
Article 1302
Definitions

1302.01 Interpretation 1302.02 Specific Terms

1302.01 INTERPRETATION

- (a) Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.
- (b) For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neutral.
- (c) The word “shall” is always mandatory.
- (d) The word “building” includes “structure” and shall be construed as if followed by the words “or any part thereof.”
- (e) The phrase “used for” includes “arranged for.”
- (f) The word “person” includes an individual, corporation, partnership, incorporated association, or any other legal entity.
- (g) The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

1302.02 SPECIFIC TERMS

The following words and phrases shall have the meaning given in this Ordinance.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate sleeping unit.

ADULT ORIENTED BUSINESS. For the definition of adult oriented business and other related definitions, see Section 1305 of this Ordinance.

ALLEY. Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width, which has been dedicated to the public for public use.

ALTERATION. Any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. See the definition for Story.

BED AND BREAKFAST. An owner-occupied or manager-operated dwelling, with not more than ten (10) sleeping units, offering, for compensation, overnight or short-term lodging, for transient guests. (Ord. 1 of 2018, Sect. 1, Passed 05-07-2018)

BOARD. The Zoning Hearing Board of the City of Franklin.

BOARDING HOUSE. A dwelling, with not more than ten (10) sleeping units, offering, for compensation, overnight or short-term lodging, with or without meals, for transient guests. (Ord. 1 of 2018, Sect. 1, Passed 05-07-2018)

BOTTLE CLUB. A place of assembly owned, maintained or leased, for pecuniary gain, in which no intoxicating beverages are sold, but where patrons are permitted to bring intoxicating beverages upon the premises for their own use and consumption.

BUILDABLE AREA. The area of that part of the lot not included within the open space herein required.

BUILDABLE WIDTH. The width of that part of the lot not included within the open spaces herein required.

BUILDING. A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

BUILDING, ACCESSORY. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE. The *International Building Code* promulgated by the International Code Council, as adopted by the City of Franklin.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service. Cash advance stores shall not be considered business or financial services.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CASH ADVANCE STORE. An establishment intended for the purpose of issuing loans with interest where the collateral is the borrower's salary, income or personal property other than motor vehicles. Cash advance stores shall include check cashing facilities, cash advance centers, and pawn shops.

CERTIFICATE OF OCCUPANCY. Official certification, based on an inspection, signed by the Zoning Officer, that a premises conforms to the provisions of this Ordinance and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions of existing structures. Unless such a certificate is issued, a structure cannot be occupied.

CITY. The City of Franklin.

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.

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, bars, taverns or restaurants.

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.

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 small cluster of convenience shops or services.

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 sales of convenience goods and services, with a supermarket as the principal tenant.

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, or other retail sales and services, in full depth and variety. A regional commercial center shall include a mall.

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.

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this Ordinance, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, motels or boarding houses.

COURT. 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 of a building.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, GROUP. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, learning centers, nursery schools, and preschools are included in this definition.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DIRECT LIGHT. Light emitted directly from a lamp, off a reflector, or through a refractor.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

DWELLING. Any building that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or that is or are occupied for living purposes. (Ord. 1 of 2018, Sect. 1, Passed 05-07-2018)

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, SINGLE FAMILY. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family. This definition shall not include a short-term rental. (Ord. 1 of 2018, Sect. 1, Passed 5-7-2018)

DWELLING, TWO FAMILY. A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units. This definition shall not include a short-term rental. (Ord. 1 of 2018, Sect. 1, Passed 5-7-2018)

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DOG KENNEL. An establishment for the keeping of four (4) or more dogs that are more than six (6) months old, owned or unowned, for any period of time on a lot.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, decorations

FAMILY. For purposes of this Ordinance, the term “family” includes household. A family is a householder living alone or with one (1) or more other persons living in the same household, who are related to the householder by birth, marriage or adoption; or a group of not more than five (5) unrelated persons who jointly occupy a dwelling unit, which related or unrelated persons are living in a dwelling unit and maintain a common household and practicing on a permanent or long-term basis a joint economic, social and cultural life. The term “family” may specifically include a maximum of five (5) unrelated persons living within in a “group home” as defined herein.

FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FLOODPLAIN. A relatively flat or low area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source as indicated on the flood boundary and floodway map.

FLOOR AREA, GROSS. The sum of the 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 and decks or porches when covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GRADE (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet from the building.

GLARE. Direct light emitted by a luminary that causes noticeably reduced vision or momentary blindness.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged or disabled. A group care facility does not include group day care, family day care, foster homes, group homes, schools, hospitals, rehabilitation centers, jails or prisons.

GROUP HOME. The use of any lawful dwelling unit, which meets all of the following criteria:

- (1) Involves providing non-routine support services, including personal care, social or counseling services, and transportation, or persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other “handicap” or “disability” as defined by applicable federal law;
- (2) Involves the joint occupancy of a dwelling unit wherein the residents maintain a common household and practice in a permanent or long-term basis a joint economic, social and cultural life;
- (3) Does not involve the housing of persons on a transient basis; and
- (4) Does not involve the housing or treatment of persons accepted for residence in the group home on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

A “group home” is intended to include a dwelling unit with between six (6) and eight (8) residents at any one time. A “group home” with more than eight (8) residents shall be considered a “group care facility.”

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOME OCCUPATION. The partial use of a dwelling unit for commercial or non-residential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling unit for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc., for family use only (noncommercial).

INDUSTRIAL OR RESEARCH PARK. A tract of 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.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LEARNING CENTER. See Schools.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

LIGHT TRESPASS. Light emitted directly from a luminary, off a reflector, or through a refractor beyond the boundaries of the property on which the luminary is located.

LOADING SPACE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the temporary stopping, standing or parking of a motor vehicle for the sole purpose of loading and unloading goods, merchandise or materials.

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

LOT, CORNER. A lot at the point of intersection of and abutting on two (2) or more intersection streets, and which has an interior angle of less than 115 degrees at the intersection of two (2) street lines.

LOT, LINE. Any line dividing a lot from another lot or from an abutting street or other right-of-way.

LOT, MOBILE HOME. 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.

LOT, THROUGH. A lot that has a pair of opposite lot lines along two (2) substantially parallel streets. Such lots are also known as double frontage lots.

LOT, WIDTH. The horizontal distance between the side lot line measured at the required front yard building line.

LUMINAIRE. A complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, except street lights authorized by the City.

LUMINAIRE, FULLY SHIELDED. A luminary that allows no direct light from the unit above a horizontal plane through its lowest light emitting part. Luminaries mounted under canopies or other structures that prohibit direct light from shining above the same horizontal plane are also considered fully shielded for the purposes of this Ordinance.

MANUFACTURED HOME. A single-family dwelling for permanent occupancy, contained in two (2) or more units manufactured off-site and designed to be joined into one (1) integral unit that is incapable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for unpacking and assembly operations.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

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 integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready of occupancy, except for minor and incidental unpacking and assembly operations. A manufactured home shall not be considered a mobile home.

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

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.

MOTEL, HOTEL. Any building containing six (6) or more sleeping units intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

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 function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- (2) The business shall employ no employees other than the family members residing in the dwelling;
- (3) There shall be no display or sale of retail goods, and no stockpiling or inventory of a substantial nature;
- (4) There shall be no outside appearance of a business use, including, without limitation, parking, signs or lights;
- (5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio, television or wireless communication reception, which is detachable in the neighborhood;

- (6) 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;
- (7) 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;
- (8) The business may not involve any illegal activity; and
- (9) The business use or activity shall not violate any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

(Ord. 4 of 2016, Sect. 1, Passed Finally 8-01-2016)

NONCONFORMING LOT. A lot whose width, area or other dimension did not conform to the regulations when this Ordinance became effective.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing at the time this Ordinance became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this Ordinance became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. A use that lawfully occupied a building or land at the time this Ordinance became effective, which has been lawfully continued and which does not now conform with the use regulations.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of motor vehicles.

PARKING LOT, COMMERCIAL. A lot or structure with a principal use for the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility motor vehicles or the dead storage of motor vehicles.

PARKING SPACE. A space within a structure or parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of a motor vehicle.

PERSON. A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED RESIDENTIAL DEVELOPMENT. A residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLANNING CODE. The Pennsylvania Municipalities Planning Code as the same may be amended from time to time.

PLANNING COMMISSION. The Franklin Planning and Zoning Commission.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing building or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POOLS (SWIMMING), HOT TUBS AND SPAS.

Above-ground/on-ground pool. See “Private swimming pool.”

Fence. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool.”

In-ground pool. See “Private swimming pool.”

Private swimming pool. Any structure that contains water over twenty-four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy of a single family dwelling and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

Public swimming pool. Any swimming pool other than a private swimming pool.

PRESCHOOL. See Schools.

PRISON, JAIL. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to those accused or convicted of crimes by any governmental tribunal, court or agency or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

PROFESSIONAL OFFICES. See Business or Financial Services.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC NOTICE. Public notice as required by the Pennsylvania Municipalities Planning Code.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including prisons, jails, public utility stations or maintenance facilities.

PUBLIC UTILITY STATION. A structure or facility used by a public or quasi-public utility agency to store, distribute, or generate electricity, gas, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste. This also does not include telecommunication towers and facilities. See Article 1306.12 for all definitions and regulations concerning telecommunication towers and facilities.

(Ord. No. 4 of 2016, Sect. 1, Passed finally 08-01-2016)

PUBLIC WAY. The right-of-way of any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pools, motion picture theaters, and related amusements.

RECREATION, OUTDOOR. An area free of buildings, except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures, used primarily for recreational activities.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

REHABILITATION CENTER. An establishment where the primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, or assistance to emotionally and mentally disturbed persons, or halfway houses for persons accepted on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who otherwise qualify for residence by virtue of having been convicted of a crime by any governmental tribunal, court or agency or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution. Rehabilitation center shall not include a prison or jail.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair and maintenance.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment that sells food for consumption on or off the premises.

Restaurant, take-out. An establishment that sells food only for consumption off the premises.

SCHOOL. Any building or part thereof that is designed, constructed or used for education or instruction in any branch of knowledge. Schools shall be classified as follows:

Learning Center. A school providing before-school or after-school educational services for children attending elementary school. A learning center shall be considered a Group Day Care facility for purposes of this Ordinance.

Preschool. A school providing day care with or without early childhood educational services for children not yet attending elementary school. A preschool may include a nursery school. A preschool shall be considered a Group Day Care facility for purposes of this Ordinance.

School, Commercial. A school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

School, Nursery. A school that is primarily educational in nature meeting the needs of a child between three (3) and five (5) years of age by providing early childhood education or preparation for elementary school. A nursery school shall be considered a Group Day Care facility for purposes of this Ordinance.

School, Private. Any school, the use of which meets the state requirements for elementary, secondary or higher education, and which does not secure the major part of its funding from any governmental agency, or which is supported, controlled and operated by a religious organization.

School, Public. Any school licensed by the Commonwealth of Pennsylvania and meets the state requirements for elementary or secondary education.

SETBACK. The minimum required distance between the property line and the building line.

SCREEN PLANTING. An evergreen hedge at least six (6) feet high, planted in such a way that it will block a line of sight. The screening may consist of either one (1) or multiple rows of evergreen bushes or trees.

SHORT-TERM RENTAL. A dwelling that is the owner's principal place of residence, offering, for compensation, overnight or short-term lodging, for transient guests. (Ord. 1 of 2018, Sect. 1, Passed 5-7-2018)

SIGN. See Article 1308 for all sign definitions and regulations.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SPECIAL EXCEPTION. A use permitted with special permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50%) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than sixteen (16) feet in width which has been dedicated to the City or established and constructed by the City.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STREET LINE. A line defining the right-of-way boundaries of a street, alley or public way.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

THEATER. A building used primarily for the presentation of live stage productions, performances or motion pictures.

TRANSIENT. Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days. (Ord. 1 of 2018, Sect. 1, Passed 5-7-2018)

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, ACCESSORY. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

USE, CHANGE OF. The change within the classified use of a structure or premises.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution or other entity.

USE, TEMPORARY. A use that is authorized by this Ordinance to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this Ordinance. A variance shall not be applicable relative to the use of a property structure.

VETERINARY HOSPITAL. An establishment designed for the diagnosis, treatment and care of illness or infirmity of household pets, farm animals and livestock, and providing veterinary inpatient services, including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this Ordinance.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

YARD LINE. A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from the corresponding lot line.

ZONING CODE. The Zoning Ordinance of the City of Franklin.

ZONING OFFICER. The Code Enforcement Officer of the City of Franklin, or his authorized representative.