

ARTICLE 1322 - Definitions

1322.01 DEFINITIONS.

(a) For the purpose of this Zoning Ordinance, certain terms used herein shall be interpreted as follows: (Ord. 7903. Passed 11-12-2009.)

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. (Ord. 7903. Passed 11-12-2009.)

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. (Ord. 7903. Passed 11-12-2009.)

The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". (Ord. 7903. Passed 11-12-2009.)

The word "lot" includes plot or parcel. (Ord. 7903. Passed 11-12-2009.)

ACCESSORY BUILDING A building which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to, private garages, storage sheds and the like. (Ord. 7903. Passed 11-12-2009.)

ACCESSORY USE. A use related to the principal use which is customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure. (Ord. 7903. Passed 11-12-2009.)

ADULT ARCADE - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT BOOKSTORE - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT BUSINESS - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT CABARET - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT ENTERTAINMENT - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT LIVE THEATER - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT MINI-MOTION PICTURE THEATER - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT MOTION PICTURE THEATER - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT MOTEL - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ADULT NEWSRACK - See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

ALLEY. Any public space or thoroughfare less than twenty-one (21) feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property. (Ord. 7903. Passed 11-12-2009.)

ALTERATION. Any change in the support members of a building such as bearing walls, columns, beam or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or a relocation of a structure from one position to another. (Ord. 7903. Passed 11-12-2009.)

ANCILLARY COMMERCIAL. Supporting retail, personal or business services for the convenience of the employees and visitors to a business park, including, but not limited to, a newsstand, travel agency, florist shop, card and gift shop, restaurant or delicatessen, sale of office supplies, and similar facilities. (Ord. 7903. Passed 11-12-2009.)

ANIMAL CLINIC. See CLINIC VETERINARY. (Ord. 7903. Passed 11-12-2009.)

ANIMAL SHELTER. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals. (Ord. 7903. Passed 11-12-2009.)

APA 87-1. The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition. (Ord. 8267. Passed 05-24-2018.)

APARTMENT HOUSE. A residential building containing five or more independent dwelling units for occupancy by five or more families. (Ord. 7903. Passed 11-12-2009.)

APPLICANT. A land owner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. (Ord. 7903. Passed 11-12-2009.)

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, for the approval of a development plan. (Ord. 7903. Passed 11-12-2009.)

AUTOMOTIVE SALES AND SERVICE AND REPAIR. An establishment engaged in the sales and/or service and repair of automobiles, motorcycles and trucks under 26,000 GVW, but not including heavy equipment or any other vehicle not classified as a motor vehicle under the Pennsylvania Motor Vehicle Code with all service repair and/or maintenance of said vehicles to be conducted within a completely enclosed building. (Ord. 7903. Passed 11-12-2009.)

AWNING. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

AWNING SIGN. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

BACKLIT AWNING. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

BANNER SIGN. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

BAKERY. A retail store which sells baked goods to businesses and the general public which may include onsite production of said baked goods. (Ord. 7903. Passed 11-12-2009.)

BANK. A financial institution including but not limited to a savings and loan association, credit union or a named bank which is duly authorized to receive and safeguard money and other valuables; and money at interest; execute bills of exchange such as checks and drafts; purchase and exchange foreign currency; and issue notes of circulation. (Ord. 7903. Passed 11-12-2009.)

BAR/TAVERN. An establishment that allows the dispensing of malt brewed beverages or alcoholic beverages on the property or on the premises and requires a license by the Pennsylvania Liquor Control Board. (Ord. 7903. Passed 11-12-2009.)

BASEMENT. A story of a building having fifty (50) percent or more of its wall area below the grade of the surrounding ground. (Ord. 7903. Passed 11-12-2009.)

BED AND BREAKFAST. The use of a single family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons other than the overnight guests, unless requirements for a restaurant are also met. (Ord. 7903. Passed 11-12-2009.)

BILLBOARD. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

BOARD. The Zoning Hearing Board of the City of New Castle. (Ord. 7903. Passed 11-12-2009.)

BOARDING HOUSE - See ROOMING/BOARDING HOUSE. (Ord. 7903. Passed 11-12-2009.)

BOTTLE CLUB. An establishment where no alcoholic beverages are sold, but where members, guests, or customers provide their own alcoholic beverages, paying a fee or other consideration for admission or membership. (Ord. 7903. Passed 11-12-2009.)

BUFFER AREA (SCREENING AND LANDSCAPING). A landscaped area which shall be planted and maintained consisting of trees, grass, ground cover, shrubs, bushes and the like of mixed types and sizes of plant material that will provide a year-round visual screen at least six (6) feet in height, and five (5) feet in depth from the property line. Along all property lines where development in the C-1 or C-2 District containing any use other than single family dwellings, adjoins property in the R-1 or R-2 District, no structures or uses including, but not limited to, buildings, accessory structures, parking spaces, access driveways and lighting devices may be located closer than twenty (20) feet to any side or rear lot line. (Ord. 7903. Passed 11-12-2009.)

BUILDING. A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers. (Ord. 7903. Passed 11-12-2009.)

BUILDING CODE OFFICIAL. Permit Officer. (Ord. 7903. Passed 11-12-2009.)

BUILDING ELEVATION. The entire side of a building from ground level to the roof line as viewed perpendicular to the walls on that side of the building. (Ord. 7903. Passed 11-12-2009.)

BUILDING HEIGHT. The vertical distance from the average elevation at grade level to the highest point of the roof. (Ord. 7903. Passed 11-12-2009.)

BUILDING LINE (Set Back Line). The line within the property defining the required minimum distance between any structure and the adjacent street right-of-way. (Ord. 7903. Passed 11-12-2009.)

BUILDING MAIN. A building in which the principal use of the site is conducted. (Ord. 7903. Passed 11-12-2009.)

BUILDING PERMIT. A permit issued by the Permit Officer upon application that authorizes the applicant to undertake the proposed alteration, construction, reconstruction, addition, enlargement, removal, or relocation of any structure. (Ord. 7903. Passed 11-12-2009.)

BUILDING PRINCIPAL. The structure or structures in which the principal use or uses are conducted. (Ord. 7903. Passed 11-12-2009.)

BUILDING TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction utilities or other community facilities or used temporarily in conjunction with the sale of property or goods. (Ord. 7903. Passed 11-12-2009.)

BUSINESS DISTRICT. See Section 1329.02(b). (Ord. 7903. Passed 11-12-2009.)

CAR WASH. Any facility including self service facilities, whether automatic, semi-automatic or manual, for washing and polishing vehicles. (Ord. 7903. Passed 11-12-2009.)

CARTWAY OR ROADWAY. The portion of a street or alley improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. (Ord. 7903. Passed 11-12-2009.)

CEMETERY. Property used for the interring of deceased persons or domestic pets, including mausoleums and columbariums but not including crematoriums or family plots. (Ord. 7903. Passed 11-12-2009.)

CHANGE IN USE OR OCCUPANCY. Any change from one use to another or from one owner to another of any building, structure or use of land. (Ord. 7903. Passed 11-12-2009.)

CHURCH. A building, other than a dwelling, used primarily as a place of worship for a recognized religious denomination which may also include accessory use rooms for religious education, social and recreational activities and administrative offices. (Ord. 7903. Passed 11-12-2009.)

CITY. The City of New Castle, Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

CLINIC. See HEALTH CARE CLINIC. (Ord. 7903. Passed 11-12-2009.)

CLINIC VETERINARY. An establishment where animals are examined and treated by veterinarians. (Ord. 7903. Passed 11-12-2009.)

COLLECTOR ROAD. A public street which in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL AMUSEMENT/RECREATION. An enterprise operated for profit by a private entity for the pursuit of sports, recreation and entertainment activities. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sale of convenience goods and services. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings and other retail sales and services, in full depth and variety. (Ord. 7903. Passed 11-12-2009.)

COMMERCIAL, RETAIL SALES AND SERVICES. Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods. (Ord. 7903. Passed 11-12-2009.)

COMMONWEALTH. The Commonwealth of Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

COMMUNICATIONS ANTENNA. Any structure designed for transmitting or receiving wireless communications or video, voice, data or similar transmission and including, but not limited to, omni directional or whip antennas, directional or panel antennas, and satellite or microwave dish antennas which may be mounted to an existing building, an existing public utility storage or transmission structure or an existing communications tower, but not including transmission and receiving devices licensed by the Federal Communications Commission exclusively for private use by citizens or any satellite dish antennas for private use by citizens which is less than 24 inches in diameter. (Ord. 7903. Passed 11-12-2009.)

COMMUNICATIONS EQUIPMENT BUILDING. A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of 200 square feet. (Ord. 7903. Passed 11-12-2009.)

COMMUNICATIONS EQUIPMENT CABINET. An unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than 200 square feet. (Ord. 7903. Passed 11-12-2009.)

COMMUNICATIONS TOWER. Any structure whether free standing or attached to a building, designed to support multiple communications antennas, including monopole, self supporting and guide towers and one or more of the following mounts for antennas: rotatable platform, fixed platform, multi point or side arm mounts and pipe mounts for microwave dish antennas. (Ord. 7903. Passed 11-12-2009.)

COMMUNITY CENTER. Structure where community activities are conducted for non-profit functions. (Ord. 7903. Passed 11-12-2009.)

COMPREHENSIVE PLAN. The declaration of purposes, policies and programs for the development of the City of New Castle. (Ord. 7903. Passed 11-12-2009.)

CONDITIONAL USE. An authorized use which may be granted only by the City Council of the City of New Castle pursuant to express standards and criteria prescribed in this ordinance, after review and recommendation by the City Planning Commission subsequent to a public hearing. (Ord. 7903. Passed 11-12-2009.)

CONFECTIONERY. A retail store which sells candy, nuts, popcorn and similar sweets to businesses and the general public which may include onsite production of said goods. (Ord. 7903. Passed 11-12-2009.)

CONDOMINIUM. Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property. (Ord. 7903. Passed 11-12-2009.)

CONSUMER FIREWORKS. Any combustible or explosive composition or any substance or combination of substances intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1, or any successor standard. The term does not include devices such as “ground and hand-held sparkling devices,” “fireworks novelties” or “toy caps” as defined in APA 87-1 or any successor standard. (Ord. 8267. Passed 05-24-2018.)

CONTRACTOR’S YARD. An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoor or outdoor, of materials, equipment and vehicles used in said business. (Ord. 7903. Passed 11-12-2009.)

CONVENIENCE FOOD STORE. A retail business selling packaged foods and bottled beverages and other novelties which may or may not be prepared on the premises such as sandwiches and other fast foods. (Ord. 7903. Passed 11-12-2009.)

CONVERSION APARTMENT. A single family dwelling which has been modified internally without substantial modifications to the exterior of the building to accommodate two or more families in separate dwelling units, each of which has independent cooking and sanitary facilities. (Ord. 7903. Passed 11-12-2009.)

CORPORATE/BUSINESS OFFICE. See OFFICE. (Ord. 7903. Passed 11-12-2009.)

COUNCIL. The Council of the City of New Castle, Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

COURTYARD. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a barrier of a building. (Ord. 7903. Passed 11-12-2009.)

COVERAGE. The percentage of the lot area covered by the principal and accessory use structures. (Ord. 7903. Passed 11-12-2009.)

CREMATORY. An establishment engaging in the preparation of dead humans and/or animals by cremation. (Ord. 7903. Passed 11-12-2009.)

CULTURAL SERVICES. An organization or institution providing instruction or development of the fine arts. (Ord. 7903. Passed 11-12-2009.)

DAY CARE CENTER. A facility licensed by the Commonwealth of Pennsylvania located within a building which is not used as a dwelling unit for the care and/or instruction, whether or not for compensation, of five or more persons at any one time, for less than 24 hours or a full day. Child nurseries, pre-schools and adult care facilities are included in this definition. (Ord. 7903. Passed 11-12-2009.)

DAY CARE HOME. A facility licensed by the Commonwealth of Pennsylvania, located within a dwelling, for the care on a regular basis during part of a 24 hour day of not more than six children under the age of 16, excluding the care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed. (Ord. 7903. Passed 11-12-2009.)

DECISION. Final adjudication of any Board or other body granted jurisdiction under any land use ordinance or the Act to do so, either by reason of the grant or exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the City lies. (Ord. 7903. Passed 11-12-2009.)

DENSITY. The number of dwelling units on a lot, or group of lots, divided by the area and acres of the lot, or group of lots, computed exclusive of any portion of the right-of-way of any public road. (Ord. 7903. Passed 11-12-2009.)

DENTAL LAB. Establishment primarily in making to order of dentures, artificial teeth and orthodontics appliances for the dental profession. (Ord. 7903. Passed 11-12-2009.)

DEVELOPER. Any land owner, agent of such land owner, or tenant with the permission of such land owner, who makes or causes to be made a subdivision of land or a land development. (Ord. 7903. Passed 11-12-2009.)

DISPLAY FIREWORKS. Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to: (1) salutes that contain more than two grains or 130 milligrams of explosive materials; (2) aerial shells containing more than 60 grams of pyrotechnic explosive materials; and (3) other display pieces that exceed the limits of explosive materials for the classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table) (Ord. 8267. Passed 05-24-2018.)

DOMESTIC PETS. See ARTICLE 1145 - Domestic Animals. See ARTICLE 717 - Dogs. (Ord. 7903. Passed 11-12-2009.)

DRIVE THROUGH BUSINESS. A building opening including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service. (Ord. 7903. Passed 11-12-2009.)

DWELLING. Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy. (Ord. 7903. Passed 11-12-2009.)

DWELLING DETACHED. A dwelling which is surrounded on all sides by open space and which is not attached to any other dwelling by a common vertical wall or any other means. (Ord. 7903. Passed 11-12-2009.)

DWELLING, FOUR-FAMILY. A residential building containing four independent dwelling units for occupancy by not more than four families only. (Ord. 7903. Passed 11-12-2009.)

DWELLING, MULTIPLE FAMILY. See APARTMENT HOUSES. (Ord. 7903. Passed 11-12-2009.)

DWELLING, SINGLE FAMILY. A residential building containing one dwelling unit designed for and occupied by one family only. (Ord. 7903. Passed 11-12-2009.)

DWELLING, THREE-FAMILY. A residential building containing three independent dwelling units for occupancy by not more than three families only. (Ord. 7903. Passed 11-12-2009.)

DWELLING, TWO FAMILY. A residential building containing two independent dwelling units for occupancy by not more than two families only. (Ord. 7903. Passed 11-12-2009.)

DWELLING UNIT. One or more rooms which are used as living quarters for one family and having permanent facilities for cooking, sleeping, eating and sanitary facilities. (Ord. 7903. Passed 11-12-2009.)

DWELLINGS FOR GROUPS - See ARTICLE 1335 - Group Homes. (Ord. 7903. Passed 11-12-2009.)

EASEMENT. A grant of limited use of private land for a public or quasi-public purpose. (Ord. 7903. Passed 11-12-2009.)

EMERGENCY CARE CENTER. See HEALTH CARE CLINIC. (Ord. 7903. Passed 11-12-2009.)

EMERGENCY SERVICES. Facilities owned and operated by a public or non-profit agency which provides services related to the protection of public safety and welfare, including emergency medical services, emergency management services, fire protection, police protection and similar facilities. (Ord. 7903. Passed 11-12-2009.)

EMERGENCY SERVICES STATION. A building for the housing of fire, emergency medical or police equipment and departments and for related activities. The same includes housing for emergency personnel while on call or on duty. (Ord. 7903. Passed 11-12-2009.)

EMPLOYEE/EMPLOYEES. The highest number of workers including both part-time and full-time, both compensated and volunteer who are present on a lot at any one time. (Ord. 7903. Passed 11-12-2009.)

ENGINEER. A registered professional engineer in Pennsylvania designated by the City of New Castle. (Ord. 7903. Passed 11-12-2009.)

EROSION. The removal of surface materials by the action of natural elements. (Ord. 7903. Passed 11-12-2009.)

EXCAVATION. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom. (Ord. 7903. Passed 11-12-2009.)

FAMILY. One or more persons related by blood, marriage or adoption or a group of not more than four (4) unrelated persons living together in a dwelling unit and maintaining a common household. (Ord. 7903. Passed 11-12-2009.)

FINE ARTS. An art form developed primarily for aesthetics and/or concepts rather than utility, often expressed in the production of art objects using visual and performing art forms including painting, sculpture, music, dance, photography. (Ord. 7903. Passed 11-12-2009.)

FIRE DEPARTMENT. An establishment owned and maintained by the public agency being the City of New Castle for a private or non-profit organization which is engaged in firefighting and other related fire protection services and emergency services. (Ord. 7903. Passed 11-12-2009.)

FLOOR AREA GROSS. The sum of the gross horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts, decks and porches. (Ord. 7903. Passed 11-12-2009.)

FLOOR AREA, HABITABLE. The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom and family room but not including hallways, stairways, cellars, attics, service rooms, utility rooms, bathrooms, closets or unheated areas such as enclosed porches. (Ord. 7903. Passed 11-12-2009.)

FLOOR AREA, NET. The floor area exclusive of vents, shafts, courts, elevators, stairways, halls, equipment rooms, restrooms, file rooms, and other areas of similar facilities and areas of the building not accessible to the general public measured from the centerline of joint partitions and the exterior faces of the wall. (Ord. 7903. Passed 11-12-2009.)

FORESTRY. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involved any land development. (Ord. 7903. Passed 11-12-2009.)

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line. (Ord. 7903. Passed 11-12-2009.)

FUNERAL HOME/MORTUARY. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment. (Ord. 7903. Passed 11-12-2009.)

GARAGE, PRIVATE. An accessory or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupants of the principal structure. (Ord. 7903. Passed 11-12-2009.)

GARAGE, PUBLIC. Any garage other than a private garage available to the general public which is used for storage, parking or rental of motor vehicles, but which is not used for the repair or maintenance of motor vehicles. (Ord. 7903. Passed 11-12-2009.)

GARAGE REPAIR AND SERVICE. A building or a part thereof used for the servicing and repairing of motor vehicles, including engine overhaul, body work, recapping and retreading of tires. All storage of parts and dismantled vehicles and all repair work must be conducted entirely inside the enclosed building. (Ord. 7903. Passed 11-12-2009.)

GASOLINE SERVICE STATION. A retail place of business, engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorists needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental customer service and products; and performing of automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store. (Ord. 7903. Passed 11-12-2009.)

GOLF COURSE. A recreational facility which has a course for playing golf as its principle use which may have a club house, locker room, restaurant, swimming pool, pro shop, private facility, facilities for racquet sports maintenance facilities and similar facilities as accessory uses. (Ord. 7903. Passed 11-12-2009.)

GROUP HOME - See ARTICLE 1335 - Group Homes. (Ord. 7903. Passed 11-12-2009.)

HABITABLE. A structure used for living purposes which includes sleeping, eating, cooking. (Ord. 7903. Passed 11-12-2009.)

HALFWAY HOUSE. A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. (Ord. 7903. Passed 11-12-2009.)

HEALTH CARE CLINIC (CLINIC). A building that provides diagnosis, treatment and care of human illness for outpatient care only, including offices and training facilities not physically connected to a hospital. (Ord. 7903. Passed 11-12-2009.)

HEAVY MANUFACTURING. Any manufacturing process that is not included in the definition of light manufacturing. (Ord. 7903. Passed 11-12-2009.)

HOME OCCUPATION. A service character conducted entirely within a dwelling or an accessory building to a dwelling by the residents thereof which is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character thereof as regulated by Subsection 1329.06(c). (Ord. 7903. Passed 11-12-2009.)

HOMELESS SHELTER. A facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, vocational training, etc. (Ord. 7903. Passed 11-12-2009.)

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for in-patients and including related facilities such as laboratories, outpatient departments, training facilities and staff offices. (Ord. 7903. Passed 11-12-2009.)

HOTEL/MOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house. Related ancillary uses may include but not limited to conference and meeting rooms, restaurants, bars, recreation facilities. (Ord. 7903. Passed 11-12-2009.)

HOUSEHOLD PETS. See ARTICLE 1145 - Domestic Animals and ARTICLE 717 - Dogs of the Codified Ordinances of the City of New Castle, PA.. (Ord. 7903. Passed 11-12-2009.)

INDOOR AMUSEMENT. An enterprise operated for profit by other than a public entity which is conducted wholly or partly inside an enclosed structure for the purpose of sports, recreation and amusement activities, including but not limited to such establishments as theaters, arenas, indoor stadiums, indoor race tracks, indoor swimming pools, ballfields of any type, parks, tennis courts and miniature golf courses and the like. (Ord. 7903. Passed 11-12-2009.)

INDUSTRIAL DISTRICT - See Section 1329.02(c). (Ord. 7903. Passed 11-12-2009.)

INDUSTRIAL OR RESEARCH PARK. Active land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood. (Ord. 7903. Passed 11-12-2009.)

JUNK VEHICLE. A vehicle which is inoperative or unable to meet the vehicle registration and inspection standards under the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which would qualify as an antique or classic vehicle. (Ord. 7903. Passed 11-12-2009.)

JUNK YARD. Land or structure located inside or outside used for the collection, storage, processing and/or sale of scrap metal, scrap, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, containers and other discarded materials. Under this ordinance, two or more scrap, abandoned or junked motor vehicles shall constitute a junk yard. (Ord. 7903. Passed 11-12-2009.)

KENNEL. An establishment where more than three (3) small animals who are more than six months old are bred, trained and/or boarded for commercial purposes. See also ARTICLE 1145 - Domestic Animals. (Ord. 7903. Passed 11-12-2009.)

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food. (Ord. 7903. Passed 11-12-2009.)

LAND OWNER. 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/she is authorized under the lease to exercise the rights of the land owner, or other persons having a proprietary interest in land. (Ord. 7903. Passed 11-12-2009.)

LANDFILL. Any site licensed by the Pennsylvania Department of Environmental Protection for the disposal of solid waste, other than hazardous waste as defined and regulated by Federal statute. (Ord. 7903. Passed 11-12-2009.)

LIBRARY. Public or non-profit establishments engaged in the provision and circulation of books and other printed and electronically produced materials for reading, study research and reference to the general public. (Ord. 7903. Passed 11-12-2009.)

LIGHT MANUFACTURING. See MANUFACTURING, LIGHT. (Ord. 7903. Passed 11-12-2009.)

LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 7903. Passed 11-12-2009.)

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. (Ord. 7903. Passed 11-12-2009.)

LOT AREA. That area measured on a horizontal plane bounded by the front, rear and side lot lines exclusive of any area within a street right-of-way. (Ord. 7903. Passed 11-12-2009.)

LOT DEPTH. The distance between the front and rear lot line. (Ord. 7903. Passed 11-12-2009.)

LOT LINE FRONT. That line which bounds the lot contiguous with the street right-of-way line. (Ord. 7903. Passed 11-12-2009.)

LOT LINE REAR. That line which is generally opposite to the front lot line, lot line side or any lot line which is not a front lot line or a rear lot line. (Ord. 7903. Passed 11-12-2009.)

LOT LINE SIDE. The lot line which is not a front lot line or a rear lot line. (Ord. 7903. Passed 11-12-2009.)

LOT - CORNER. A lot abutting upon two or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designated as the "front" of the lot. (Ord. 7903. Passed 11-12-2009.)

LOT OF RECORD. A lot described in a deed or shown on a plan of lots which has been recorded in the Office of the Recorder of Deeds of Lawrence County, Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

LOT WIDTH. The distance between straight lines connecting the front and rear lot lines at each side of the lot. (Ord. 7903. Passed 11-12-2009.)

MANUFACTURING HEAVY. See HEAVY MANUFACTURING. (Ord. 7903. Passed 11-12-2009.)

MANUFACTURING LIGHT. The assembly, fabrication, manufacturing, processing, production, storage and/or wholesale distribution of goods or products where no process involved will produce noise, vibration, air pollution, fire hazard or other emissions noxious or dangerous to neighboring properties within 400 feet including: advertising signs and displays; artificial limbs, braces and orthopedic devices; awnings, tents and tarpaulins; bakery, dairy and food products, but no animal slaughtering, curing nor rendering of fats; books, magazines, newspapers and printed material; cabinets, custom millwork and wood workings; ceramics and non-structural tile and cement products; clothing and wearing apparel; customer sheet metal work, dies and gauges, draperies, upholstery and slip covers; electrical instruments and electronic devices; home appliances, radio and television; jewelry; light weight non-ferrous metal castings; lithographic plates and photo engravings; machine tools; meters; musical instruments; non-alcoholic beverages; office machines; optical goods and instruments; patterns; pharmaceutical products and medicines; but not the formulation of basic plastic moldings or extrusions; precision instruments; sporting goods; time pieces, toys; type composition; Venetian blinds. Also, the cleaning, maintenance, repair and/or service of all products permitted above, batteries, bicycles, boilers, guns, locks and rugs. Also, animal care exterminators, freezer lockers and cold storage, laboratories, laundries, light machine shops, machinery rental, moving and storage, packing and crating service, research laboratories with pilot plants, taxidermists and commercial welding are included in this definition. (Ord. 7903. Passed 11-12-2009.)

MESSAGE PARLOR. See ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

MINERAL REMOVAL. Any extraction of any mineral for sale or other commercial purposes which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthrocyte, bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. Mining activities carried out beneath the mine openings are not included in this definition. (Ord. 7903. Passed 11-12-2009.)

MIXED USE. Property used for a variety of uses in the permitted district at any one time, in the Commercial District in order to allow residential uses in buildings whose main function is commercial including retail sales and service, offices, processing, residential, and related uses. (Ord. 7903. Passed 11-12-2009.)

MOBILE HOME. See ARTICLE 1333 - Mobile Home Court and Development Guidelines. (Ord. 7903. Passed 11-12-2009.)

MONUMENT. A concrete, stone or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey. (Ord. 7903. Passed 11-12-2009.)

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment. (Ord. 7903. Passed 11-12-2009.)

MUNICIPAL AUTHORITY. A body politic and corporate created pursuant to the Act of May 2, 1945 (P. L. 382, No. 164) known as the Municipalities Authority Act of 1945. (Ord. 7903. Passed 11-12-2009.)

MUNICIPAL BUILDINGS. Any buildings owned and operated and maintained by the City of New Castle. (Ord. 7903. Passed 11-12-2009.)

MUNICIPALITY. The City of New Castle, Lawrence County, Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

MUNICIPALITIES PLANNING CODE. Act of the General Assembly of the Commonwealth of Pennsylvania, Act of 1968, P.L. 805, No. 247, As reenacted and amended. (Ord. 7903. Passed 11-12-2009.)

MUSIC AND ART STUDIOS. Establishments engaged in the display and sale of music and art products and supplies and which may include training of individuals or groups of students. (Ord. 7903. Passed 11-12-2009.)

NO IMPACT HOME-BASED BUSINESS. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements: (Ord. 7903. Passed 11-12-2009.)

- a) The business activity shall be compatible with the residential use of the property and surrounding residential uses. (Ord. 7903. Passed 11-12-2009.)
- b) The business shall employ no employees other than family members. (Ord. 7903. Passed 11-12-2009.)
- c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. (Ord. 7903. Passed 11-12-2009.)
- d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights. (Ord. 7903. Passed 11-12-2009.)
- e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood. (Ord. 7903. Passed 11-12-2009.)
- f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood. (Ord. 7903. Passed 11-12-2009.)
- g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area. (Ord. 7903. Passed 11-12-2009.)
- h) The business may not involve any illegal activity. (Ord. 7903. Passed 11-12-2009.)

NON-CONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. (Ord. 7903. Passed 11-12-2009.)

NON-CONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this ordinance or amendment heretofore or hereafter enacted, which such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its location by reason of annexation. Such non-conforming structures include but are not limited to non-conforming signs. (See Article 1332 - Signs.) (Ord. 7903. Passed 11-12-2009.)

NON-CONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, which such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its use by reason of annexation. (Ord. 7903. Passed 11-12-2009.)

NURSING HOME/CONVALESCENT HOME. An institution licensed by the Commonwealth for the long term care of patients requiring skilled nursing or intermediate nursing care but not including facilities for major surgery or care and treatment of narcotics addiction. (Ord. 7903. Passed 11-12-2009.)

OFF STREET PARKING LOT, PRIVATE. A site or a portion of a site devoted to the off-street parking of vehicles including parking spaces, aisles, access drives and landscaped areas and providing vehicular access to a public street. (Ord. 7903. Passed 11-12-2009.)

OFFICES. A room or group of rooms used for conducting the administrative affairs of a business, profession, service, industry or government generally furnished with desks, tables, files and communications equipment. (Ord. 7903. Passed 11-12-2009.)

OFFICIAL MAP. The map established by Council showing the streets, highways and parks heretofore laid out, adopted and established by law and any amendments thereto adopted by Council or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats. (Ord. 7903. Passed 11-12-2009.)

OIL AND GAS DRILLING. The removal of oil and natural gas resources from the ground by means of drilling. (Ord. 7903. Passed 11-12-2009.)

ONE HUNDRED YEAR FLOOD. A flood that, on the average, is likely to occur once every one hundred years. (Ord. 7903. Passed 11-12-2009.)

OUTDOOR AMUSEMENT. An enterprise operated for profit by other than a public entity which is conducted wholly or partly outside or in an enclosed structure for the pursuit of sports, recreation and amusement activities, including but not limited to such establishments as drive-in theaters, arenas, stadia, race tracks, swimming pools, ballfields, parks, tennis courts, miniature golf courses and the like. (Ord. 7903. Passed 11-12-2009.)

OWNER. The legal or beneficial owner or owners of land, including the holder of an option or contracted purchase whether or not such option or contract is subject to any condition, a lessee if he/she is authorized under the lease to exercise the rights of the owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner for the purposes of this ordinance. (Ord. 7903. Passed 11-12-2009.)

PARKING AREA. A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this ordinance. (Ord. 7903. Passed 11-12-2009.)

PARKING LOT. An open lot used for the parking of automobiles. (Ord. 7903. Passed 11-12-2009.)

PARKING SPACE. A portion of a parking area designated for the parking of one motor vehicle in accordance with the requirements of this ordinance. See ARTICLE 1331 - Supplementary Regulations, Section 1331.06 OFF-STREET LOADING AND PARKING, Subsection (b) Off-Street Parking. (Ord. 7903. Passed 11-12-2009.)

PERFORMANCE GUARANTEE. Any security which may be in lieu of a requirement that certain improvements be made before the City Council approves a final subdivision or land development plan, including performance bond, escrow agreements, and other similar collateral or surety agreements. (Ord. 7903. Passed 11-12-2009.)

PERMIT OFFICER. Building Code Official. (Ord. 7903. Passed 11-12-2009.)

PERMITTED USE. An authorized use allowed by right which may be granted by the Zoning Officer upon compliance with the provisions of this ordinance. (Ord. 7903. Passed 11-12-2009.)

PERSON. An individual, partnership, corporation or other legally recognized entity. (Ord. 7903. Passed 11-12-2009.)

PERSONAL CARE HOME - See ARTICLE 1335 - Group Homes. (Ord. 7903. Passed 11-12-2009.)

PERSONAL SERVICES. A business for profit providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including shoe repair, tailoring, clothes cleaning, watch repair, jewelry repair, barbershop, beauty parlor, spa, and tanning salon, and related activities. (Ord. 7903. Passed 11-12-2009.)

PLANNING CODE. The Pennsylvania Municipalities Planning Code Act 247 of 1968, P.L. 805, Not. 247 as reenacted and amended. (Ord. 7903. Passed 11-12-2009.)

PLANNING COMMISSION. The Planning Commission of the City of New Castle, Pennsylvania. (Ord. 7903. Passed 11-12-2009.)

PLAT. A map or plan of a subdivision or land development, whether preliminary or final. (Ord. 7903. Passed 11-12-2009.)

PRINCIPAL BUILDING. The building or buildings on a lot in which the principal use or uses are conducted. (Ord. 7903. Passed 11-12-2009.)

PRINCIPAL STRUCTURE. The structure or structures in which the principal use or uses are conducted. (Ord. 7903. Passed 11-12-2009.)

PRINCIPAL USE. The primary or predominant use of any lot or structure. (Ord. 7903. Passed 11-12-2009.)

PRINTING AND ENGRAVING. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including off-set printing, lithography, and screen printing. (Ord. 7903. Passed 11-12-2009.)

PRIVATE CLUB. Any establishment operated by an organization for social, recreational and educational purposes, but open only to members and their guests and not to the general public. (Ord. 7903. Passed 11-12-2009.)

PROCESSING. The set of methods and techniques used to transform raw ingredients into food for consumption. (Ord. 7903. Passed 11-12-2009.)

PROFESSIONAL OFFICES. The office of a licensed member of a commonly recognized profession including dentistry, medicine, law, architecture, engineering, accounting or similar occupations or vocations requiring training and an advanced degree in a specialized field which is maintained for the conduct of that profession. (Ord. 7903. Passed 11-12-2009.)

PUBLIC. Owned, operated or controlled by a government agency including, but not limited to, federal, state, county and/or local. (Ord. 7903. Passed 11-12-2009.)

PUBLIC GROUNDS. Includes:

- a. Parks, playgrounds, trails, paths, and other recreational areas and other public areas; (Ord. 7903. Passed 11-12-2009.)
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities. (Ord. 7903. Passed 11-12-2009.)
- c. Publicly owned or operated scenic and historic sites. (Ord. 7903. Passed 11-12-2009.)

PUBLIC HEARING. A formal meeting held pursuant to public notice by the City Council or City Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance. (Ord. 7903. Passed 11-12-2009.)

PUBLIC MEETING. A forum held pursuant to notice under 65 Pa. C.S. CH.7 (relative to open meetings). (Ord. 7903. Passed 11-12-2009.)

PUBLIC NOTICE. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the City of New Castle. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. (Ord. 7903. Passed 11-12-2009.)

PUBLIC PARKS AND PLAYGROUNDS. Outdoor recreation facilities available to the general public, owned by the a government agency, for the pursuit of sports, recreation and leisure activities. (Ord. 7903. Passed 11-12-2009.)

PUBLIC AND PRIVATE SCHOOLS.

- a. Elementary: Any school having regular sessions with regularly employed instructors who teach subjects that are fundamental and essential in general education and provide elementary education under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the Commonwealth. (Ord. 7903. Passed 11-12-2009.)

- b. Secondary: The same as elementary school except secondary education is provided pursuant to the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the Commonwealth. (Ord. 7903. Passed 11-12-2009.)
- c. School of Vocation: Any school having regular sessions with regularly employed instructors which as a principal activity provides training in a trade or vocation and teaches those subjects that are fundamental and essential in elementary or secondary education under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the Commonwealth. (Ord. 7903. Passed 11-12-2009.)

PUBLIC UTILITY BUILDINGS/ESSENTIAL SERVICES BUILDINGS. Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of moveable equipment operated by a public utility or any structure, housing, machinery or equipment necessary to the provision of essential services, included but not limited to, sewerage treatment plants, water plants, facilities, substations and similar facilities. (Ord. 7903. Passed 11-12-2009.)

PUBLIC UTILITY/ESSENTIAL SERVICES. The erection, construction, alteration and maintenance by public utilities or municipal or other government agencies of underground or overhead gas, electrical, steam or water distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal governmental agencies or for the public health and safety or general welfare, but not including buildings. (Ord. 7903. Passed 11-12-2009.)

RADIO, TELEVISION, CELLULAR TELEPHONE AND MICROWAVE TOWERS. See also Communications Antenna. Transmission towers and antennas which are licensed by the Federal Communications Commission to radio and television stations and carriers for wireless communications or video voice communication or similar transmissions for the purpose of broadcasting, programming and communication. (Ord. 7903. Passed 11-12-2009.)

RECREATION, COMMERCIAL. Leisure time uses that are primarily operated for commercial purposes and for profit. (Ord. 7903. Passed 11-12-2009.)

RECREATION, PRIVATE. Non-commercial leisure time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance. (Ord. 7903. Passed 11-12-2009.)

REPAIR SERVICE. Shops for the repair of appliances, watches, guns, bicycles and other household items. (Ord. 7903. Passed 11-12-2009.)

RESEARCH LABORATORY. A privately managed laboratory conducting scientific calculations for research and development of products to be used or sold by clients engaging said laboratory. (Ord. 7903. Passed 11-12-2009.)

RESIDENTIAL DISTRICT. See Section 1329.02(a). (Ord. 7903. Passed 11-12-2009.)

RESTAURANT, FAST SERVICE. An establishment where food and beverages are served for consumption either on or off the premises and where the primary method of operation involves the serving of food in edible or disposable containers. (Ord. 7903. Passed 11-12-2009.)

RESTAURANT, FULL SERVICE. An establishment where food and beverages are served to customers at a table or counter by a restaurant employee and where customers are given an individual menu and/or are offered buffet service which includes a complete meal. Full service restaurants may also offer take-out service as a secondary or minor portion of their operations and the method of operation involves the serving of food in or on china or non-disposable dinner ware. (Ord. 7903. Passed 11-12-2009.)

RETAIL BUSINESS. A use devoted exclusively to the retail sale of a commodity or commodities provided that the items are prepared in their finished form prior to being placed on the premise and are sold for profit. (Ord. 7903. Passed 11-12-2009.)

RETAINING WALL. A wall constructed of permanent materials such as concrete, concrete block, masonry, stone, heavy wood timbers or similar materials that have been designed to hold back and stabilize the soil. An engineered retaining wall may not extend above the grade it is retaining. (Ord. 7903. Passed 11-12-2009.)

RIGHT-OF-WAY. Land legally dedicated for public purposes, including, but not limited to, a street, alley, or interior walk. (Ord. 7903. Passed 11-12-2009.)

ROOMING/BOARDING HOUSE. Any dwelling in which one or more persons, either individually or as families, are housed or lodged for compensation with or without meals. (Ord. 7903. Passed 11-12-2009.)

SANITARY LANDFILL OR SOLID WASTE LANDFILL. A type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste and covering the waste with soil and which has a permit to operate as a sanitary landfill from the state and federal government. (Ord. 7903. Passed 11-12-2009.)

SATELLITE DISH 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. (Ord. 7903. Passed 11-12-2009.)

SCRAP YARD. A place where damaged, inoperable, or obsolete machinery such as cars, trucks and trailers, parts are stored, bought, sold, accumulated, exchanged, disassembled, or handled. (Ord. 7903. Passed 11-12-2009.)

SCREENING AND LANDSCAPING - See BUFFER AREA. (Ord. 7903. Passed 11-12-2009.)

SERVICE GARAGE - See GARAGE, REPAIR AND SERVICE. (Ord. 7903. Passed 11-12-2009.)

SEXUAL CONDUCT. See ARTICLE 714 - Public Nudity, and ARTICLE 1336 - Adult Entertainment Establishments. (Ord. 7903. Passed 11-12-2009.)

SIGN. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

SIGN OUTDOOR ADVERTISING - See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

SITE PLAN. A plan that outlines the use and development of any tract of land. (Ord. 7903. Passed 11-12-2009.)

SPECIAL EXCEPTION USE. An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria and in this ordinance after public hearing. (Ord. 7903. Passed 11-12-2009.)

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. (Ord. 7903. Passed 11-12-2009.)

STREET. A public thoroughfare twenty-one feet or more in width which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property. (Ord. 7903. Passed 11-12-2009.)

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (Ord. 7903. Passed 11-12-2009.)

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means in two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (Ord. 7903. Passed 11-12-2009.)

SUPPLY YARD. Land or buildings used for the storage and supply of building materials such as roofing, siding, lumber. (Ord. 7903. Passed 11-12-2009.)

SWIMMING POOL. A body of water in an artificial or a semi-artificial receptacle or other container, whether located in or out of doors, in ground or above ground, used as a recreational facility for swimming, bathing or wading, and having a depth at any point of more than 18 inches or a surface area of 100 square feet or more, including the equipment necessary to maintain the swimming pool and the health condition of the water. (Ord. 7903. Passed 11-12-2009.)

TEMPORARY USE. A use that is authorized by this ordinance and being conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products as a farmer's market, contractor's offices and equipment sheds, fireworks, carnivals, flea markets and garage sales. (Ord. 7903. Passed 11-12-2009.)

TEMPORARY SIGN. See ARTICLE 1332 - Signs. (Ord. 7903. Passed 11-12-2009.)

THEATER. An open or enclosed building where live dramatic, musical performances, events and lectures are presented to the public. (Ord. 7903. Passed 11-12-2009.)

THEATER IN THE ROUND. An outdoor or semi-enclosed theater or arena. (Ord. 7903. Passed 11-12-2009.)

TRUCK TERMINAL. A premises for a carrier of goods which is the origin or destination point of goods being transported for the purpose of storing, transferring, loading, and unloading goods. (Ord. 7903. Passed 11-12-2009.)

TRUCK/TRAILER RENTAL. The rental of trucks and/or trailers by a contractual agreement for the right to rent a truck and/or trailer for a specified period of time for a specified consideration. (Ord. 7903. Passed 11-12-2009.)

USE. Any activity, business or purpose for which any lot or structure is utilized, the purpose for which land or building is arranged, designed or intended or for which either land or building is and may be occupied or maintained. (Ord. 7903. Passed 11-12-2009.)

USE, NOT OTHERWISE COVERED. Use that is not specifically defined herein is a conditional use governed by Section 1329.07. (Ord. 7903. Passed 11-12-2009.)

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution or other entity. (Ord. 7903. Passed 11-12-2009.)

USE, TEMPORARY - See TEMPORARY USE. (Ord. 7903. Passed 11-12-2009.)

VARIANCE. A relief from the strict letter of the Zoning Ordinance, as it applies to specific property, as granted by the Zoning Hearing Board in accordance with the terms of this ordinance and the Pennsylvania Municipalities Planning Code. (Ord. 7903. Passed 11-12-2009.)

VETERINARY/ANIMAL CLINIC. See CLINIC VETERINARY. (Ord. 7903. Passed 11-12-2009.)

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution. (Ord. 7903. Passed 11-12-2009.)

WHOLESALE OUTLET. Consists mostly of manufacturers' outlet stores selling their own brand at a discount. (Ord. 7903. Passed 11-12-2009.)

YARD. An open space, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in the Zoning Ordinance. (Ord. 7903. Passed 11-12-2009.)

YARD, FRONT. An opened, unoccupied space in the same lot with the structure, extending the full width of the lot and situated between the street line and the front line of the structure projected to the side lines of the lot. (Ord. 7903. Passed 11-12-2009.)

YARD, REAR. An opened, unoccupied space in the same lot with the structure between the rear line of the structure and the rear line of the lot and extending the full width of the lot. (Ord. 7903. Passed 11-12-2009.)

YARD, SIDE. An opened, unoccupied space in the same lot with the structure situated between the structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed to be a side lot line. (Ord. 7903. Passed 11-12-2009.)

ZONING HEARING BOARD. The duly appointed members of the Zoning Hearing Board for the City of New Castle, appointed by City Council. (Ord. 7903. Passed 11-12-2009.)

ZONING MAP. The official Zoning Map delineating the zoning districts of the City of New Castle, Lawrence County, Pennsylvania, together with all amendments subsequently adopted thereto. (Ord. 7903. Passed 11-12-2009.)

ZONING OFFICER. The designated official appointed by the Council of the City of New Castle. (Ord. 7903. Passed 11-12-2009.)