

ARTICLE II

DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
 - F. **If a word is not defined in this Ordinance, but is defined in the City Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.** If a word is defined in both this Ordinance and another City ordinance, each definition shall apply to the provisions of each applicable Ordinance.
 - G. Any word or term not defined in this Ordinance or in the City Subdivision and Land Development Ordinance, as amended, shall be used with the meaning of standard usage within the context of the Section.
 - H. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abused Person Shelter. A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

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

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use.
See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building (such as a private garage, private toolshed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. See lists of permitted by right accessory uses in Section 306. See also definition of "Residential Accessory Structure."

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult Bookstore" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

For the purposes of this Ordinance, the term Adult Bookstore shall include but not be limited to an Adult Video Store.

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

Adult Live Entertainment Use or Facility. A commercial use (including but not limited to a a use selling food or beverages) including live entertainment involving:

- A. persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity or
- B. live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities" or
- C. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Motel. A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers sleeping rooms for rent 4 or more times in one calendar day during 5 or more calendar days in any continuous 30 day period.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities".

Adult Use. Shall have the same meaning as a "Sexually Oriented Business."

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. See State Act 219 of 1990 which generally prohibits this use.

Agriculture. Shall mean "crop farming", "plant nursery" and "raising of livestock". See definition of each. This use shall not include fertilizer manufacturing or tanneries.

Alley or Court. A public thoroughfare having a right-of-way width of 20 feet or less.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another. See Section 107.B. regarding types of alterations not regulated by this Ordinance.

Amusement Arcade. An indoor commercial use with 4 or more electronic machines for amusement or entertainment, with such machines activated by the use of tokens or coins. The use of 3 or fewer such devices shall be a permitted accessory use to any lawful principal commercial use. This shall not include an Adult Video Store, which is a distinct use.

Antenna, Household. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies. This includes any accessory supporting structures. See also "Commercial Communications Antenna," which is a distinct separate use.

Apartment. See "dwelling types."

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

Auditorium, Commercial. A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult live entertainment use or standard or fast-food restaurant.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of a total of 2 or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. In addition, any use permitted as part of a "auto service station" is also permitted as part of an "auto repair garage." This use shall not include a use meeting the definition of a "truck stop."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, windshield wipers, batteries and belts and similar accessories; safety and emission inspections; tuning up engines and radiator flushing. This use may include the sale of ready-to-eat food for consumption off the lot and of common household products as a clearly accessory use. An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be a auto service station. This use shall not include a use meeting the definition of a "truck stop." See storage limits in Section 402.

Auto Wrecking. See "Junkyard."

Average Lot Area. See "Lot Area, Average."

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground.

- A. Except as provided for in part B. below, a basement shall be considered a "story" if:
 - 1. the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and
 - 2. the roof of the basement is an average of 4 or more feet above the finished grade of the front side of the building (which shall be considered a side that faces onto a street).
- B. If a basement forms the primary portion of a dwelling unit, then such basement shall be considered to be a "story."

Bed and Breakfast Use. The use of a single family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for a maximum of 10 temporary guests at any one time (except as otherwise provided for in this Ordinance), and which does not provide any cooking facilities or provision of meals for guests other than breakfast. This use shall only include a use renting facilities for a maximum of 14 consecutive days to any person(s) and shall be restricted to transient visitors of the area.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premise."

Board. The Zoning Hearing Board of the City of Scranton.

Boarding House or "Rooming House".

- A. A residential use in which any or all of the following applies:
 - 1) individual room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or
 - 2) a dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
 - 3) if individual units of living space not meeting the definition of a lawful dwelling unit are separately rented to person(s) who are not "related" to the owner of record of the property.
- B. A boarding house shall not include a use that meets the definition of the following uses: treatment center, abused person shelter, hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents.
- C. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

Buffer Yard. A strip of land that: a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Width. The horizontal measurement between 2 structural walls of 1 building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Bulk Storage. Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

Campground. A use other than a "treatment center" or a "mobile home park" that is primarily recreational in nature and that involves the use of:

- A. tents or sites leased for occupied recreational vehicles for transient and seasonal occupancy by persons recreating or traveling or
- B. tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

Care and Treatment Center for Children. A use involving residential and/or outpatient counseling and support facilities for persons under the age of 18 who primarily need such special services because of emotional or behavior concerns or because of inadequate care provided by their families. Such facilities may also include counseling facilities for the families of the youth. Such facilities may also include the following types of facilities for persons under age 18: group homes, recreation facilities, child day care centers, educational facilities and support facilities for off-site programs.

Carport. A roofed building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

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

Cellar. See "Basement."

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this ordinance.

Chairperson. Includes chairman, chairwoman, chair and acting chairperson (when applicable).

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 10 to December 30 that were produced on the premises.

City. City of Scranton, Lackawanna County, Pennsylvania.

City Council. The City Council of the City of Scranton.

Clear Cutting. A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof.

College or University. An institution of higher learning authorized to grant associate, bachelor's, master's and/or doctorate degrees. For non-degree institutions, see "Trade School."

Commercial Communications Antennae. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications, but shall be distinct from the use entitled "antenna."

Commercial District. The C-G, C-N and C-D Zoning Districts.

Commercial Motor Vehicle. See Section 604.

Commercial Outdoor Recreation. An use that: a) has a total building coverage of less than 15%, b) is used principally for active or passive recreation (such as a driving range) and c) is used for a profit-making purpose.

Commercial Use. Shall mean retail sales, offices, personal services, car washes, auto sales, auto repair garages, amusement arcade, adult use and other uses of a closely similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission or Planning Commission. The City Planning Commission of the City of Scranton.

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

Composting. The collection and processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

Comprehensive Plan. The document entitled the Scranton City Comprehensive Plan, also known as the "Master Plan," or any part thereof, adopted by the City Council, as amended.

Conditional Use. A use which is allowed or denied by the City Council within the provisions of Article I, after review by the Planning Commission.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the PA. Unit Property Act of 1963 (at the time such law was in effect) or is/was created under the PA. Uniform Condominium Act of 1980, as amended.

Construction. Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

Convenience Store, Major. A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of more than 2,000 square feet but less than 5,000 square feet and which also includes the on-site sale of gasoline. Other types of convenience stores shall be regulated as as "retail store."

Conversion. To change or adapt land or structures to a different use.

Correctional Facility. A facility operated by the County of Lackawanna, the Commonwealth of Pennsylvania or the U.S. Government to incarcerate persons who have been sentenced by a court of law or a parole board to involuntarily spend time in such facility, or who are being incarcerated while awaiting trial or sentencing. See also "Treatment Center."

County. The County of Lackawanna, Commonwealth of Pennsylvania.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than 15 acres, it may also include the keeping of up to 10 additional animals as a permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 403.

Cultural Center or Library. A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

Curative Amendment. A proposed zoning amendment made to the City Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. (Child) Day Care, as an Accessory Use. A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver. See Section 403.
- B. (Child) Day Care Center, as a Principal Use. A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator. See Section 402. See also day care as an accessory use of a business under Section 306.D.

Days. Calendar days.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

D.E.R. (or "DER"). Shall mean the Pennsylvania Department of Environmental Resources, or its successor, and its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Development. Construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes, but is not limited to, any activities defined as "land development" under the Scranton City Subdivision and Land Development Ordinance.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging. This term shall not include a "trucking company terminal."

District (or Zoning District). A land area within the City within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or State-licensed teaching hospital, or approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Lawful dwelling units shall not be regulated as "dormitories."

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dump. A use involving the unlawful deposit of solid waste or junk onto or into the ground or waters, which is prohibited in all districts.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. Low-Rise Apartments. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.

- C. Mid-Rise Apartments. Three or more dwelling units within a building with a height greater than 35 feet or 3-1/2 stories, and less than the maximum height permitted in the district.
- D. Sectional Home. (Also common called a "modular home.") A type of dwelling that:
1. meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment,
 2. is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site,
 3. does not meet the definition of a "mobile/ manufactured home,"
 4. is supported structurally by its exterior walls and
 5. that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open areas on all sides.
1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "Sectional home."
- F. Single Family Semi-Detached Dwelling or "Half of a Twin Dwelling." One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot, unless otherwise specified.
- G. Townhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."
- H. Two-Family Detached Dwelling. Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area. No dwelling unit may include more than 1 kitchen, except:

- a) cooking facilities may be located in two abutting rooms that open onto each other,
- b) if a kitchen was installed prior to the adoption of this Ordinance under a valid City building permit,
- c) as permitted as a "Unit for Care of Relative" or
- d) as may be permitted under the "Home Occupation" provisions.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

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

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

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, sludge disposal, utility company offices, storage of trucks or equipment or bulk storage of materials.

Exercise Club. A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than 1 lease among all of the occupants. A family shall not include more than 4 persons who are not "related" to each other (see definition in Article II). See provisions in Section 402 regarding maximum number of unrelated persons within a "group home." A "treatment center" shall not be considered a "family" or a "group home." See also the definition of a "dwelling unit."

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

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

Floodplain (100-Year). See definitions in Article V of this Ordinance entitled "Flood-prone Areas."

Floor Area or Gross Floor Area. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6 feet 8 inches. Floor area specifically shall not include the following: a) elevator shafts, b) common stairwells within an apartment building or c) unenclosed porches, decks or breezeways.

Floor Area, Habitable. The portion of the "Floor Area" (as defined above) that is heated and that includes a minimum of 1 door or window open to the outside within each room so included.

Forestry, Commercial. The harvesting of more than 25 live trees with a trunk width of 6 inches or more at a height 4 feet above the average ground level on any tract or lot within a calendar year. This term shall not apply to the following, which are permitted by right uses in all districts: 1) cutting of trees that involve less than 20 percent of all trees on 1 or more abutting lots with a trunk width of greater than 6 inches, 2) cutting of trees with a trunk width less than 6 inches, 3) cutting of fewer than 25 such trees in a calendar year, 4) Christmas tree farms or 5) clearing of portions of a lot that is clearly the minimum necessary for construction.

Fraternity or Sorority. A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation. The rental to a person(s) who does not reside on the property of storage space that would accommodate more than 3 cars or for commercial purposes shall be regulated as a business use.

Garage Sale. The accessory use of a non-commercial lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

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

1. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 403, and meets all other standards of such section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.
4. Does not meet the definition of a "treatment center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

NOTE: A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered an "Institutional Group Home," which is a distinct use.

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act, as amended.

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure, including any roof. For a building with a pitched roof, such height shall be measured to midpoint of the eave and the ridge, provided that such area above the maximum height is not habitable. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. Public Heliport. A heliport that does not meet the definition of a Private Heliport.
- B. Private Heliport. A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also known as a helistop.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. is conducted primarily by a permanent resident of the dwelling;
- B. meets the definition, standards and limitations of a "general home occupation" or a "light home occupation" within the following definitions and Section 403;
- C. only include uses that are clearly incidental and secondary to the principal residential use;
- D. does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) nor a "treatment center";
- E. specifically does not include the following: hotel, motel, nursing home, boarding house, restaurant, stable, kennel, auto repair, retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts) or bulk welding.

- A. General Home Occupation. A type of "home occupation" that:
 - 1) only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of 2 non-residents working on the premises at any one point in time,
 - 2) does not meet the definition and standards of a "Light Home Occupation," and
 - 3) meets the standards of Section 403.

(Note - This use typically requires approval by the Zoning Hearing Board under Article III.)

- B. Light Home Occupation. A type of "home occupation" that:

- 1) only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling,
- 2) does not involve more persons regularly visiting the premises for business purposes than specified in Section 403, but instead primarily involves the operator(s) of the use visiting clients at their home or business,
- 3) is limited to only the following types of activities:
 - a) office-type work (such as writing, editing, drafting, tax preparation, computer programming and computer data inputing),
 - b) clerical work (such as typing, stenography, addressing and sending mail),
 - c) custom sewing and fabric crafts,
 - d) creation of visual arts that does not involve an industrial scale (such as custom painting, sculpture or wood carving),
 - e) sales and surveys over a telephone or
 - f) a use that only involves receiving mail and telephone calls on-site.
- 4) meets the standards of Section 403.

(Note - This use typically does not require Zoning Hearing Board approval under Article III.)

Hospital. A use involving the diagnosis, treatment or other medical or hospice care of humans that includes, but is not limited to, care requiring stays overnight. See "Medical Office or Clinic" for a medical care use that does not involve any stays overnight. A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professions. See standards in Section 402.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may include a restaurant, banquet rooms, conference rooms, nightclub, newstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations. A hotel or motel may also be developed in combination with other commercial uses that are permitted in that district, provided the regulations of those uses are also complied with.

Impervious Coverage. The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The City Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

Industrial Districts. The I-L and I-G Districts.

Industrial Use. Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

Institutional Districts. The INS-L and INS-G Districts.

Juice Bar. A commercial establishment which does not routinely primarily serve full meals but which serves juices, soft drinks, or other beverages to patrons or which rents to patrons, tables or other spaces for the patrons; who bring alcoholic beverages of any kind for their own consumption.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, rags, pipes, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, crates, containers and building materials (except building materials actively being used for construction). Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junk Vehicle. Includes any motor vehicle or trailer that meets any of the following conditions:

- A. does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for licensed antique cars not required to have an inspection sticker), (licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this Section),
- B. has been demolished beyond repair,
- C. has been separated from its axles, body or chassis, and/or
- D. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing, buying, selling, handling, wrecking and/or salvaging, other than within a completely enclosed building, of material of 1 or more of the following types:
 - 1. "Junk" (see definition);
 - 2. More than 1 junk vehicle or the parts thereof (this shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station); or
 - 3. 2 or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

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

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

Medical Office or Clinic. A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

Membership Club. An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club" in this Article.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, clay, coal, shale or iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered Mineral Extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this Ordinance shall be permitted by right in all districts, and shall not be considered "Mineral Extraction."

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of 2 or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motel. See "Hotel."

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended.

Nature Preserve. A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

Kennel. The keeping of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "Keeping of Pets" or the "Crop Farming" provisions of this Ordinance. A non-profit animal shelter is a type of kennel.

Land Development. As defined by the State Municipalities Planning Code, as amended. (As of 1992, this definition included the following: The improvement of 1 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

1. A group of 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 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.)

In addition, "land development" shall specifically not include the following:

1. The construction of only one accessory agricultural building that is not intended for the storage of animal wastes or the storage or feeding of animals, or
2. The conversion of an existing single family detached dwelling or an existing single family semi-detached dwelling (half of a twin) into two or three total dwelling units.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Livestock, Raising of. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is allowed within the definition of "crop farming." The "raising of livestock" shall not include: a) a slaughterhouse, b) a stockyard used for the housing of animals awaiting slaughter, c) a tannery or d) a mink farm.

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

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

Lot, Interior. A lot other than a corner lot.

Lot, Reverse Frontage. A lot that abuts two approximately parallel streets, but only has access onto one street.

Lot, Through. A lot that abuts 2 approximately parallel streets.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. See Section 801.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the "existing" legal rights-of-way of any proposed or existing public streets or alleys/courts, or
- B. Areas that are currently dedicated or will be required to be dedicated as "common open space," or
- C. Areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for the purposes of determining "minimum lot area" for residential lots.

Lot Area, Average. The total of the "lot areas" (see above) of all adjacent lots in common ownership within a proposed subdivision or land development divided by the proposed number of dwelling units.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

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

1. Front Lot Line (Street Line). A lot line separating the lot from the existing street right-of-way.
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A 3 sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end.

Low-Rise Apartment. See under "Dwellings."

Manufacture. The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or trucking company terminal.

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

Night Club. A tavern or restaurant that: a) has a primary or substantial portion of the total trade in the sale of alcoholic beverages, b) frequently charges admission or cover charges for entertainment or music for dancing, c) has a capacity of more than 150 persons for such entertainment or dancing and d) is not a "sexually oriented business."

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment. Such nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays "specified anatomical areas", is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a "Treatment Center."

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Map. Any Official Map that may be adopted or amended by the City Council in accordance with the PA. Municipalities Planning Code.

Official Street Classification Map. The map adopted as part of this Ordinance classifying the streets of the City. See definition of "Street Classification." This map may be amended by resolution of the City Council.

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

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. if not intended to be publicly owned, is covered by a system for perpetual maintenance,

- C. will be deeded to the City and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation and
- D. does not use any of the following areas to meet minimum open space requirements:
1. existing street rights-of-way,
 2. vehicle accessways,
 3. buildings (other than accessory buildings and pools clearly intended for noncommercial recreation),
 4. off-street parking (other than that clearly intended for noncommercial recreation),
 5. any area needed to meet a requirement for an individual lot,
 6. any area deeded over to an individual property owner for his/her own use or
 7. land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance, This. The City of Scranton Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

PA. Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicles unless otherwise stated.

Paved Area. All areas covered by gravel and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper City authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the City Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the City Staff, in accordance with the provisions of the Building Code(s) adopted by the City.
- C. Occupancy Permit. A permit that may be required by the City that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or reoccupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of City Ordinances. This shall have the same meaning as a "Certificate of Use and Occupancy."

Permitted By Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the City Council. (A site plan review by the Planning Commission and the City Council is required for certain permitted by right uses to ensure that the use would comply with all City ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, State-licensed massage therapists, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, birds, hamsters, gerbils, rabbits and other animals commonly sold in retail pet shops. See standards in Section 403.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include 2 dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planning Commission. The Planning Commission of the City of Scranton.

Plant Nursery. The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Property Line. Has the same meaning as "lot line."

Public. Owned, operated or controlled by a government agency or the City of Scranton School District.

Public Notice. Notice required by the PA. Municipalities Planning Code.

Publicly-Owned Recreation. Land and/or facilities that are owned by a government agency or the City and are available for use by the general public for leisure and recreation.

Recreation, Private. Non-commercial leisure-time uses that are only open to members, guests or some specific group.

Recreation, Commercial. Leisure-time uses that are principally operated for commercial purposes and are open to the general public.

Recreational Vehicle. A vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft other than canoes with a hull longer than 12 feet, motor homes, travel trailers, all-terrain vehicles and snowmobiles.

Recreational Vehicle Storage Area. An outdoor area used for the storage of 3 or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a City-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. Shall not include relationships such as second, third or fourth cousins.

Repair of Household Items. Shops for the repair of appliances, watches, guns, televisions, bicycles and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see "Residential Accessory Structure" Standards in Section 403.

Residential District. The C-R, R-1, R-1C, R-1A, R-2, R-3 and R-2/O Zoning Districts.

Residential Lot Lines. The lot line of a lot that:

1. contains an existing single family detached dwelling, single family semi-detached dwelling or townhouse on a lot of less than 3 acres or
2. is undeveloped and zoned as a Residential District and is not approved for a principal non-residential use.

Additional setbacks and buffer yard requirements from a "residential lot line" shall not apply if:

1. the lot(s) partially or wholly within 75 feet of the lot that would be required to provide the buffer yard or additional setback currently have the same owner as the lot that would be required to provide the buffer yard or additional setback, or
2. where an institutional use would be required to provide the buffer yard or additional setback and the lot(s) partially or wholly within 75 feet of the lot that would be required to provide the buffer yard or additional setback are owned by a similar institutional use.

Restaurant, Fast Food.

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a "standard restaurant."
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Restaurant, Standard.

- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food from a waiter or waitress while seated inside a building and then the food is delivered to the customer's table while the customers are seated and then the food is consumed at the table.
- B. A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

- A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the City or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance.
- B. Right-of-Way, Future. Land that may be dedicated or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Rooming House. See "Boarding House."

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna." A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately operated schools of trade, vocation or business).

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

Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback Line.

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

Sewage Disposal System. A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

- A. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by the City or a municipal authority.
- B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "public sewer service."

Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult live entertainment use, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center. See definitions of each term in this Article.

Shopping Center. A use involving 5 or more retail or personal service uses or establishments and that primarily involves retail sales. If 2 or more abutting lots each include 5 or more retail sales uses and are developed under common or closely related ownership, then those lots shall together be considered as 1 shopping center. A shopping center may also include a mix of permitted office and/or commercial

recreation uses.

Sight Distance. An area required to be kept free of visual obstruction. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. See definitions of types of signs in Sections 711 and 703.

Sign Area. See Section 711.

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

Site Plan Review. Review of a site plan by the Planning Commission that is required for certain uses under Article I.

Slaughter House. A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solicitor. Unless otherwise stated, shall mean the appointed City of Scranton Solicitor, or his/her deputy as authorized.

Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of or where coal culm waste is incinerated. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or waste-to-energy facility (see separate definitions).
- B. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application on land.

Solid Waste Transfer Facility. Any property where solid waste (as defined by the applicable State rules and regulations 25 PA Code Chapter 271 or the successor section) is stored or temporarily stored for any purpose by vehicle, storage container or any other means, except that storage containers for the solid waste generated on and located on a specific site (such as trash cans and dumpsters) and solid waste on the immediate property of its ultimate disposal (such as a properly permitted sanitary landfill) shall not be considered a transfer facility for the purpose of this Ordinance. This shall include, but not be limited to, uses meeting the definition of a "Solid Waste Transfer Facility" in Title 25 of PA. DER regulations, or the successor section. This use shall also include but not be limited to an "in-transit" facility.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 119.

Specified Anatomical Area. The male genitals and/or the vulva and labia of the female genitals.

Specified Sexual Activities. Includes one or more of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Actual or simulated sexual intercourse, oral sex or sodomy;;
- C. Human masturbation, actual or simulated;
- D. Excretory functions as part of or in connection with any of the activities set forth in "A" through "C" above.

Stable, Non-household. Keeping of more than 2 horses, which may include a commercial or private riding club. The housing of 1 or 2 horses shall be considered an accessory use under the "Keeping of Pets" (see Section 403).

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania State Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance 6 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map at the end of this Ordinance for existing streets and as determined by the City Engineer for future streets:

- A. Expressway. Designed for large volumes and high speed traffic with access limited to grade separated intersections.
- B. Arterial Street. Designed for large volumes and high speed traffic with access to abutting properties restricted.
- C. Collector Street. Designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial streets and to community facilities and to provide access to the abutting properties.
- D. Local Street. Designed to provide access to the abutting properties and a route to collector routes.

Street, Proposed. A street which is planned in a proposed subdivision or land development plan or approved within a subdivision or land development plan, but not yet open to traffic.

Structure. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

Subdivision. As defined by the PA. Municipalities Planning Code, as amended. (As of 1993, this definition was as follows:

1. The division or redivision of a lot, tract or parcel of land by any means into 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.
2. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings is not a subdivision.)

Subdivision Ordinance or Subdivision & Land Development Ordinance. The City of Scranton Subdivision and Land Development Ordinance, as amended.

Substantial Enlargement of a Sexually Oriented Business. The increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on date of enactment of this Ordinance.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also the provisions for "Recreational Facilities" limited to use by employees of

a use or residents of a development as an accessory use, which may include a swimming pool, at the end of Section 306.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the City that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. shall only include lands within an approved subdivision or land development plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract, and
- B. shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Transfer of Ownership or Control of a Sexually Oriented Business. Includes any of the following:

- A. The sale, lease, or sublease of the business;
- B. The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than 1 year and who need such facilities because of:

- A. criminal rehabilitation, such as a criminal half-way house/ criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol,
- B. chronic abuse of or addiction to alcohol and/or a controlled substance, or

C. a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks, and that does not involve substantial processing or repackaging of the materials. This shall not include a use that involves the processing or trucking of "solid waste."

A. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

B. A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for truck drivers using the terminal.

Truck Stop. A commercial use that primarily involves providing fuel and other services to tractor-trailer trucks. This use may also involve providing repair services, sale of gifts and various household items, a restaurant, showers and a motel.

Unit for Care of Relative. A living area especially created for and limited to occupancy by a person who is "related" (see definition) to the permanent residents of the principal dwelling unit. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others or physical handicap. See standards in Section 403.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of "Small Animals" includes only small domestic animals, including but not limited to dogs, cats, rabbits, birds or fowl. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. Housing primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge, coal culm waste or any other non-"hazardous" commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity).

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City.

- A. "Public" Water Service. Central water service by a system owned by the City or a municipal authority and which serves more than 30 dwellings or principal uses.
- B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "public water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: As of 1993, the following was the official U.S. Army Corps of Engineers' definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater 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. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1992, the U.S. Army Corps of Engineers and DER enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which usually is the existing street right-of-way line), which restricts the closest portion of the subject structure or use, and which extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto 2 or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot and measured from the entire length of the rear line, which restricts the closest portion of the subject structure, and which stretches between the side lot lines parallel to the rear lot line. (A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.)

Yard, Side. A "yard" restricting the closest portion of the subject structure, measured along the entire length of the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.

Zoning Map. The Official Zoning Map of the City of Scranton, Lackawanna County, Pennsylvania.

Zoning Officer. The administrative officer(s) charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

Zoning Ordinance. The City of Scranton Zoning Ordinance, as amended.