - The officially established grade of the curb in front of the mid-point of the lot.
43. **Day Care, Adult or Child** – A use that involves the care and supervision of adults and/or children for a part of a 24-hour day. Such use, if required by the Commonwealth, must be licensed and shall be conducted in accordance with the Commonwealth requirements.
44. **Developer** - Any landowner, agent of such landowner, or tenant with a permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.
45. **Development Plan** - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the Development Plan" when used in this act shall mean the written and graphic materials referred to in this definition.
46. **Dismantled and Non-Operable Vehicle** - A vehicle which does not display the current Pennsylvania State Inspection Certification or is manifestly incapable of being locomotive in its existing condition.
47. **Distribution Center** - A building or premises used for wholesale and distribution of manufactured products, supplies and equipment.
48. **Dormitory** - A building that is owned and/or operated by an educational institution whose primary purpose is to provide living accommodations for individuals associated with the institution.
49. **Dwelling** - A permanent structure designed for residential purposes which does not include casual or temporary shelters such as tents, trailers, or other shelter designed to be readily removable from the premises.
50. **Dwelling Group** - A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.
51. **Dwelling Unit** - A dwelling or portion thereof providing complete living facilities, including a suite of rooms with exclusive sanitation facilities and with cooking facilities.

52. **Dwelling, Multi-Family** - A building or portion thereof containing three (3) or more dwelling units and used for occupancy by three (3) or more families living independently of each (also known as an apartment house or condominium).
53. **Dwelling, Single Family Detached** - A building used and designed in one unit for and occupied by one (1) family only and having two (2) side yards.
54. **Dwelling, Single Family, Semi-Detached** - A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building (also known as a duplex) or end of townhouse.
55. **Dwelling, Single Family Attached (Row)** - A building used by one (1) family having no side yard and at least two (2) party walls in common with other buildings (also known as a townhouse).
56. **Dwelling, Two Family, Detached** - A building used by two (2) families with a dwelling unit arranged over the other and having two (2) side yards.
57. **Dwelling, Two Family, Semi-Detached** - A building used by two (2) families, with one (1) dwelling unit each arranged next to and over the other, having one (1) side yard and one (1) party wall in common with another building.
58. **Easement** - A limited right granted for the use of private land for certain public or quasi-public purposes; also the land to which such right pertains.
59. **Engineer** - A person duly registered as a Professional Engineer by the Commonwealth of Pennsylvania.
60. **Engineer, Borough** - The Borough Engineer or any Consultant designated by the Borough Council to review a Subdivision or Land Development Plan and perform the duties of Engineer on behalf of the Borough.
61. **Essential Services** - The erection, construction, alteration, or maintenance, by public utilities or Municipal or other government agencies or private corporations under contract to a Municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewer and solid waste disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, sanitary landfills, incinerator waste disposal areas, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Municipal agencies or private corporations under contract to a Municipality including firehouses of fire companies and emergency services under agreement with the Municipality or for the public health or safety or general welfare.

62. **Family** - One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person, two (2) or more persons related by blood, marriage, or adoption, or no more than three (3) unrelated persons. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodge, bed and breakfast residence or inn, residential hotel, rooming house or boarding house.
63. **Forestry** - The management of forests and timberlands when practiced with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
64. **Funeral Home** – A licensed establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.
65. **Garden Apartment** - A group of buildings not more than two and one-half (2 1/2) stories in height, each building containing not more than eight (8) dwelling units.
66. **Ground Floor** - The floor of a building nearest the mean grade of the front of the building.
67. **Governing Body** - Shall mean the Borough Council of the Borough of Mont Alto, Franklin County, Pennsylvania.
68. **Home Occupation** - An accessory use customarily conducted within a dwelling or in a building accessory thereto providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that sales of goods on the premises which have been purchased for resale is clearly not the primary use, but is incidental and secondary to the primary use being conducted, that the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling or accessory building, that no goods are publicly displayed on the premises other than signs as provided herein, and that such accessory use shall not occupy more than thirty percent (30%) of the floor area used for dwelling purposes. A Home Occupation shall be carried on only by members of the family or the individuals residing on the premises.
69. **Impervious Surface** – A surface that prevents the percolation of water into the ground.
70. **Industry, Light** - The manufacturing of products predominantly from previously prepared materials of finished products or parts, including processing fabrication, assembly, treatment, packaging, incidental storage, and sales and distribution of such products, but excluding uses defined as heavy industry.
71. **Industry, Heavy** - Uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or uses engaged in the storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions or require special environmental protections.

72. **Kennel, Public** - An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, trading, or selling of animals is conducted as a business.
73. **Kennel, Private** - Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.
74. **Laboratory** - A building equipped for experimental study in a science or for testing and analysis.
75. **Land Development** - Any of the following activities:
- a. The improvement of one (1) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) 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. Excluded from the definition of Land Development are the following:
 - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or
 - (ii) The addition of an accessory building, including farm building on a lot or lots subordinate to an existing principal building.
76. **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 or she is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.
77. **Livestock** – Animals and fowl such as, but not limited to, horses, cows, sheep, goats, pigs, camelids, emus, chickens, peacocks and the like.
78. **Lot** - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

79. **Lot Area** - The area contained within the property line of a lot as shown on a subdivision plan excluding space within any public right-of-way but including the area of easement.
80. **Lot, Corner** - A parcel of land at the junction of and fronting on two (2) or more intersecting streets.
81. **Lot, Depth of** - The average horizontal distance between the front and rear lot lines.
82. **Lot, Double Frontage** - An interior lot having frontage on two (2) streets.
83. **Lot, Interior** - A lot other than a corner lot.
84. **Lot Lines** - The lines bounding a lot as defined herein.
85. **Lot Line, Front** - That lot line or lot lines which abut the right-of-way of a street or, in the case of a street with no right-of-way, that lot line or lot lines which abut the street pavement.
86. **Lot Line, Rear** - That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot shall be considered to be the “rear lot line”.
87. **Lot Line, Side** - Any lot line other than a front or rear lot line.
88. **Lot, Minimum Width of** - The minimum width at the front building setback line.
89. **Lot Of Record** - A lot which has been recorded in the Office of the Recorder of Deeds of Franklin County, Pennsylvania.
90. **Lot, Reverse Frontage** - A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.
91. **Lumber and Building Materials Storage Yard** - The outdoor storage of materials used in the construction industry such as concrete blocks, bricks, trusses, and the like.
92. **Mediation** - A voluntary negotiating process in which parties in 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.
93. **Massage Establishment** - A business enterprise offering massage conducted by persons engaged in the practice of medicine, nursing, osteopathy, physiotherapy, chiropractic, podiatry or massage therapy for which they are licensed by the Commonwealth of Pennsylvania.

94. **Minerals** - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.
95. **Mixed Occupancy** - Occupancy of a building or land for more than one (1) use.
96. **Mobilehome** - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) 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.
97. **Mobilehome Lot** - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. A mobilehome not located in a mobilehome park shall meet the lot requirements for a single family detached dwelling of that district where located.
98. **Mobilehome Park** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.
99. **Motor Vehicle, Machinery, and Equipment Sales and Service** - Any building, land area or other premises used for the display, sale or service and repair of new and used automobiles, motorcycles, trucks, trailers, boats, farm equipment and machinery and the like including engine repair, body work, frame straightening, painting, upholstering, steam cleaning, electrical work, tune-ups and similar repair and service activities.
100. **Multi-Use Building** - Any building intended to be used by two (2) or more tenants, owners, or users or any combination thereof.
101. **Municipality** - The Borough of Mont Alto, Franklin County, Pennsylvania.
102. **No-Impact Home-Based Business** - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves 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:
- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b. The business shall employ no employees other than family members residing in the dwelling.

- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - e. 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.
 - f. 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.
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - h. The business may not involve any illegal activity.
103. **Nonconforming Lot** - A lot the area of 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.
104. **Nonconforming Structure** - A structure or part of a structure manifestly not designed to comply with applicable use or extent of use Provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure Lawfully existed prior to the enactment of such Ordinance or Amendment or prior to the application of such Ordinance or Amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
105. **Normal Maintenance and Repairs** – The routine upkeep of property, buildings and structures such as painting and replacement of parts in kind with like materials.
106. **Nude** - The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the covered male genitals in a discernible turgid state.
107. **Nursery and Garden Mart** - Any building, land area or other premises used to sell, cultivate, propagate, and/or grow trees, shrubs, vines and other plants including the buildings, strictures, and equipment customarily incidental and accessory to the primary use.
108. **Office Building** - A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling other than by a watchman or janitor.

109. **Office, Professional and Business** - A room or rooms used for the carrying on of a profession or a business.
110. **Official Map** - A Map adopted by Ordinance pursuant to Article IV of the Municipalities Planning Code which may show appropriate elements or portions of elements of the comprehensive plan with regard to public lands and facilities and which may include, but need not be limited to:
- a. Existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing or same.
 - b. Existing and proposed public parks, playgrounds and open space reservations.
 - c. Pedestrian ways and easements.
 - d. Railroad and transit rights-of-way and easements.
 - e. Flood control basins, floodways and flood plains, stormwater management areas and drainage easements.
 - f. Support facilities, easements and other properties held by public bodies.
111. **Parking Space** - The space within a building or on a lot or parking lot for the parking or storage of one (1) automobile.
112. **Pet Shop** - A retail store devoted to the sale of small domestic animals such as dogs, cats, rabbits and birds.
113. **Place of Worship** – A structure owner and/or used by a religious organization for worship, religious training, or education.
114. **Planned Residential Development (PRD)** - An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one (1) residential district created, from time to time, under the provisions of this Zoning Ordinance.
115. **Planning Commission** - The Borough of Mont Alto Council's Planning Committee.
116. **Plat** - The map or plan of a Subdivision or Land Development, whether Preliminary or Final.
117. **Private Club or Lodge** - A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of member regularly paying dues, but not primarily for a profit nor to render a service which is customarily carried on as a business.

118. **Professional Consultants** – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.
119. **Public Grounds** - Includes:
- a. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
 - b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
 - c. Publicly owned or operated scenic or historic sites.
120. **Public Hearing** - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with the "Pennsylvania Municipalities Planning Code."
121. **Public Meeting** - A forum held pursuant to public notice under 65 Pa. C. S. CH. 7, (Relating to open meetings).
122. **Public Notice** - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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.
123. **Quadraplex** - Four attached dwelling units in one structure in which each unit has two open space exposures and share one or two walls with adjoining unit or units.
124. **Recreation Center** - Any building, land area or other premises which is open to the public and is used to hold meetings, play sports, games and similar activities available to persons of all ages.
125. **Recreational Vehicle** - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping or travel use and including, but not limited to travel trailers, truck campers, camping trailers, boats and self propelled motor homes.
126. **Residential Hotel** - A building or group of buildings, detached or connected, designed or used primarily for providing living accommodations for permanent guests only and not by transients. It may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

127. **Restaurant, Drive-In** - An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles for consumption either on or off the premises.
128. **Restaurant, Fast-Food** - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
129. **Retail and Service Activities** – The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes.
130. **Rooming House**: Any dwelling or part of dwelling containing one or more rooming units in which space is let by the operator to two or more persons each of whom pays a portion of the total rent of the dwelling or part of dwelling. Said tenants are not the husband or wife, son or daughter, mother or father, of the owners or operator.
131. **Rooming Unit**: Any room or group of rooms forming a single habitable unit, used or intended to be used for living or sleeping, but not containing individual sanitation facilities and with or without kitchen facilities for the exclusive use of the occupants. Such facilities are provided through common facilities available to one (1) or more rooming units.
132. **Sanitation Facilities**: A room equipped with at least a toilet and washbowl.
133. **School** - A licensed establishment providing education.
134. **Screening** - A well maintained fence, wall, hedge, or vegetative material of a density sufficient to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screening is located.
135. **Self-storage development** – A building or group of buildings divided into separate access units that are rented or leased for the storage of personal and small business property.
136. **Semi-nude** - The showing of the female breast with less than a full opaque covering of any portion thereof below the top of the areola, or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
137. **Service Station and Repair Garage** - Any building, land area or other premises, or portion thereof, used or intended to be used for any one or a combination of the following activities:
 - a. Retail dispensing or sales of automobile fuels

- b. Retail dispensing or sales of automotive lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
- c. Retail dispensing or sales of automotive coolants.
- d. Hand or machine washing of a single bay automobile wash.
- e. Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses and the like.

Vehicle wrecking, motor vehicle service, parking or storing of vehicles for hire, and the operation of more than one (1) towing vehicle shall not be deemed permissible accessory uses of a "Service Station and Repair Garage."

138. **Sign** - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including the following:
- a. Flags and insignias of any governmental agency or civic, charitable, religious, fraternal, or similar organization;
 - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies; and
 - c. Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.
139. **Sign Area** - The total of each surface area used for the purpose of identifying
140. **Sign, Business** - A sign which directs attention to a use conducted, product or commodities sold, or service performed upon the premises.
141. **Sign, Commercial Advertising "Billboard"** - An advertising sign directing attention to a business, commodity, service, entertainment, etc. conducted, sold, or offered elsewhere than upon the premises where such sign is located.
142. **Special Exception** - The Zoning Hearing Board shall hear and decide request for special exceptions in accordance with standards and criteria established in this Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purpose of the Zoning Ordinance.
143. **Specified Anatomical Areas** - Any showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

144. **Specified Sexual Activities** - Actual or simulated acts of masturbation, sexual intercourse, oral or anal copulation or sadomasochism; fondling or other erotic touching of or physical contact with one's own or another's genitals, pubic area, buttocks or female breasts, whether clothed or unclothed; human male or female genitals when in a state of sexual stimulation or arousal; or excretory functions or acts with animals as part of or in conjunction with any of the activities set forth herein. Activities that are commonly referred to by the slang terms "lap dance", "straddle dance", "face dance", or "table dance" shall be included in this definition. For purposes of this definition, "sadomasochism" means infliction of pain, flagellation or torture, or the condition of being bound, fettered or otherwise physically restrained.
145. **Story** - That portion of any building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, than the space between such floor and the ceiling next above it.
146. **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.
147. **Structure** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
148. **Subdivision** - The division or re-division 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 into parcels of more than ten (10) acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.
149. **Theater** - Any business enterprise, excluding adult businesses or uses, which regularly features or offers to the public the presentation of motion picture films, movies, sound recordings or performances by persons.
150. **Truck Terminal** - Any indoor or outdoor place or premises where trucks, tractors and/or trailers park or are assigned, stationed, fueled, stored, loaded or unloaded except when accessory to a manufacturing or commercial use where said vehicles are used solely for the delivery of supplies and/or for the transport of manufactured items or commercial goods and services originating from said use.
151. **Use** - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include a nonconforming use.

152. **Variance** - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the Zoning Provisions of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.
153. **Veterinary clinic** - The office of a licensed veterinarian for the treatment of animals.
154. **Warehouse** - A building for the storage of merchandise or commodities, excluding those uses defined as a truck terminal.
155. **Yard** - An unoccupied space open to the sky on the same lot with a building or structure.
156. **Yard, Buffer** - A yard covered with vegetation and intended to provide an area of separation between different districts or uses.
157. **Yard, Exterior** - An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.
158. **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.
159. **Yard, Interior** - An open, unoccupied space between the buildings of a dwelling group of its accessory buildings, not a front, side, or rear yard.
160. **Yard, Rear** - An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot and unoccupied except for accessory buildings and open porches.
161. **Yard, Side** - A yard abutting a side lot line, 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 a lot.
162. **Zoning Board** - The officially established Zoning Hearing Board of the Borough of Mont Alto.
163. **Zoning Officer** - The duly appointed official of Mont Alto Borough charged with the duty of enforcing the Provisions of this Ordinance.
164. **Zoning Map** - The Map setting forth the boundaries of the Zoning Districts of Mont Alto Borough which shall be part of this Ordinance.