

ARTICLE XI
DEFINITIONS

§ 345-42. Clarification of words and terms.

Certain words and terms used in this chapter are defined and shall be used as follows:

- A. Words in the present tense shall include the future tense.
- B. The word "person" shall include a corporation, unincorporated association, partnership, or other legal entity, as well as an individual.
- C. The word "structure" includes building and shall be construed as if followed by the phrase "or part thereof".
- D. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

§ 345-43. Definition of terms.

As used in this chapter, the following terms shall have the meanings indicated:

ACADEMIC SCHOOL - Any school that maintains or conducts classes for the purpose of offering instruction, the purpose of which is to educate an individual generally or specifically or to prepare an individual for more advanced study, and shall include all schools engaged in such education, except trade schools, business schools, correspondence schools, or any other school which is nonacademic in character. These schools may include, but are not limited to: nursery school and kindergarten, elementary and secondary, special education, tutoring and language schools, clinic and reading laboratories.

ACCESSORY USE OR BUILDING - A subordinate use or building customarily incidental to the main use or building and located on the same lot with the main use or building or on an immediately adjacent lot in the same ownership.

ADULT BOOK STORE - An establishment in which over 10 percent of the total floor area is occupied by books, films, periodicals and video tapes which are distinguished by a clear emphasis on displaying uncovered male or female genitals or "specified sexual activities" or by or paraphernalia or novelties related to specified sexual activities and which items are offered for sale, rent or receipt of coins or tokens. If such items are within a room(s) that is restricted to persons age 18 or older, then this definition shall apply to any establishment in which over 10 percent of the floor area is within such restricted room(s).

ADULT MOTION PICTURE THEATER - A use involving the presentation in a room to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for

observation by such persons and that involves some form of monetary compensation paid by the persons viewing such matter.

ADULT USE - This term shall include any of the following uses: adult bookstore, adult motion picture theater, massage parlor or cabaret.

AFTER HOURS CLUB - A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 5 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

ALTERATION - As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing the height; or the moving from one location or position to another.

ANTENNA - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. The term "Antenna" shall not mean those exterior transmitting or receiving devices mounted upon an existing utility structure for purposes of facilitating or otherwise delivering broadband internet service over power lines or power line communications through amperion technology or existing power lines, provided that such devices comply in all respects with § 345-26U.

BACKHAUL NETWORK - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BASEMENT - A story partly underground, but having at least one-half (1/2) of its height above the average curb level of the street abutting the front of the lot, or above the average finished grade level of the ground immediately adjacent to the building.

BED AND BREAKFAST, INN - A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in this chapter, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family.

BLOCK - A tract of land or a lot or group of lots, bounded by streets, public parks, or parkways, railroad rights-of-way, water course or body of water, unsubdivided land, or a boundary line or lines of the Borough or any combination thereof.

BLOCK FRONTAGE - That portion of a block which abuts a single street.

BOARD - The Zoning Hearing Board of the Borough of Macungie, unless otherwise stipulated or

indicated by reference.

BOARDING HOUSE (INCLUDES "ROOMING HOUSE"). A residential use in which: (i) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (ii) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

BOROUGH - The Borough of Macungie, Lehigh County, Pennsylvania,

BOROUGH COUNCIL - The Borough Council of the Borough of Macungie, Lehigh County, Pennsylvania.

BOROUGH PLANNING COMMISSION - The Planning Commission of the Borough of Macungie, Lehigh County, Pennsylvania.

BUILDING - A structure constructed or erected on the ground, with a roof supported by columns or walls. Structures divided by unpierced masonry division walls extending from the ground to the roof shall be deemed to be separate buildings.

BUILDING, AREA OF - The horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two (2) non-overlapping levels, separated by a half story, or less, or height.

BUSINESS CENTER DEVELOPMENT - A tract of land, buildings or structures planned as a whole and intended for one (1) or more establishments for a commercial purpose on a site, whether built at one time as a unit, or in two (2) or more construction stages.

CABARET - A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

CELLAR - A space having more than one-half (1/2) its height below the average curb level of the street abutting the front of the lot, or below the average finished grade level of the ground immediately adjacent to the building. A cellar shall not be used for residential purposes.

CHILD DAY CARE CENTER –

- A. A facility in which care is provided for seven (7) or more children at any one time. The following types of child day care are permitted by right in all districts:
- (1) Care of children by their own “relatives”.
 - (2) Care of children within a place of worship during regularly scheduled religious services.
 - (3) Care of 1 to 3 children within any dwelling unit, in addition to children who are “relatives” of the care giver.
 - (4) After-school care at a primary or secondary school.
 - (5) On-site child care for employees of a business.
- B. The care of 4 to 6 children at one time in a dwelling unit (other than “relatives” of the caregiver) shall be allowed if the use meets the requirements for a “Home Occupation”.

CODE ENFORCEMENT OFFICER - The individual appointed by the Borough Council to be in charge of the office of code enforcement, which includes the duties of the Zoning Officer.

COMPREHENSIVE PLAN - The maps, charts and textual material adopted by the Borough Council and designed as a whole and in its several parts as an overall plan for continuing development of the Borough of Macungie.

CRAFTS OR ARTISAN’S STUDIO - A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

DUMP - A lot or land or part hereof used primarily disposal by abandonment, dumping, burial, burning, incineration, or any other means for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING - A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING UNIT - A single habitable living unit occupied by only one "family" (see definition). Each dwelling unit shall have: (i) its own toilet, bath or shower, sink, sleeping and cooking facilities and (ii) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following:

- A. Two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another.

B. Two separate and distinct sets of kitchen facilities.

DWELLING UNIT, DETACHED - A dwelling unit or mobile home on a permanent foundation, designed and occupied as a residence for one (1) family, which does not have a vertical wall in common with another building.

DWELLING UNIT, SEMIDETACHED - A dwelling unit on permanent foundation designed and occupied as a residence for one (1) family, which has one (1) vertical wall in common with the adjacent dwelling unit. These dwellings are commonly referred to as "twins" or "duplexes".

ELECTRONIC CONTROLLED SIGN – a sign display area that is capable of being programmed for timed alteration of a message display which is controlled electronically, and provided that:

- (1) The message display shall not change more than once every sixty (60) minutes, unless being controlled by a government agency for emergency purposes;
- (2) The message shall change as quickly as possible without:
 - (i) Fading in and/or out;
 - (ii) Scrolling;
 - (iii) Blinking;
 - (iv) Sudden bursts of light or sound; and/or
 - (v) The appearance of graphics or animation;
- (3) The sign shall incorporate an automatic brightness control system that automatically adjusts the display brightness to an appropriate level that shall not exceed a maximum display intensity of 5,000 candela per square meter. If the sign does not contain such a brightness control system, the sign's brightness shall be set at the minimum level possible for the sign, but in any case, shall not exceed a maximum display intensity of 5,000 candela per square meter;
- (4) The sign shall utilize a non-glare face combined with flat-colored borders to minimize the reflection of the sun or vehicle headlights;
- (5) The sign shall include a safety feature that enables the sign to turn off completely in the event the display panel malfunctions;
- (6) The sign shall not display a color that could be mistaken for a traffic signal;
- (7) The company controlling the sign shall join the Pennsylvania Emergency Managers Network and/or be NTCIP compatible for remote interface for a government agency to take control of the sign in an emergency, and shall provide the Borough with current emergency point of contact name, address and phone number;
- (8) All other regulations pertaining to freestanding signs and location of signs shall be strictly adhered to;
- (9) The sign shall be completely powered down when the company controlling the sign is not open for business, or, if the company controlling the sign is open twenty-four (24) hours per day, the sign shall be completely powered down between the hours of 12:00 midnight and 6:00 a.m.; and
- (10) The sign is not an off site advertising sign or billboard.

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

FAA - The Federal Aviation Administration.

FAMILY - One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. A dwelling unit shall be occupied by a maximum of one "family". A family shall also expressly include the number of unrelated persons approved to live within a group home.

FCC - The Federal Communications Commission.

FENCE - A barrier intended to prevent intrusion or escape or to mark a boundary. A fence can both involve man-made structures as well as organized plantings.

FILLING STATION - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps or storage tanks. A filling station may include accessory facilities for rendering services such as lubrication, washing and minor repairs with hand tools.

FLOOD PLAIN - The relatively flat or low land area adjoining a stream or watercourse which is subject to partial or complete inundation. For the purpose of this chapter, it is the one hundred (100) year flood plain as identified in the Flood Insurance Study of Macungie Borough prepared by the Federal Emergency Management Agency, dated November 7, 2001, or most recent version thereof.

GARAGE - A building or part thereof used for the storage or parking of one (1) or more vehicles.

GARAGE, PARKING - A garage for the convenience of the general public in which no servicing, repairs, washing or reconditioning of motor vehicles is carried on.

GARAGE, PRIVATE - An accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

GARAGE, PUBLIC - Any garage other than a private garage or parking garage. A public garage may include servicing, repairs, washing or reconditioning of motor vehicles and filling station facilities.

GLARE - A level of brightness which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

GROUP HOME - A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and all persons subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. A group home shall not include a "Treatment Center".
- C. See standards in § 345-26.

HEIGHT OF A STRUCTURE - The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in § 345-21D(1).

HOME OCCUPATION - A business conducted in the home by members of the resident family provided: that no more than two (2) persons are employed who are not members of the family and that such persons shall be employed in the main building only; that no more than one-half (1/2) of the area of one (1) floor, or an entire basement, shall be used for such purposes; that no display of products made or services rendered shall be visible from the street; and that no machinery or equipment that would produce noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property shall be permitted. Home Occupations which do not employ any non-resident employees or non-resident family members and do not have any regular business hours shall not be required to comply with any provisions of this chapter, but for signage and area permitted to be used.

HOSPITAL - A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home or other building with an equivalent appellation. A hospital shall not include personal care facilities or the care and treatment of mental patients, liquor or drug addicts, except incidentally.

HOTEL - A building or part thereof which has a common entrance, common heating system and general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

IMPERVIOUS COVERAGE - The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with this chapter, any stone surfaces that may be allowed to be used for vehicle parking and movement shall be considered to be impervious.

INDUSTRIAL PARK - A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

INDUSTRY, NONNUISANCE - Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards, and which does not include any open storage yards or outdoor processing of materials.

JUNKYARD -

- A. Land or a structure used for the collection, salvage, storage, resale, dismantling, processing and/or sale of material for more than ten consecutive days of one or more of the following types:
 - (1) Three or more unlicensed and inoperable motor vehicles that are visible from an exterior lot line, dwelling and/or public street.
 - (2) One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse, and not a junkyard.

KENNEL - The keeping of 7 or more dogs over the age of 6 months, other than a retail indoor pet shop.

LIVESTOCK - Domestic animals such as cattle, horses, sheep, hogs and goats, etc. raised for home use or profit.

LOT - A designated lot, parcel or tract of land established by a plat or otherwise as permitted by law and to be used, developed or built upon unless otherwise expressly set forth herein.

LOT, CORNER - A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE - The percentage of the lot area that is occupied by the area of building. (See "Building")

LOT, DEPTH OF - The mean distance between the front lot line and the rear lot line. The greater frontage of a corner lot is its depth and the lesser frontage is its width.

LOT, INTERIOR - Any lot other than a corner lot.

LOT LINE - Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

LOT LINE, FRONT - The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

LOT LINE, REAR - The lot line opposite to the front lot line.

LOT, THROUGH - A lot extending from one (1) street to another.

LOT, WIDTH OF - The mean dimension measured at substantially right angles to the depth of lot.

MAIN USE OR BUILDING - The principal or most important use or building on a lot.

MASSAGE PARLOR - An establishment that meets all of the following criteria:

- A. Manipulative exercises are conducted using the hands and/or a mechanical device on a person's skin other than the face or neck by another person that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.
- B. The massages are not conducted by a person who has been certified by a recognized professional organization as having completed at least 50 hours of professional training or by a person licensed as a health care professional by the State.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.

MEDICAL OFFICE BUILDING - A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MEMBERSHIP CLUB - A building structure, lot or land area used as a private club or social organization not conducted for profit or gain. Membership clubs shall not include activities or organizations, which are public or quasi-public in nature.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOTEL - A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term Motel includes buildings designed as tourist courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include mobile or immobile trailers.

MOTOR VEHICLE MECHANIC – a worker skilled in using tools or in making, operating, or repair machines.

MULTIPLE DWELLING - A building arranged, intended or designed to be occupied by two (2) or more families living independently of each other as separate housekeeping units.

MULTIPLE DWELLING DEVELOPMENT - One (1) or more multiple dwelling buildings planned as a single complex.

MULTIPLE DWELLING FOR THE ELDERLY - A building containing 3 or more dwelling units in which every dwelling unit is limited by deed and by lease to occupancy by one or more adults with physical disabilities or who are age 55 years or older. The dwelling may also house spouses of these persons, regardless of the spouses age. In no case shall such dwelling units be occupied by persons age 18 years or younger for periods of 30 days or more in a calendar year. Such deed and lease limitations shall be separately enforceable by the owner of the development and by the Zoning Officer. This term shall not include “Townhouses”.

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.

NONCONFORMING LOT - A lot lawfully existing at the effective date of this chapter or any amendment thereto affecting such lot, which does not conform to the regulations of this chapter for the district in which it is situated.

NONCONFORMING STRUCTURE - A structure or part thereof manifestly not designed to comply with the applicable use provisions in this chapter or amendments thereto, where such structure lawfully existed prior to the enactment of this chapter or amendments thereto. Such non-conforming structures include, but are not limited to, non-conforming signs.

NONCONFORMING USE - A use, whether land or of structure, which does not comply with the applicable use provisions in this chapter or amendment thereto, where such use was lawfully in existence prior to the adoption or amendment thereto.

PARKING AREA - A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

PARKING SPACE - A stall or berth which is arranged and intended for parking of one (1) motor vehicle in a garage or parking area.

PERSONAL CARE FACILITY - A facility in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICES - A commercial establishment that provides services oriented to the general public, such as but not limited to, barber or beauty shops, massage therapy by certified therapists, photography studios, shoe repair shops and similar establishments. This term shall not include any adult use.

PLACES OF WORSHIP - Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A Place of Worship shall only include a maximum of one dwelling unit.

PLANNING COMMISSION - The Planning Commission of the Borough of Macungie.

POULTRY - Domestic fowl such as chickens, turkeys, ducks and geese, etc. raised for home use or profit.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAE - Any tower or antenna for which a building permit or special exception use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennae that have not yet been constructed so long as such approval is current and not expired.

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

RELATED OR RELATIVE - Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

SAND OR GRAVEL PIT - A lot or land, or part thereof, used for the purpose of extracting sand, gravel, soil or sod for sale, as an industrial operation; and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface that is solid, open mesh or bar configured, is in the shape of a shallow dish cone, horn or cornucopia and is used to transmit or receive radio or other electro-magnetic waves between terrestrially and orbitally based systems. The definition "Satellite Dish Antenna" shall include, but shall not be limited to, satellite earth stations, television receivers only (TVROS) and satellite microwave antennas.

SETBACK LINE -

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

SIGN - Any device or method which visually imparts a message through the use of texts, pictures, or models, to individuals using public rights-of-way.

SIGN, ANNOUNCEMENT OR PROFESSIONAL - A sign on a residential building which directs attention to a home professional office, home occupation or professional office in such residential building.

SIGN, BUSINESS - A sign which directs attention to a business or profession conducted upon the property where the sign is displayed.

SIGN, OFF-PREMISES - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

SOLID WASTE TRANSFER FACILITY - Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates

the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste.

SPECIAL EXCEPTION USE - A use in one or more Districts, for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of § 345-26.

SPECIFIED ANATOMICAL AREAS -

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the tope of the areola.
- (B) Human male genitals in a discernibly turgid state; even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."

STORY - That portion of a building included between the upper surface of any floor other than a cellar floor and the upper surface of the floor next above, except that of the topmost floor and the roof above.

STORY, HALF - A space under a sloping roof, which has the line of intersection of the interior faces of the roof structure and main building wall not more than three (3) feet above the top floor level, and in which space the floor area with a head room of five (5) feet or more occupied at least sixty percent (60%) of the total area of the story directly beneath.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkways, lane, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. The term "street" shall not include any alley, which shall be defined as a vehicle thoroughfare with a right-of-way width of 20 feet or less. However, Cotton Street shall be considered a street, regardless of its right-way-width.

STREET LINE - The dividing line between a lot and the outside boundary of a public street or street right-of way, or between a lot and a private street which serves two (2) or more separately-owned homes or buildings.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed, to the land.

SUBDIVISION ORDINANCE OR SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Borough of Macungie Subdivision and Land Development Ordinance,

amended [Chapter 305].

SWIMMING POOL, NONCOMMERCIAL - Any constructed body of water or structure to contain water, pursuant to the provisions of § 345-22C, and any accessory equipment pertaining thereto, used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such non-commercial swimming pool shall not be operated for gain; and shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel or membership club thereon.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWNHOUSES - A dwelling unit on a permanent foundation designed and occupied as a residence for one (1) family with direct outside access, which is part of a group of three (3) or more dwellings with one (1) or two (2) vertical walls in common with adjacent dwelling units. These dwelling units are commonly referred to as "attached dwelling units" or "row homes".

TREATMENT CENTER - A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as a criminal halfway house.
- B. Current addiction to alcohol or a controlled substance that was used in an illegal manner.
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TRUCK STOP - A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

UNIT FOR CARE OF RELATIVE - A dwelling unit that: (i) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, (ii) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in § 345-26T.

UTILITY SHED - A building or structure having dimensions no greater than eight (8) feet by ten (10) feet, and no higher than ten (10) feet, used primarily for storage of garden and lawn equipment and tools.

VARIANCE - A relief from the exact enforcement from the terms of this chapter granted by the

Zoning Hearing Board pursuant to the provisions of §345-37 of this chapter on grounds of unique circumstances and hardship.

YARD, FRONT - An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line and extending from side lot line to side lot line.

YARD, REAR - A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

YARD, SIDE - An open unoccupied space on the same lot; with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

ZONING HEARING BOARD - The Macungie Borough Zoning Hearing Board.

ZONING MAP - The Zoning Map of the Borough of Macungie, as officially adopted as part of this chapter, as may be amended.

ZONING OFFICER - The duly constituted Borough Official designated to administer and enforce the provisions of this chapter.