

Accessory

Both subordinate and incidental to a principal use or structure.

Adult Entertainment Use

Adult entertainment uses include any of the following as defined below:

1. Adult Bookstore

Any 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:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
2. 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 an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified material which depict or describe specified sexual activities or specified anatomical areas.

Adult Entertainment

Live or nonlive entertainment containing sexual activities or displaying or presenting specified anatomical areas. This definition is a broad overall definition which includes the activities of adult arcades/cabarets/dance halls/private clubs/bars/gentlemen's bars/taverns/adult bookstores, adult video stores, adult minimotion picture theaters and peep shows, adult motels and sexual encounter centers as part of its definition for adult entertainment.

Nudity

The appearance of the specified anatomical area without any covering on the body area.

Semi Nudity

State of dress in which clothing partially or transparently covers the specified anatomical areas.

Specified Anatomical Areas

Human genitals, pubic region, anus, buttocks, female breasts below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Activities which include any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulations or bestiality.
3. Fondling or other erotic touching of specified anatomical areas.

Airport District Definitions see pages A15 through A17.

Airport Use

The operation of an airport including facilities for takeoff and landing aircraft together with accessory uses including dining facilities, hangers, terminals, and other buildings and facilities associated normally with air travel.

Alley

A public right-of-way, created by deed or by ordinance that reserved for either pedestrian or vehicular access.

Alteration

As applied to a building or structure, means a change rearrangement in the structural parts or in the existing facilities, or enlargement whether by extension of a side or by increasing in height or moving from one location or position to another.

Alteration – Historic District

As applied to Pottstown's Certified Local Government Historic Districts, an alteration is any change, modification, or addition to a part or all of the exterior of any building or structure which can be seen from a public right of way.

Antenna Height

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure

Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Applicant

A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Application for Development

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Authority

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authorities Act of 1945.

Automotive Repair Station

A place where the following services may be carried out: general repair engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body frame or fender straightening or repair, painting or undercoating of automobiles. The definition does not include the display of motor vehicles for sale.

Automobile Service Station

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobile), are retailed directly to the public on premises, including sale of minor accessories and service for automobiles. An automobile service station may include a convenience store not to exceed 3,000 square feet. The definition does not include the display of motor vehicles for sale.

Babysitting

The temporary or occasional care of any number of children not related to the care giver which takes place at the home of the care giver, the temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence or the regular care of one, two, or three children not related to the care giver which takes place at the home of the care giver.

Bank or financial institution

An institution for lending, borrowing, exchanging, issuing, and safeguarding money: an office or building used for such purposes.

Base Flood Elevation

The 100 year flood elevation.

Block

An area bounded by streets and alleys.

Board

The Zoning Hearing Board of Pottstown.

Boat

Any device used, or designed to be used, for flotation, but not including any such device that can be lifted and transported by two able-bodied adults without the use of mechanical means.

Borough Council

The governing body of Pottstown. It includes the term "Town Council."

Borough

Borough of Pottstown, Montgomery County, Pennsylvania.

Borough Engineer

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by Council as the engineer for the Borough, the Borough Planning Commission, or any other agency of the Borough. This shall include, also, engineers, so licensed, appointed by Council as consultants to exercise the powers and duties of the Borough Engineer in the furtherance of the provisions of this Article.

Building

Any structure, either temporary or permanent, having a roof or other covering, and designed or used for shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of a building.

Building Permit

An approval statement signed by the Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building within Pottstown.

Building Permit Application

The request filed by any person with the Code Enforcement Officer that seeks authorization to construct, alter, reconstruct, repair, restore, demolish or raze all of any part of any building within Pottstown.

Building Types

Attached Building

One of three or more buildings divided by party or partition walls; includes end-of-row buildings.

Detached Building

A building that has no party walls.

Semi-detached Building

A building that has only one party wall, but not an end-of-row building.

Business

Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. It means, further, the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional services, excluding any direct retail store use and/or direct service store use.

Carport

A shelter for one or more vehicles that is not enclosed fully by walls and one or more doors.

Cartway

That portion of a right-of-way set aside for vehicular traffic.

Car Wash

A lot on which motor vehicles are washed or waxed, either by the patrons or by others, using machinery specially designed for the purpose.

Cell Site

A tract or parcel of land that contains the cellular communications antenna, its support structure, accessory building(s) and parking, and may include other uses associated with and ancillary to cellular communications transmission.

Cemetery

An area for the burial of the dead.

Certificate of Appropriateness

A statement signed by Pottstown Borough Council that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building within one of Pottstown's Certified Local Historic Districts, and authorizes the issuance of a building permit for said request.

Certified Local Government Historic District

The areas in the Borough of Pottstown created by ordinance of the Borough of Pottstown as authorized by the Act of June 13, 1961, P.L. 282, No. 167, as amended.

Child Care Facility

Any dwelling, building or portion thereof which child day care services are provided, including any onsite outdoor play area. Child day care facilities shall be further differentiated by the following three classifications:

1. Family Day Care Home

Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to four, five or six children, who are not relatives of the caregiver. Day Care service for children in this type of facility is different from "baby-sitting."

2. Group Day Care Home

A facility in which care is provided for more than six, but less than 12 children, at any one time, where the child care areas are being used as a family residence.

3. Day Care Center

A facility which is licensed to provide care for seven or more children, at any one time, where the child care areas are not being used as a family residence.

Church

A building wherein persons assemble regularly for religious worship and that is used only for such purposes and for those accessory activities as are customarily associated therewith.

Code Enforcement Officer

The officer designated by Pottstown Borough Council as the person who issues permits for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building in Pottstown.

Commission or Planning Commission

The Borough of Pottstown Planning Commission, unless context indicates clearly otherwise.

Common Open Space

A parcel of land or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment by residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Commonwealth

The Commonwealth of Pennsylvania.

Compatible

When used to describe the relationship among buildings in a Conservation District, compatible means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include, but are not limited to:

1. Constructed of the same original materials, such as wood, brick, or stucco, as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
2. Contain structural details that are similar to other buildings on the block, such as:
 - Decorative shingles
 - Cornices and fascia
 - Lintels over windows and doors
 - Shape, size, and placement of windows
 - Thickness and placement of mullions in the sash of windows
 - Shape and placement of porches and columns

Construction

Any or all work necessary for the erection of any building or structure from a combination of materials to form safe and stable structures.

Convenience Store

A retail store selling a variety of food, beverages, drugs, reading material or household supplies, and having a floor area not exceeding 3,000 square feet.

Cooking Facilities

An operable gas or electric line for a stove, storage space for foodstuffs and related material, and an operating sink (having a bowl no smaller than 300 square inches in area and one foot in depth) and drainboard.

Council

The Borough Council of Pottstown

County

The County of Montgomery.

Crosswalk

A right-of-way for pedestrian travel across or within a block.

Cul-De-Sac

A street intersecting another street at one end and terminating at the other end in a paved vehicular turnaround.

Decision

A final adjudication by Borough Council or the Pottstown Zoning Hearing Board. Appeals from decisions go directly to the Court of Common Pleas.

Demolition

The dismantling or tearing down of all or part of any building.

Determination

A final administrative decision such as the grant or denial of a permit by the Zoning Officer or Engineer of the Borough with respect to the administration of any land use ordinance. Determinations are appealable to Borough Council or the Pottstown Zoning Hearing Board, as the case may be.

Developer

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development Plan

The provisions for development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase "the provisions of the development plan" when used in this Article shall mean the written and graphic materials referred to in this Article.

Direct Retail Store

Any store or shop in which commodities are sold directly to the consuming public.

Direct Service Store

Any establishment primarily engaged in selling services, as opposed to products, to the general public or businesses. Direct service stores include tailors, dressmakers, dry cleaners, barbers, beauty salons, copy centers, photography studios and shops for the repair of clothing, shoes or household items.

Drainage

The flow of water or liquid waste and the methods of directing such flow, whether natural or artificial.

Drive-through Service Window

A customer service window located in a principal structure as an accessory to an office or retail establishment that is intended to enable customers to transact business with an employee inside the building without leaving their motor vehicles. It is presumed the motor vehicle will exit the premises immediately after the transaction of business.

Dwelling

A unit with one or more rooms with cooking and sanitary facilities provided for the living purposes of one family.

Dwelling Types**Apartment/Condominium**

A suite of rooms in a building containing at least two other such dwellings, each intended to be used as an independent housekeeping unit for one family, with separate cooking, food storage, bathing, and toilet facilities and with access directly or by common hallway and/or stairs to the outside. No apartment or condominium shall be less than 800 square feet.

Dwelling Types (continued)

Boarding Home

A building for residential occupancy within which are provided shelter and meals to more than two, but fewer than seven, persons for compensation by prearrangement for definite periods and in which no provision is made for cooking in any room other than a common kitchen. Does not include group homes.

Convalescent Home

A structure designed or used for residential occupancy and providing limited medical care or nursing care for the elderly on the premises for occupants, not including a hospital or group home.

Group Home

A place for residential occupancy by fewer than seven individuals (including live-in counselors) who live together as a single housekeeping unit in a long-term, family-like environment and who are given social, physical and mental support and/or training. The term "group home" shall not include convalescent home, nursing home, alcohol or drug treatment center, work release facility for convicts or ex-convicts, or other housing facility serving as an alternative to incarceration.

Hotel/motel

A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or convalescent, boarding, group, or rooming houses or homes.

Mobilehome

Any mobile vehicle, used for residential occupancy or for any other use, designed for transportation, after fabrication, on streets on its own wheels or supported by other vehicles or trailers but that is not self-propelled, and arriving at the site where it is to be occupied after incidental unpacking and assembly operation, supported on jacks or other foundations and connected to utilities and the like.

Room

A space for residential occupancy that does not include complete cooking and toilet facilities.

Rooming House

A dwelling where bedrooms or sleeping accommodations are let to more than two (2) individuals, used principally as a place of rest and sleep and for toilet and dressing and not for the preparation or provision of meals.

Single Family Dwelling

A structure, except a mobilehome, designed or used for residential occupancy by one family.

1. **Attached Single Family Dwelling**

A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one, but not more than three, adjacent similar dwelling units and located in a building comprised of at least three dwelling units. Each dwelling unit may be individually lotted or owned as a condominium. This dwelling shall include, but not be limited to, dwelling units commonly known as town houses, row houses, triplexes, quadruplexes and multi-plexes.

2. **Detached Single Family Dwelling**

A dwelling designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling unit.

3. **Semi-detached Single Family Dwelling**

A residential building containing two dwelling units and which is not attached to any other building.

4. **Tourist Home/ Bed and Breakfast**

A building for residential occupancy for the traveling public within which are provided shelter and meals to more than two, but fewer than seven, persons for compensation, not necessarily by prearrangement, for short indefinite periods, and in which no provision is made for cooking in any room other than a common kitchen. A "Bed and Breakfast" motel is another name for a tourist home.

5. **Two-Family Dwelling**

A structure designed or used for residential occupancy by two families.

Easement

A right granted for the use of private land for certain public or quasi-public purposes; also, the land to which such a right pertains.

Engineer

A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Family

One person, or a group of two or more persons living together and interrelated by blood, marriage, or legal adoption or guardianship, or a group of not more than four persons who need not be so related, occupying a dwelling unit as a separate housekeeping unit in a manner characteristic of a biological nuclear or extended family.

Fence or Wall

A structure that permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

Firehouse

A building housing firefighting vehicles and equipment. A firehouse may contain sleeping, cooking, and toilet facilities for on-duty firefighters and may contain social quarters for firefighters and their guests.

Flood District Definitions

See pages A12 and A13.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, that reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Floor Area

Total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

Floor Area Ratio

The building area divided by the lot size. (For example, a building with a total floor area of 40,000 square feet on a 100,000 square foot lot has a floor area ratio of .4 or 40%).

Food processing plant

Manufacturing plant designed to process food products for sale, excluding the slaughtering of animals, and which processing may include the cooking, baking, and packaging of such products.

Front Yard

The area between the front lot line (a line dividing a lot from any public street) and the setback required therefrom, with the exception of corner lots used for residential purposes.

Garage – Private

An accessory building or part of a principal building used for the storage of motor vehicles or equipment, or as an artist's studio or a workshop, all materials to be owned and used exclusively by the owner or tenant of the premises. No business connected directly or indirectly with motor vehicles is permitted.

Golf Course

A grassy area of no less than 15 acres laid out for the game of golf with a series of nine or 18 holes each including a tee, fairway, and putting green.

Greenhouse

An enclosure made predominately of clear glass used for the cultivation or protection of plants.

HARB

The Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

Health and Fitness Center

A building, or part thereof, providing facilities and programs designed to improve the physical well being of the patrons thereof. Such facilities include, not by way of limitation, spas, tennis or racquet clubs, swimming pools, basketball courts, gymnastic and calisthenics facilities, and weight-training facilities.

Heavy Manufacturing

The production or processing of materials by the employment of large machines, cranes, furnaces, presses, and the like. Such activity is likely to produce noise, odors, or other emissions detectable by a person having normal senses, when experienced from off the premises.

Height

The vertical distance from the highest point on a structure (or plant) excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structure elements intersect the ground.

Historic Architectural Review Board

The Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

Historic Neighborhood

An area judged by the Pennsylvania Bureau for Historic Preservation as eligible for the National Register of Historic Places.

Home Occupation

An activity, occupation or use which is professional in nature and clearly customary, incidental and accessory to the use of the premises as a dwelling unit, which does not alter the exterior of the property or affect the residential character of the neighborhood. The operation of a clinic, hospital, restaurant, motel, hotel, animal hospital, mortuary or any similar use shall not be deemed a home occupation.

Institutional/civic use

A non-profit, religious or public use, such as a church, library, public or private school (as defined by this ordinance), hospital, or government-owned or operated building, structure, or land used for a public purpose.

This also includes cultural uses that promote art, drama, music, science and/or history such as a museum, theater, or botanical garden.

Junkyard

An area of land, with or without buildings, used for storage outside a completely enclosed building of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery or vehicles or vehicle parts, with or without the dismantling, processing, salvage, sale or other use or disposition of the materials. The deposit or storage of two or more unlicensed, wrecked, or disabled vehicles or the major parts of vehicles is considered a junkyard.

Kennel

An establishment for the breeding and boarding of pets.

Land Development

Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two 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.
2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

Landowner

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Land Use Ordinance

Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

Laundromat

A place where patrons wash, dry, or dryclean clothing and other fabrics in machines operated by the patrons.

Light Manufacturing

The production or processing of materials by the employment of small machines, soldering irons, stamping machines, kilns, aluminum bending devices, and the like. Such activity is not likely to produce noises, odors, or other emissions detectable by a person having normal senses, when experienced from off the premises.

Loading Space

An off-street space available for the loading or unloading of goods and having direct access to a street or alley.

Lot

A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot Area

The area of land within the boundary of a lot, excluding any part under water, excluding easements, and excluding the area of land bounded by any front lot lines, the centerline of the street on which it fronts and the side lot lines intersecting the front lot line at its ends extended to the centerline of the street. Lot line, means a line marking a boundary of a lot.

Mobilehome

Transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit, capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

Mobilehome Park

A parcel or contiguous parcels of land that has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Municipal Authority

A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

Neighborhood Automobile Service Station

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobile), are retailed directly to the public on premises, including sale of minor accessories and service for automobiles. Accessory uses are limited to lubrication, changing oil and filters, changing and repairing tires and tubes, engine tune ups, hand washing and polishing without automatic equipment, and replacing of light bulbs, windshield wiper blades and other small parts. They do not include steam cleaning, body repairs, painting, or transmission, chassis, or engine repairs.

Nonconforming Structure

A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use

A use, whether of land or of structure, that does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-profit Recreational Use

A playground, gymnasium, natatorium, park, or similar use made available to the public by a government agency or by a private organization enjoying tax-exempt status by the Internal Revenue Service.

Office

1. Business Office

A building or portion of a building where the sale of nontangible goods or real estate is sold to the general public. Business offices include real estate, insurance, securities and travel offices.

2. General Office

A building or portion of a building where administrative or clerical services are conducted or where duties not involving the sale of services are performed. General offices include administrative offices for industry, employment offices and other similar offices, not including municipal or governmental offices or client-based social service providers.

3. Client-based Social Service Provider

A type of general office consisting of a facility that provides on-site assistance to persons with limited ability for self-care. This term includes a facility that provides assistance for psychological, psychiatric, and/or medical problems, employment, welfare and other similar forms of assistance.

4. Professional Office

A building or portion of a building where a member of a recognized profession sells services to the general public. Professional offices include doctor, lawyer, engineer, accountant offices and other similar offices.

5. Municipal or Governmental Office

A building or portion of a building occupied by a governmental entity which shall include offices for the Borough, the County, the State and/or for the Federal government, excluding client-based social service providers.

Open Space

That portion of a lot area that is natural or landscaped and free of any structures and impervious surfaces: it is expressed as a percentage of the lot.

One Hundred Year Flood

A flood that has one chance in 100 years or a one percent chance of being equaled or exceeded in any year. For the purpose of this Article, the 100 year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in Flood Insurance Study, Borough of Pottstown, Montgomery County, Pennsylvania; also, the "regulatory flood." And other areas where storm runoff calculations indicate the presence of a 100 year flood.

Outdoor Auction/Flea Market

A lot where merchandise and goods are auctioned to the public outdoors or goods are sold to the public outdoors simultaneously by more than one individual or corporation.

Overlay

A district which encompasses a number of smaller districts and adds specific conditions and regulations to those smaller districts. The Conservation District adds conditions and regulations to the following districts:

- Neighborhood Residential
- Traditional Town
- Downtown

The Gateway District adds conditions and regulations to the following districts:

- Neighborhood Business
- Downtown Gateway
- Gateway East and Gateway West
- Park

Owner

Any individual, firm, association, syndicate, copartnership, or corporation having sufficient proprietary interest in the land sought to be subdivided or developed under this Article.

Park

Land owned by the Borough of Pottstown or another unit of government, or a non-profit organization, which is used or intended for active or passive recreation. Unless owned by the Borough or the Pottstown School District, this definition shall not be construed to include concert halls or outdoor concert areas, race tracks of any kind, stadiums or similar facilities which may attract large crowds.

Parking garage

A building used for the storage of motor vehicles

Parking Lot

An open space other than a public or private street used for the parking of automobiles.

Parking Space

An off-street space available for the parking of a motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Person

An individual, co-partner, or corporation or having the legal standing of any.

Planning Commission

The Pottstown Planning Commission unless specified otherwise.

Plat

The map or plan of a subdivision or land development, whether preliminary or final.

Pre-School and Day Care Facilities

A Commonwealth-licensed institution for the care of children of pre-kindergarten age.

Profession

A calling requiring specialized knowledge and long and intensive academic preparation. Profession or professional shall include doctors, dentists, lawyers; engineers, architects, and the like, but shall not include real estate brokers, insurance agents, securities dealers, beauticians, and the like.

Public

A municipality or a municipal authority, unless clearly the context dictates otherwise.

Public Grounds

Includes:

1. Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
2. Sites for schools, sewage disposal, and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.

Public Hearing

A formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Article.

Public Meeting

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388 No. 84), known as the "Sunshine Act."

Public Notice

Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall be not fewer than seven days from the date of the hearing, unless specified otherwise elsewhere in this Article, except that in the case of amendments to the Airport Districts notice shall not be fewer than 14 days from the date of said hearing.

Public Street

See Street, Definitions page 19.

Rear Lot Line

Any lot line that is not a front or side lot line and that, if extended in either direction, would not cross the lot.

Reconstruction

Any or all work need to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

Recreational Vehicle

A motor vehicle, or an enclosure designed to be attached to a motor vehicle for transportation over public roads, used or designed to be used for sleeping, or for cooking or other housekeeping activities, when such motor vehicle or enclosure exceeds 18 feet in length and five feet in height.

Rehabilitation

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Renewable Energy Source

Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Rental Storage

A structure containing separate storage spaces of varying sizes leased on an individual basis.

Repairs

Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

Report

Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Research and Development Laboratory

An establishment engaged in investigation in the natural, physical, or social sciences, but which may include engineering and product development.

Residence

A place for residential occupancy.

Residential Occupancy

Those activities conducted in living quarters in an urban setting and excludes such activities as the keeping of livestock or fowl, activities resulting in noise that constitutes a nuisance in a residential area, and activities that involve the storage of motor vehicle parts, machinery or parts, junk, or scrap metals.

Restaurant

A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments known commonly as bars, taverns, grills, cafes, and night clubs.

Restaurant Fast Food

A building or part of a building used to furnish food and beverages to the public where customers place their orders at an inside service counter and where food is served for consumption either at eating areas within the building or taken out for consumption away from the premises

Restaurant Fast Food with Drive-Through Service

A fast food restaurant which is designed for the serving and pick-up of food and beverages without leaving a motor vehicle, for off-premises consumption.

Restaurant Non-alcoholic

A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, but does not serve any alcoholic beverages.

Restoration

Any or all work connected with the returning to or restoring a building or part of any building to its original condition through the use of original or nearly original materials.

Right-of-Way

Land set aside for public use or ownership as a street, crosswalk, drainage way, utility course, or other similar facility.

Scale

The size, or apparent size, of a building in relationship to the size of a human being.

*Left, small scale two-story building.
Right, large scale two-story building.*



School

A public or private educational facility having grades K through 12 (or any consecutive combination thereof), and meeting Commonwealth requirements, or providing undergraduate, graduate, or post-graduate education, including community colleges, and being accredited. See separate definition for trade schools.

Screening

Materials used to form a visual or partially-acoustical barrier.

Setback

The required distance between every structure and any lot line on the lot on which it is located.

Side Lot Line

Any lot line that meets the end of a front lot line or other lot line within 30 degrees of being parallel to such a line, except a front lot line.

Side Yard

The distance between the side lot line and the side building line, extending from the established front setback to the established rear yard.

Sight Distance

The length of street, measured along the centerline, that is visible continuously from a point six inches above the pavement and along the centerline of the street.

Sign

See Sign Definitions, pages A59 through A67.

Site Plan

A plan accompanying, and being made part of, an application for a zoning permit, variance, or special exception.

Social Club

A place where gathers a communion of people joined by religion, ethnicity, politics, employment, activity, or other interest, formed for the preservation and advancement of a lawful interest, and enjoying tax-exempt status granted by the Internal Revenue Service A social club may contain eating and drinking facilities.

Solid Waste Facility

A site and complex of buildings and structures designed to accommodate the temporary storage, transfer, processing, reduction, recycling and/or conversion to energy of trash, garbage and other solid wastes; however, this definition shall not apply to individual solid waste structures of less than 2,000 cubic feet (outside measurement).

Solid Waste Mechanical Processing Unit

A solid waste storage unit that uses mechanical means to compact, reduce, or otherwise process solid waste.

Solid Waste Storage Unit

A structure of less than 2,000 cubic feet (outside measurement) designed to accommodate the temporary storage of solid waste Any such structure located within a building or other completely-enclosed structure shall not be included in this definition or governed by regulations applying thereto. Individual waste containers, alone or in combination, comprising less than 165 gallons of capacity shall be considered accessory uses and shall not be included in this definition.

Special Exception

A use permitted in a particular zoning district pursuant to the provisions of the Pottstown Zoning Ordinance.

Storage shed

An accessory building with four sides and a roof, not exceeding 100 square feet or eight feet in height, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

Street

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, use or intended to be used by vehicular traffic or pedestrians. Streets are further classified by function in Section A5 of the Pottstown Subdivision and Land Development Ordinance. A "half street" is a street of less than required right-of-way width.

Street Line

A line determining the limit of pedestrian or vehicular rights, either existing or contemplated, of the public.

Structure

Any constructed, erected, or placed material or combination of materials in or upon the ground or water, including, but not by way of limitation, buildings, mobilehomes, radio towers, sheds, signs, storage bins, tents, and pools. (See Airport Zoning for special definition as regards to living plants.)

Subdivision

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, 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 any residential dwelling, shall be exempted.

Subdivision Ordinance

The Pottstown Subdivision and Land Development Ordinance.

Substantially Completed

In the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this or any other land-use ordinance of the Borough) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Swimming Pool

Any permanent pool not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point of one and a half feet.

Trade School

Vocational school, karate schools, music schools or studios (including, but not limited to, schools or studios providing voice and/or instrument instruction), dance schools or studios, art schools or studios, and other similar institutions.

Toilet Facility

Operating water closet, sink, and shower or bathtub.

Utility Company

An entity organized for the transmission and exchange of telephone, television, radio telephone, gas, power, sewage, water, and for similar activities, and governed by the Pennsylvania Public Utility Commission.

Utility Company Operational Facility

A utility company building or structure and its equipment used for the transmission and exchange of telephone, television, radio telephone, gas, power, sewage, and water facilities, provided, however, these shall not include offices, business facilities, storage of materials or equipment, trucks, repair facilities, or the housing of employees or any other person.

Variance

Relief granted pursuant to the Pottstown Zoning Ordinance [Article A9].

Veterinary Office and Kennel

An establishment providing medical care, treatment, grooming, or boarding services for animals.

Warehouse

A building used primarily for the storage of goods and materials, not involving ordinary on-site storage connected with retail activities.

Yard

The area between any lot line and the setback required therefrom.

Zoning Officer

The Zoning Administrator of the Borough of Pottstown; the person authorized pursuant the Pennsylvania Municipalities Code to enforce this Article.

Zoning Permit

A certificate issued by the Zoning Administrator stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Article for the zone in which the use is located or is to be located. When the word permit occurs alone, it shall be taken to mean a zoning permit unless context dictates clearly otherwise.