

ARTICLE 13. DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of the Ordinance:

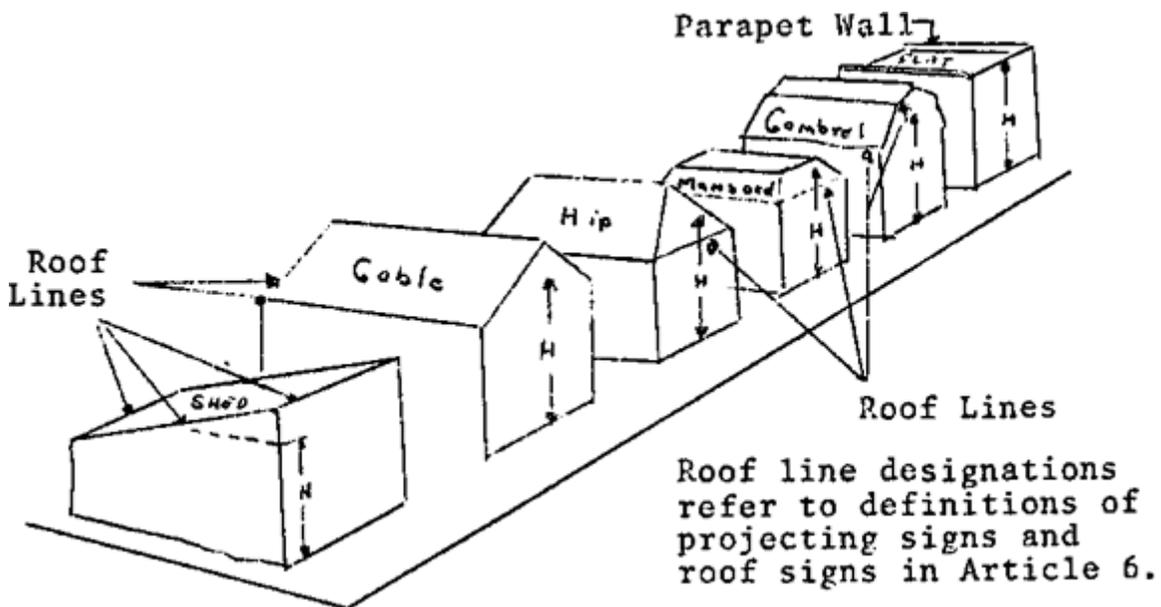
1. The singular number includes the plural and the plural, the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future, the present.
3. The word “shall” is always mandatory. The word “may” is permissive.
4. The word “building” or “structure” includes any part thereof, and the “building” includes the word “structure”.
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary, meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

1. Accessory Building An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and [except as otherwise provided in the Ordinance] located on the same lot as the main building or principal use of land.
2. Accessory Use An accessory use is one which is clearly incidental to or customarily found in connection with, and [except as otherwise provided in this Ordinance] is located on the same lot as the principal use of the premises. When the term “accessory” is used in this Ordinance, it shall have the same meaning as “Accessory Use.”
3. Administrator The Zoning Administrator of the Borough of Somerset.
4. Aggregate Area or Width The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this Ordinance.
5. Alley A narrow public thoroughfare not exceeding sixteen [16] feet in width which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.
6. Apartment A part of a building containing cooking and housekeeping facilities, consisting of a room or suite or rooms intended, designed, and used as a residence by an individual or a single family.

7. Apartment House Same as “Dwelling, Multiple-Family”.
8. Arterial Street A street so designated on the Major Thoroughfare Plan of Somerset.
9. Basement That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.
10. Board The Zoning Hearing Board, of the Borough of Somerset.
11. Boarding House Same as Rooming House.
12. Buildable Area The area of that part of the lot not included within the yards or open space herein required.
13. Buildable Width The width of that part of the lot not included within the open spaces herein required.
14. Building Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.
15. Building, Completely Enclosed Any building having no outside openings other than ordinary doors, windows, and ventilators.
16. Building, Height of The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 30 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.



17. Bulk A term used in this Ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

18. Business District See District, Commercial.

19. Canopy A detachable, roof like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun or weather.

20. Clinic A building or portion thereof designed for, constructed or under construction or alteration for, or used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practioners, in related specialties, or a combination of persons in these professions, but not including lodging of patients overnight.

21. Club, Private Buildings and facilities owned or operated by a corporation, association, person or persons for social educational, or recreational purpose, but not primarily to render a service which is customarily carried on as a business.

22. Convalescent Home A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.

23. Court An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

24. District Any section of Somerset Borough in which the zoning regulations are uniform.

25. District, Commercial Any district designated in these regulations as a business or commercial district or special district under Articles 3 or 5 of this Ordinance or containing the words, "business", or "commercial" in its title.

26. District, Industrial Any district established in this Ordinance whose designation includes the letter "M" and contains the word "Industrial".

27. District, Residential Any district designated in this Ordinance as a residential district under Articles 2 or 5 of this Ordinance.

28. Dog Kennel, Commercial The keeping of any dog or dogs regardless of number, for sale, breeding, boarding or treatment purposes except in animal hospital, dog beauty parlor, or pet shop, as permitted by these regulations, or the keeping of five or more dogs, six months or older, for any purpose.

29. Drive-In A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

30. Dwelling A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

31. Dwelling, Single-Family A building designed for/or occupied by one family.

32. Dwelling, Two-Family A building designed for/or occupied by two families living independently of each other.

33. Dwelling, Multiple-Family A building designed for/or occupied by three or more families living independently of each other.

34. Dwelling Unit A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group or persons living together as a household or by a person living alone.

35. Family An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four [4] persons living together by a joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit cost-sharing basis. Domestic servants, employed and residing on the premises shall be considered as part of the family.

36. Filling Station Any building, structure, or land used for the sale at retail, of motor vehicle fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

37. Floor Area

[a] Commercial, business and industrial buildings or buildings containing mixed uses: The sum of gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including; [1] attic space providing headroom of less than seven feet; [2] basement space not used for retailing; [3] uncovered steps or fire escapes; [4] accessory water towers or cooling towers; [5] accessory off-street parking spaces; and [6] accessory off-street loading spaces.

[b] Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

38. Frontage

[a] Street Frontage: all of the property on one side between two intersecting streets [crossing or terminating], measured along the line of the street, or if the street is dead-ended then all intersecting street and the dead-end of the street.

[b] Lot frontage: the distance for which the front boundary line of the lot and the street line are coincidental.

39. Garage, Private A garage used for storage purposes only and having a capacity of not more than four [4] automobiles or not more than two [2] automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one commercial vehicle, and that one of not more than one ton capacity, and space may be rented for not more than two vehicles to persons other than occupants of the buildings to which such garage is accessory.

40. Grade Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

41. Guest Quarters or House Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate utility meters, and not rented or otherwise used as a separate dwelling.

42. Home Occupation Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on by a member of a family residing on the premises, and in connection with, which there is no display or storage of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, dust, odor, heat, smoke, or glare. When within the above requirements, a home occupation includes, but is not limited to the following: [a] art studio; [b] dressmaking; [c] professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; [d] teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops, beauty parlors, tourist homes, animal hospitals, child care centers, tea rooms, and restaurants.

43. Hospital A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinated to main use and must be an integral part of the hospital operations.

44. Hotel A building in which lodging or boarding and lodging are provided for more than twenty [20] persons, primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding, rooming or lodging house, or any apartment house which are herein separately defined. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

45. Junk Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

46. Laundromat A business that provides washing, drying, and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

47. Loading Space A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

48. Lodging House Same as Rooming House.

49. Lot A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the yard areas and parking spaces required by this Ordinance and having its principal frontage upon a street or upon an officially approved place.

50. Lot, Area The total horizontal area within the lot lines of the lot.

51. Lot, Corner A lot abutting upon two [2] or more streets at their intersections.

52. Lot, Depth of The average horizontal distance between the front and rear lot lines.

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

54. Lot, Line The boundary line of a lot.

55. Lot, Through [Double Frontage] A lot having a frontage on two [2] approximately parallel streets or places.

56. Lot, Width The horizontal distance between the side lot lines measured at the required front yard line.

57. Major Street or Highway A street or highway so designated on the Major Thoroughfare Plan of Somerset.

58. Motel, Motor Court, Tourist Court or Motor Lodge A building in which lodging, or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling; same as a hotel except that the buildings are usually designed to serve

tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

59. Non-conforming Use A building or land which does not conform with the height, area, or use regulations of the district in which it is located.

60. Nursing Home Same as Convalescent Home

61. Parking Space, Off-Street An all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress or egress for an automobile without requiring another automobile to be moved.

62. Place An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

63. Premises A lot, together with all buildings and structures thereon.

64. Primary Highway System Primary Highway System of the Commonwealth of Pennsylvania shall mean U.S. Traffic Route 219 and Pennsylvania Traffic Routes 31, 281, & 601.

65. Regulations The whole body of regulations, text, charts, tables, diagrams, maps, notations, references and symbols, contained or referred to in this Ordinance.

66. Rental Unit A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as apartment dwelling and not including culinary facilities.

67. Rooming House A building other than a hotel, motel or motor lodge where, for compensation and be pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five sleeping rooms.

68. Servant's Quarters Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building, used for servants employed on the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

69. Sign For definitions pertaining to signs, see Article 6.

70. Site Plan A drawing illustrating a proposed development and prepared in accordance with the specifications of Article 14.

71. Stable, Private An accessory building, not related to the ordinary operation of a farm, for the housing of not more than four [4] horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

72. Stable, Public Any stable for the housing of horses or mules, operated for remuneration, hire, sale or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for more than four [4] horses or mules, whether or not such stable is operated for remuneration, hire, sale or stabling.

73. Story That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling above it.

74. Story, Half A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space, not more than two-thirds of the floor area is finished for use. A half-story containing independent apartments for living quarters shall be counted as a full story.

75. Street A public or private thoroughfare which affords the principal means of access to abutting property.

76. Street Line A dividing line separating a lot, tract, or parcel of land and contiguous street.

77. Structural Alterations Any addition to exterior of building or increase in number of rooms by dividing existing rooms, or any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building.

78. Structure Anything constructed or erected the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, trailers or mobile homes, signs, swimming pools, fences, backstops for tennis courts, and pergolas.

79. Swimming Pool See Ordinance No. 995 and Article 10, Section 9.4 of this Ordinance.

80. Town House A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

81. Trailer or Mobile Home Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings; and which is, has been, or reasonable may be equipped

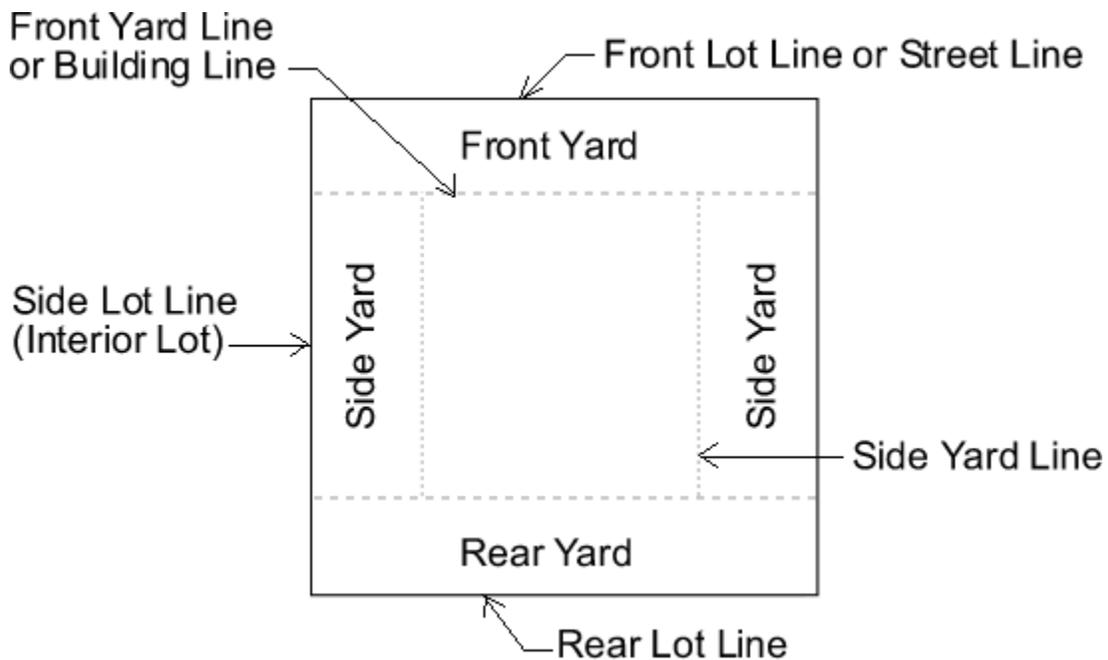
with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term “trailer” shall include camp car and house car.

82. Trailer Park, Trailer Court, or Mobile Home Park Any site, lot, field, or tract of land upon which is located one or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as part of the equipment for such park or court.

83. Waterway Any body of water, including any creek, canal, river, lake, or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

84. Waterway Line A line marking the normal division between land and a waterway as established by the Administrator or by the Borough Ordinances.

85. Yard An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.



86. Yard, Front A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

87. Yard, Rear A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

88. Yard, Side A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projection thereof.

89. Flood A temporary inundation of normally dry land areas.

90. Flood-Fringe That portion of the flood plain outside of the floodway.

91. Flood Plain [1] A relatively flat or low land area adjoining a river, stream, or water-course which is subject to partial or complete inundation; [2] An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

92. Floodway The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one-hundred [100] year magnitude.

93. One-hundred Year Flood A flood that, on the average, is likely to occur once every 100 years [i. 3. that has a one [1] percent chance of occurring each year, although the flood may occur in any year]; for purposes of this Ordinance, the Regulatory Flood.

94. Regulatory Flood The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other Ordinances have been prepared; for purposes of this Ordinance, the one-hundred year flood.

95. Regulatory Flood Elevation The 100 year flood elevation.

96. Development Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.