

ARTICLE 13

**DEFINITIONS**

**1300 INTERPRETATIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

**1301 DEFINITIONS**

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ABUT: To physically touch or border another lot, use, or district boundary; to share a common property line. (See also ADJACENT.)

ACCESS DRIVE: A vehicular means, other than a street, which provides access from a street or public road to a lot; e.g. a driveway or private right-of-way.

ACCESSORY EQUIPMENT: Any equipment serving or being used in conjunction with a primary facility or structure; i.e. Wireless Communications Facility or Wireless Communications Support Structure (The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures). (added 07/16/17 per Ordinance # 1213)

ACCESSORY RESIDENTIAL USE: A residential dwelling unit(s) which is accessory to a principal commercial use; i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ACCESSORY WAREHOUSING OR STORAGE FACILITIES: See WAREHOUSING FACILITY.

ACOUSTIC: Sound (added 09/13/2023 per Ordinance # 1249)

ADJACENT: To share all or part of a common lot line with another lot, parcel of ground, or

district boundary. (See also ABUT.)

ADULT ENTERTAINMENT ESTABLISHMENT: An adult bookstore, adult motion picture theater, adult amusement arcade, and/or similar establishment providing entertainment of a sexual nature. (See also Section 427.)

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities.

AGRIVOLTAICS: The co-development of the same area of land for both solar photovoltaic power and "Normal Farming Operations as defined by P.L.454, No. 133 (1982) the Protection of Agricultural Operations from Nuisance Suits and Ordinances Act, or any successor laws.  
(added 09/13/2023 per Ordinance # 1249)

ALLEY: A permanent, public or private service way providing a secondary means of access to lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, alteration shall not be defined to include maintenance or repair activities.

ALTERNATIVE ENERGY: Solar, Wind Turbine, Geothermal, and other energy that is converted to supply energy for consumer use.  
(added 09/13/2023 per Ordinance # 1249)

ALTERNATIVE ENERGY FARMS: Systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on-site.  
(added 09/13/2023 per Ordinance # 1249)

ALTERNATIVE (RENEWABLE) ENERGY SYSTEM (PRINCIPAL USE): A commercially operated alternative energy system used to convert alternative energy to primarily supply energy for off-site customer use, including but not limited to an "Alternative Energy Farm". Examples are Solar Farms and Wind Turbine Farms.  
(added 09/13/2023 per Ordinance # 1249)

ALTERNATIVE (RENEWABLE) ENERGY SYSTEM (ACCESSORY USE): A residentially or commercially operated alternative energy system used to convert alternative energy to primarily supply energy for on-site use, including but not limited to roof mounted, or free-standing equipment.  
(added 09/13/2023 per Ordinance # 1249)

AMENDMENT: 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See also Section 1100.) 2) The actual change or alteration proposed for the Zoning Ordinance text or map.

AMUSEMENT ARCADE: A retail establishment whose principal business is offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.

ANTENNA: Wireless Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of Wireless Communications Services. This includes, but not limited to, any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device, which is attached to a Wireless Communications Support Structure. This definition shall not include the following: private residence-mounted satellite dishes, television antennas, amateur radio equipment, including without limitation ham or citizens band radio antennas, and support structures for antennas or any Related Equipment that is mounted to the ground or at ground-level. (added 07/16/17 per Ordinance # 1213)

APPLICANT: 1) Any property owner, lessee, or authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof. 2) A landowner or developer who has filed an application for development including his heirs, successors and assigns.

APPLICATION: A formal request submitted to the Borough for permission or approval to do or comply with something; i.e. construct or modify a Wireless Communications Support Structure, Wireless Communications Facility, or Equipment Compound, or to request Zoning Permits, Variances, Conditional Use Variances, etc. (added 07/16/17 per Ordinance # 1213)

AREA: The surface included within a set of lines.

- a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, including in some instances, area within a street right-of-way adjacent to the street cartway.
- b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.
- c. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AREA OF LAND: (See Area) (added 02/27/2013 per Ordinance # 1182)

ASSEMBLY OPERATIONS: See MANUFACTURING OPERATIONS.

AUTOMOBILE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles and/or other motor vehicles, including warranty repair or service associated work.

AUTOMOTIVE REPAIR GARAGE: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 414.)

AUTOMOTIVE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 414.)

BAR: A building or structure, or portion thereof, used primarily for the sale or dispensing of liquor or alcohol by the drink. For the purposes of this Ordinance, a bar may also include those facilities selling bottled goods, either as a principal activity or as an accessory use. (See also COCKTAIL LOUNGE.)

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides. (See also CELLAR.)

BASE STATION: A structure or equipment at a fixed location that enables Federal Communications Commission – licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower. (added 07/16/17 per Ordinance # 1213)

- a. The term includes, but is not limited to, equipment associated with Wireless Communications Services, such as private, broadcast, and public safety services, as well as unlicensed Wireless Communications Services (i.e. Wi-Fi) and fixed Wireless Services (i.e. point to point microwave transmissions) such as backhaul.
- b. The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (DAS) and small – cell networks).
- c. The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in subpart 1 and 2 of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or

primary purpose of providing such support.

- d. The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the resident owner for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee. (See also Section 411.)

BOARDING OR ROOMING HOME: An owner-occupied single-family dwelling, or part thereof, where lodging is provided for a fee by the owner thereof. Such lodging shall be for periods of time exceeding one (1) week, whether or not arrangements are made for meals. For the purposes of this Ordinance, there shall be no provision made for cooking in any individual room or suites.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Milton Borough, Northumberland County, PA.

BOROUGH: Borough of Milton, Pa 17847. (added 07/16/17 per Ordinance # 1213)

BOROUGH COUNCIL: The elected governing body of Milton Borough, Northumberland County, PA.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and other uses. For the purposes of this Ordinance, a buffer yard may be part of any required front, side, or rear yard. (See also Section 505.)

BUILDING: A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

- a. Building, Accessory: A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. Building, Principal: A building in which the principal use of the site is conducted.
- c. Building, Attached: A building which has one (1) or more walls in common with adjacent buildings.
- d. Building, Detached: A building which has no common walls and is surrounded by open space on the same lot.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the total ground floor area of all principal and accessory buildings, including carports and breezeways,

porches, patios and decks, but excluding unenclosed parking or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the ground surrounding the building to a point midway between the highest and lowest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which may be attached to the building.

BUILDING LINE: The required setback (front, side, or rear) of a building from a property line.

BUILDING MATERIALS SALES YARD: A wholesale or retail business primarily engaged in the sale of lumber, siding, doors, windows and other building materials.

BUILDING SETBACK LINE: A line parallel to the street right-of-way line located at a distance which is equal to the front yard for the district in which the lot is located; i.e. the front yard setback.

BUSINESS OFFICE: For the purposes of this Ordinance, a business office shall be defined as a group of rooms occupied by three (3) or more members of a recognized profession(s) used for conducting the affairs of said profession. Such facilities may be created by the conversion of an existing structure or they may be situated in an office building or office complex. (See also HOME OCCUPATION and PROFESSIONAL OFFICE.)

BUSINESS SERVICES: Commercial establishments primarily engaged in rendering services to other business or industrial establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel or employment services, management and consulting services, protective services, equipment rental and leasing, copying and printing, travel, office supply, and similar services.

CARPOR: A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three (3) sides.

CARTWAY: The area of a street or alley within which vehicles are permitted, including travelled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CAR WASH: Any building or premises used for washing automobiles or other motor vehicles.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. (See also BASEMENT.)

CEMETERY: Property used for interring the dead.

CERTIFICATE OF COMPLIANCE: The certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed or, in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CHANGE OF USE: An alteration of a building or a change in use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH OR PLACE OF WORSHIP: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory and incidental thereto. For the purposes of this Ordinance, additional uses such as schools, child nursery or day care facilities, social halls or similar operations associated with the church or other place of worship shall require separate consideration and approval by Borough officials.

CITY WATER: Water supplied by the utility company such as the PA American Water Company. (added 09/13/2023 per Ordinance # 1249)

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLINIC, MEDICAL OR DENTAL: For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, or social workers, where patients are received for examination or treatment, but where no patients are lodged overnight.

CLUB, LODGE, SOCIAL, OR FRATERNAL ORGANIZATION: A non-profit organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar associations or groups.

COCKTAIL LOUNGE: A building, or portion thereof, primarily engaged in the sale of liquor or alcohol by the drink. For the purposes of this Ordinance, a cocktail lounge may be located in a hotel, motel or other commercial lodging facility. (See also BAR.)

COLOCATION: The placement, replacement, mounting, installation or modification of new Wireless Communications facilities on previously approved and constructed Wireless Communications Support Structures, including self-supporting or guyed monopole or tower, electrical transmission tower, water tower or any other structure not classified as a Wireless Communications Support Structure that can support to support the placement or installation of Wireless Communications Facilities if approved by the Borough. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound. (added 07/16/17 per Ordinance # 1213)

COMMERCIAL: Relating to or connected with trade or exchange of goods, products or

property, and other uses of a similar profit-making non-industrial and non-manufacturing nature. (added 02/27/2013 per Ordinance # 1182)

COMMERCIAL LODGING FACILITY: See LODGING FACILITY, COMMERCIAL.

COMMERCIAL OFFICE BUILDING: See OFFICE BUILDING, COMMERCIAL.

COMMISSION: The Planning Commission of Milton Borough, Northumberland County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMON WALL: A wall on an interior lot line or a fireproof wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: The complete plan for future development of Milton Borough, Northumberland County, PA, as adopted by Resolution of the Board of Borough Council in 1996, or as may hereafter be amended.

CONDITIONAL USE: A principal use allowed in certain districts, as provided for in Article 3, which may only be authorized by the Borough Council as set forth in Section 1101 of this Ordinance, after review and recommendation of the Borough Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTINUOUS SOUND: A sound whose intensity remains essentially constant during the period of observation and shall be measured by the slow response setting of a sound level meter. (added 09/13/2023 per Ordinance # 1249)

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a grocery store or supermarket. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy or to accommodate a greater number of dwelling units. (See also Section 403.)

COUNCIL: The Council of Milton Borough, Northumberland County, PA; the elected governing body of the municipality.

COUNTY: Northumberland County, PA.



DISTRIBUTED ANTENNA SYSTEM (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area. (added 07/16/17 per Ordinance # 1213)

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children may be charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly, or handicapped persons. (See also Section 412.)

DECIBEL: A unit of measure that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a pressure of 0.0002 microbar abbreviated dB. (added 09/13/2023 per Ordinance # 1249)

DECK: A platform, either free-standing or attached to a building, that is supported by pillars or posts. For the purposes of this Ordinance, a deck may be constructed with or without a permanent roof, but may not be otherwise enclosed by walls, except for the side of the building to which it is attached.

DECOMMISSIONING: The phase of an Alternative Energy System after the operational phase during which all associated equipment is removed from site. (added 09/13/2023 per Ordinance # 1249)

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DENTAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

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

DEVELOPER (Alternative Energy System): A company that sees an Alternative Energy System from idea to construction, including identifying suitable land; conducting relevant technical studies for the site; obtaining necessary local, state, and/or federal permits; finding a buyer for the power to be produced; obtaining financing to build the Alternative Energy System; and identifying a company to build the Alternative Energy System. Many times, the developer sells the Alternative Energy System to another company once the building is set to start or once it is built. (added 09/13/2023 per Ordinance # 1249)

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DISTRIBUTION FACILITY: For the purposes of this Ordinance, a distribution center shall be defined as a building or structure containing more than 15,000 square feet gross floor area and/or more than four (4) loading berths where merchandise is stored for ultimate distribution to specific wholesale or retail operators or to the general public. (See also TRUCKING OR MOTOR FREIGHT TERMINAL and WAREHOUSING FACILITY.)

DRIVEWAY: A minor vehicular access between a street and a parking area or garage within a lot or property.

DUE DILIGENCE: The research and analysis done by both parties in a legal agreement to thoroughly investigate the details of the transaction in question.

(added 09/13/2023 per Ordinance # 1249)

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. Dwelling, Single-Family Detached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, not including a mobile home as defined herein. (See also MOBILE HOME.)
- b. Dwelling, Single-Family Attached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single-family attached dwelling structure shall be considered to be a type of multi-family dwelling structure and shall contain a minimum of three (3) dwelling units. (See also Section 404.)
- c. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
- d. Dwelling, Multi-Family: A dwelling structure containing three (3) or more dwelling units, including single-family attached dwelling structures (townhouses) and apartment buildings. (See also Section 404.)

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall be defined as a development consisting of more than one (1) multi-family dwelling structure.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Lodging facilities, retirement centers, nursing or personal care homes shall not be considered as dwelling units for the purposes of this Ordinance. (See also Section 402.)

EASEMENT: A legal right to some part of another's private land.

(added 09/13/2023 per Ordinance # 1249)

ENCLOSED USE: A use which is located entirely within a building or structure.

ELECTRICAL TRANSMISSION TOWER: An electrical transmission structure used to

support overhead power lines consisting of 69 kilovolt or greater conducting lines, generally of steel construction and having a height of at least 75 feet. The term shall not include any utility pole having the height of less than 75 feet. (added 07/16/17 per Ordinance # 1213)

ELECTRONIC (OUTDOOR) SIGN: An Electronic sign is illuminated and provides electronic message(s)/display(s) advertising events and items of the same property as the sign. The Electronic sign may be LED or any other lighted

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing Wireless Communications Tower or Base Station that does not substantially change the physical dimensions of such tower or base station, involving (i) colocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmitting equipment. (added 07/16/17 per Ordinance # 1213)

ELIGIBLE SUPPORT STRUCTURE: Any tower or base station, provided that it is existing at the time the relevant application is filed. (added 07/16/17 per Ordinance # 1213)

ENTERTAINMENT FACILITY, PUBLIC: An indoor business, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein. (See also PLACES OF ASSEMBLY and Section 415.)

EQUIPMENT COMPOUND: An area surrounding or adjacent to a Wireless Communications Support Structure within which base stations, power supplies or accessory equipment are located. (added 07/16/17 per Ordinance # 1213)

ESCROW: Funds paid by the developer and held for use in decommissioning an Alternative Energy System site at the end of the lease term and restoring the land to pre-project condition. (added 09/13/2023 per Ordinance # 1249)

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESSENTIAL SERVICES: For the purposes of this Ordinance, essential services shall include those utility services provided by a municipal or governmental agency, public utility, or public service corporation which are necessary for such agencies, utility companies, or public service corporations to furnish in order to secure public health, safety and general welfare. Such services may include, but need not be limited to, underground or overhead electrical, telephone, television, gas, water, sewage collection and disposal systems, and may involve the use of poles, wires, lines, mains, drains, sewers, conduits, cables, fire alarm or police call boxes, traffic signals, hydrants, and gas regulators and measuring devices. (See also PUBLIC UTILITIES and Section 419.)

FACILITY: One or more buildings, structures, pieces of equipment, units, etc. that are provided for a particular purpose or specific use. (added 09/13/2023 per Ordinance # 1249)

FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship occupying a single dwelling unit and living as a single household unit using common living, cooking, sanitary and sleeping facilities. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home may also provide for care of up to six (6) adult or elderly persons.

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered a structure and shall therefore require the issuance of a Zoning Permit prior to its placement or erection. All fences shall meet the requirements set forth in Section 504 C. of this Ordinance, and fences used as required screening shall also meet the requirements of Section 506 B.

FILL: For the purposes of this Ordinance, fill shall be defined as soil or small rock materials which are brought to a site, compacted, and used as a means of elevating or floodproofing a building or structure proposed to be located within an identified floodplain area of the Borough. (See also Section 602 C.1.)

FINANCIAL OFFICE: For the purposes of this Ordinance, a finance office shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, ATM machines, and similar night deposit facilities.

FINANCIAL SECURITY: A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a Federal or Commonwealth chartered lending institutions in the amount of 110% of the total proposed decommissioning costs and in a form satisfactory to the Borough Council and the Borough Solicitor. (added 09/13/2023 per Ordinance # 1249)

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Borough's Flood Boundary and Floodway Maps.

FLOOD, ONE HUNDRED YEAR: A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOODPLAIN: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for

flood damage control provisions.)

FLOODWAY: The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood.

FLOOR AREA: The area of a structure covered by floors.

- a. Floor Area, Gross: The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

For the purpose of applying the requirements for off-street parking and loading, floor area in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of merchandise.

- b. Floor Area, Habitable: Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways, bathrooms, and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FOOD PROCESSING OPERATION: An industrial establishment in which food is processed or otherwise prepared and packaged for human consumption, but is not consumed on the premises.

FOREST MANAGEMENT: See FORESTRY.

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 involve any land development.

FORGE OR FOUNDRY: An industrial operation or workshop where metal is heated, wrought and cast.

FORT (Ft.) WORTH ATTACHMENT: A non-free standing pole which is attached to an electrical transmission tower which is used to support antenna and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical tower.  
(added 07/16/17 per Ordinance # 1213)

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological

effect of urbanization of the watershed. (See also Section 602 B.)

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE: A building or structure used for the parking and storage of vehicles.

- a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of not more than four (4) motor vehicles, which is not a commercial enterprise available to the general public.
- b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOTIVE REPAIR SHOP.)

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Borough's Flood Boundary and Floodway Maps.

GEOHERMAL ENERGY FACILITY: A generating facility capable of capturing and converting hydrothermal energy into hydronic or electrical energy sources.

(added 09/13/2023 per Ordinance # 1249)

GIGAWATT (GW): A unit of power equal to 1 billion watts, 1 million kilowatts, or 1,000 megawatts.

(added 09/13/2023 per Ordinance # 1249)

GRID SCALE SOLAR (GSS): Solar installation intended to supply power to the grid for use off-site from where the panels are; typically > 5 MW. Also called "Utility Scale Solar."

(added 09/13/2023 per Ordinance # 1249)

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. Grade, Finished: The final elevation of the ground surface after development.

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use. (see applicable District Regulations) and may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship

providing organization and stability. (See also GROUP HOME.)

GROUP HOME: A residence occupied by eight (8) or fewer persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household, where adult supervision is provided for residents on a full-time basis. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. (See also Section 408.)

HELICOPTER LANDING ZONE – TEMPORARY: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of emergency service helicopters (police, fire, rescue, medevac, military) on a temporary basis. (added 02/27/2013 per Ordinance # 1182)

HELIPORT: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of helicopters on a regular basis, and any appurtenant areas that are used, or intended for use, for helicopter buildings or other helicopter facilities, storage, maintenance, repairs, fueling, and cargo. This use shall comply with all regulations governing such use as required by the appropriate governing agencies of the United States, the Commonwealth of Pennsylvania, Northumberland County, and the Borough of Milton, and is subject to the specific criteria set forth in Section 428 of this Zoning Ordinance. (added 02/27/2013 per Ordinance # 1182)

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1) by an approved state program as determined by the Secretary of the Interior; or,
  - 2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the dwelling or building accessory thereto, which is carried on by the inhabitants thereof; is clearly incidental and secondary to the use of the dwelling for residential purposes; and does not change the character thereof. (See also Section 421.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs,

or trees for profit.

HOTEL: A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access and where provision may be made for dining room or restaurant facilities, cocktail lounges, or meeting or conference rooms within the building. (See also Section 416.)

HOT TUB: See SWIMMING POOL.

HYBRID ENERGY SYSTEM: A system that combines electrical input from multiple sources (solar, wind, geothermal, utility) into a bank of storage batteries.

(added 09/13/2023 per Ordinance # 1249)

ICE THROW: Any ice gathered on the rotating blades of a wind turbine that detaches and is thrown.

(added 09/13/2023 per Ordinance # 1249)

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

IMPERVIOUS SURFACE: That percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, patios, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, brick, or similar materials shall be considered impervious surfaces.

IMPROVEMENTS GUARANTEE: A written and financially backed agreement between the Developer and the Borough of Milton that the Developer must complete the job otherwise the Borough could either finish the job or return the property to a pre-existing condition using the Developer funds as set aside by the agreement.

(added 09/13/2023 per Ordinance # 1249)

IMPULSE SOUND: A single or multiple sound event characterized by a rapid rise to a maximum sound pressure of high intensity, followed by a somewhat slower decrease in sound pressure. The duration of an impulse sound event, which includes a combination or rise time, peak amplitude and decay, shall be no more than one second. Impulse sound shall be measured using unweighted peak dB levels and the fast setting of a sound level meter. Impulse sound may include, but is not limited to, sound from weapons fire, pile drivers or blasting.

(added 09/13/2023 per Ordinance # 1249)

INDUSTRIAL: For the purposes of this Ordinance, industrial shall be defined as large scale manufacturing, assembly, processing and/or shipping activities. See District Regulations for the Manufacturing, Economic Development, and the Industrial/Office Park Districts and meeting the supplementary regulations set forth in Section 417.

INDUSTRIAL USE, LIGHT: For the purposes of this Ordinance, light industrial uses shall be defined as those manufacturing, assembly, processing and shipping activities which generate no audible noise off-site nor create odor discernible beyond the boundaries of the industrial site and meet the supplementary use regulations set forth in Section 417. (See also



MANUFACTURING.)

INDUSTRIAL PARK: A tract of land which has been planned, developed and is operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INSTITUTIONAL USE: A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, hospital, nursing home, personal care home, or a municipally-owned building, structure or land used for public purposes.

INTERCONNECTION: The technical and practical link between the alternative energy generators, including hybrid sources such as wind, solar, geothermal, and multiple units of each, storage batteries, controllers, and grid providing electricity to the greater community.  
(added 09/13/2023 per Ordinance # 1249)

INVERTER: Electrical equipment that converts direct current (DC) produced from the sun's rays to alternating current (AC), which powers most electrical equipment.  
(added 09/13/2023 per Ordinance # 1249)

KILOWATT: A standard unit of electrical power equal to 1,000 watts.  
(added 09/13/2023 per Ordinance # 1249)

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or (2) a subdivision of land.

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LAUNDROMAT: A business premises equipped with individual clothes washing and drying machines for the use of retail customers. For the purposes of this Ordinance such facilities shall not include laundry facilities provided as an accessory use, such as those provided in an apartment building or other multi-family dwelling structure.

LEASE: A legally binding agreement between the Alternative Energy System developer and a landowner granting the developer the right to develop the land for Energy production.  
(added 09/13/2023 per Ordinance # 1249)

LETTER OF INTENT: Document sent by the Alternative Energy System developer to landowner. Sometimes comes before the option agreement. Can be legally binding and lay out terms of a potential lease. The main purpose is often to establish a nondisclosure agreement specifying that future terms negotiated cannot be disclosed. Also called term sheet or preliminary agreement. (added 09/13/2023 per Ordinance # 1249)

LOADING BERTH: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LODGING FACILITY: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Borough officials. (See also BED AND BREAKFAST ESTABLISHMENT, HOTEL AND MOTEL.)

LOT: A designated parcel or contiguous parcels, tracts, or areas of land established by a plat or otherwise as permitted by Law and to be used, developed or built upon as a unit. (added 02/27/2013 per Ordinance # 1182)

- a. Lot Area: See AREA.
- b. Lot Depth: The distance measured from the front lot line to the rear lot line.
- c. Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. Lot, Corner: A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- f. Lot, Reverse Frontage: A double frontage lot which is not accessible from one of the streets upon which its fronts, usually due to topographic constraints or safety considerations.

LOT LINES: The property lines bounding the lot.

- a. Lot Line, Front: The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite the rear lot line.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Northumberland County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance and the National Flood Insurance Program.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding, and similar types of activities.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MANUFACTURING OPERATIONS: For the purposes of this Ordinance, manufacturing operations shall be defined as those assembly, processing, and/or shipping activities specified in the District Regulations for the Manufacturing, Economic Development, and Industrial/Office Park Districts and meeting the supplementary regulations set forth in Section 417. (See also INDUSTRIAL USE, LIGHT.)

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MEDICAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

MEGAWATT: The standard measure of a solar array's generating capacity; equal to 1,000 kilowatts or 1,000,000 watts. (added 09/13/2023 per Ordinance # 1249)

MINIMUM FUNCTIONAL HEIGHT: Minimum height necessary for a Wireless Communication Facility to function satisfactorily. (added 07/16/17 per Ordinance # 1213)

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE FOOD VENDOR: A person who peddles, vends, sells, or serves food and/or

drink from a mobile food vending unit parked or located on a private parcel of property.  
(added 02/27/2014 per Ordinance # 1188)

MOBILE FOOD VENDING UNIT: Any motorized or non-motorized vehicle, trailer, pushcart, stand, or other device that is readily moveable and not permanently attached to the ground, from which food and/or drink is processed, prepared, and/or stored, for the purpose of being peddled, vended, sold, or served on-site to walk-up customers from the general public.  
(added 02/27/2014 per Ordinance # 1188)

MOBILE HOME: A transportable, manufactured dwelling intended for permanent occupancy, contained in one unit, or in two 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 for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. Furthermore, the frame or chassis shall remain an integral part of every mobile home, and no such unit shall lose its character or identity as a mobile home regardless if its wheels have been removed; the unit has been affixed to a permanent foundation; and/or its motor vehicle title has been surrendered. For purposes of this Ordinance, a mobile home may only be permitted to be placed within a mobile home park. (See also Sections 402 and 406.)

For floodplain management purposes, the term shall also include manufactured housing, and park trailers, travel trailers, recreational vehicles, and other similar units which are placed on a site for a period of time exceeding 180 consecutive days.

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 PAD: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, and other similar units for a period of time exceeding 180 consecutive days. (See also Section 406.)

MODIFICATION or MODIFY: The improvement, upgrade or expansion of existing Wireless Communications Facilities or base stations on an existing Wireless Communications Support Structure or the improvement, upgrade or expansion of the Wireless Communications Facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the Wireless Communications Support Structure. (added 07/16/17 per Ordinance # 1213)

MONOPOLE: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications

antennas and connect appurtenances.

(added 07/16/17 per Ordinance # 1213)

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms. (See also Section 416.)

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MUNICIPALITY: Any city of the first, second, second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eight class, home rule municipality or any similar general purpose unit of government which shall hereafter be created by the General Assembly that has adopted land use or zoning regulations. For this Ordinance, the term shall mean Milton Borough or the Borough of Milton, Northumberland County, PA.

(added 07/16/17 per Ordinance # 1213)

NEIGHBORHOOD OR COMMUNITY SHOPPING CENTER: See SHOPPING CENTER.

NEIGHBORHOOD RETAIL STORE: A retail store, shop, or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, or similar types of operations, but excluding liquor sales facilities.

NET METERING AGREEMENT: An agreement with a local electric utility that allows customers to receive credit for surplus electricity generated by certain Renewable (Alternative) Energy Systems.

(added 09/13/2023 per Ordinance # 1249)

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after October 21, 1981 and includes any subsequent improvements thereto.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use in a residential dwelling which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 421 A. of this Ordinance.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See

Section 900 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

NONDISCLOSURE AGREEMENT (NDA): A provision common to many Alternative Energy System leases stating that a signer may not divulge sensitive information contained in the agreement. (added 09/13/2023 per Ordinance # 1249)

NOISE (Sound): Emitted and audible sound which shall be measured / detected as noted. (added 09/13/2023 per Ordinance # 1249)

NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees, and plants for sale.

NURSERY SCHOOL: A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Ordinance, a nursery school may be an independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also DAY CARE CENTER.)

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, acute care, or other services generally provided by a hospital.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried down-stream to the damage of life or property.

OFFICE BUILDING, COMMERCIAL: A building used primarily for conducting the affairs of a business service, industry, government, or like activity, that may include ancillary services for office workers such as a cafeteria, coffee shop, newspaper or candy stand, excluding professional offices as defined herein.

OFFICE COMPLEX: A development on a tract of ground that contains a number of office buildings, supporting uses, and open space which is planned, designed, constructed and managed on an integrated, coordinated basis.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public

enjoyment.

- b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development, and which may include complementary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTDOOR RECREATION FACILITY: See RECREATION FACILITY, OUTDOOR.

OUTSIDE STORAGE: See STORAGE, OUTSIDE.

PARCEL: A designated area of land. (added 02/27/2013 per Ordinance # 1182)

PARKING AREA: An open area, other than a street or other public way, used for the parking of automobiles which is available to the public whether for a fee, free, or as an accommodation for clients or customers.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way and enclosed garage space. (See also Article 8.)

PARK AND PLAYGROUND: A public or semi-public park or park-type facility which provides outdoor recreational enjoyment and activity. Such facilities may include tot lots, tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues or other groups, or may be strictly independent. (See also Section 418.)

PATIO: A surfaced area generally located adjacent to a principal building or surrounding a pool or barbecue area which is constructed without a permanent roof and is intended for outdoor lounging, recreation or dining use. For the purposes of this Ordinance, patios may be surfaced with concrete, brick, flagstone, or other impervious materials.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code (as revised and adopted by Pennsylvania). (added 07/16/17 per Ordinance # 1213)

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer. (See also USE.)

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A state-licensed institutional facility providing 24-hour a day supervised care services, including meals and less than full-time skilled or intermediate

nursing care for individuals, usually the elderly; i.e. an assisted living facility. (See also RETIREMENT CENTER and Section 409.)

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, a personal service business shall be defined as a commercial establishment primarily engaged in providing services involving the care of a person or his apparel. Such facilities shall include, but are not limited to, barber or beauty shops, laundromats or dry cleaning establishments, tailor or dressmaking shops, music or art studios, upholstery or shoe repair facilities, or other establishments of a related nature.

PERSONAL STORAGE WAREHOUSE: A warehousing facility where separate storage spaces of varying sizes are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas.

PHOTOVOLTAIC (PV): Pertaining to the direct conversion of light into electricity.  
(added 09/13/2023 per Ordinance # 1249)

PLACE OF ASSEMBLY: A building or structure with an auditorium or rooms, with or without a theatrical stage, containing a minimum of 2,000 square feet which may be used for cultural assemblies and incidental motion picture presentations, lectures or similar purposes, or for art galleries, exhibition halls, or similar activities. (See also Section 415.)  
(added September 25, 2008 by Ordinance # 1159)

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance. (See also Section 405.)

PLANNING COMMISSION: The Planning Commission of Milton Borough, Northumberland County, PA.

PLAT: A plan or map containing one or more parcels, lots, tracts, or areas of land. (See Land Development) (added 02/27/2013 per Ordinance # 1182)

POWER PURCHASE AGREEMENT: A contract between the producer of the power and the purchaser of the electricity generated through the Alternative Energy System. It addresses how much energy the purchaser will buy and at what cost. (added 09/13/2023 per Ordinance # 1249)

PRINCIPAL USE: See USE, PRINCIPAL.

PROFESSION: An occupation requiring specialized knowledge, training, and/or academic preparation.

PROFESSIONAL: An occupation or employment involving mental or intellectual labor; skill or expertise; education or knowledge – a career requiring additional education, licensure and degrees or certifications. (added 02/27/2013 per Ordinance # 1182)



PROFESSIONAL OFFICE: An office occupied by up to two (2) members of a recognized profession used for conducting the affairs of said profession. Such facilities shall include, but need not be limited to, offices for real estate or insurance agents, doctors or dentists, architects, engineers, attorneys, accountants, investment advisors, clergymen, or other similar occupations. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling. Professional offices may be created by the conversion of an existing structure or they may be situated in an office building or office complex. (See also HOME OCCUPATION and BUSINESS OFFICE.)

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, Borough Planning Commission, or Borough Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC LIBRARY: A State sanctioned, non-profit, nonsectarian facility which provides for a basic collection of currently useful educational, informational, and recreational materials, such as books, pamphlets, magazines, newspapers, recording (including audio cassettes, books on tape, compact discs), computer-related materials and services (including internet access, CD Rom products, database searching and software), pictures, microforms, and video. In addition, a public library may provide additional community services including reference, children's activities, programs for older individuals, services to the underserved and other programs reflecting the community's needs. A public library may also be used for educational & cultural assemblies, motion picture presentations, lectures, concerts or similar purposes, art galleries, exhibition halls or similar activities. In addition, a public library may provide space, for free or for a fee, for any educational, cultural, community or other public or private event, and may provide such programming, and carry on such other activities, as its Trustees determine is consistent with the library's mission. (amended 05/14/2014 per Ordinance # 1190)

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC SERVICE BUILDING OR FACILITY: A facility housing governmental agencies, public service organizations, or other non-profit operations, including but not limited to, U.S. Postal Service, PADOT, PA State Police or local police departments, fire and ambulance companies, as well as other Federal, State, County and municipal operations.

PUBLIC UTILITIES: Facilities, buildings and/or structures constructed and maintained by

public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance, public utilities shall not include communications antennas, towers, and/or equipment buildings. (See also COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS.)

RECREATIONAL VEHICLE: A vehicle which is i) built on a chassis; ii) not more than 400 square feet, measured at the largest horizontal projections; iii) designed to be self-propelled or permanently towable by a light-duty truck; iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Where such vehicles are permitted to be placed on a lot in an identified floodplain area, they may be situated on a site for no more than 179 consecutive days and must be fully licensed, inspected and be ready of highway use at all times.

RECREATION FACILITY, OUTDOOR: Those recreational facilities located outside of an enclosed structure which are available to the public for free, for a fee, or as a commercial enterprise. Such facilities shall include, but need not be limited to, tennis or basketball courts, athletic fields, swimming pools, miniature golf courses, golf driving ranges, ice skating rinks, and similar uses. (See also Section 418.)

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

REHABILITATION FACILITY: is a licensed establishment which is a combination of temporary housing, medically supervised subacute care, personal supportive services and counselling for individuals of all ages with twenty-four (24) hour supervision whose primary purpose is the rehabilitation of persons for drug, alcohol, substance abuse or mental health issues. Such services may include *inter alia* medical care by physicians or physician or nurse assistants, skilled or unskilled nursing care, drug, alcohol and substance abuse rehabilitation, physical therapy, occupational therapy, speech pathology services, counselling, assistance to emotionally and mentally disturbed persons and halfway housing for prison parolees and juveniles. This definition shall also include a “residential drug, alcohol and/or substance abuse treatment facility, and sober living housing. (added 05/22/2024 per Ordinance # 1254)

RELATED EQUIPMENT: Equipment associated with or connected to a specific item. (added 07/16/17 per Ordinance # 1213)

REPLACEMENT: The replacement of existing Wireless Communications Facilities on an existing Wireless Communications Support Structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the Wireless Communications Facilities initially installed and that does not substantially change the physical dimensions of the existing Wireless Communications Support Structure. (added 07/16/17 per Ordinance # 1213)

RESTAURANT: A retail establishment where food and drink is prepared, served, and consumed primarily within the principal building.

RESIDENTIAL: Pertaining to, relating to, or suitable for dwelling for human beings of any age. (added 02/27/2013 per Ordinance # 1182)

RETAIL ESTABLISHMENT: A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 413.)

RETIREMENT CENTER: A building(s) containing a minimum of 12,000 square feet of habitable floor area designed or rehabilitated especially for use by retired persons. Such facilities shall provide individual or family units containing no less than 400 square feet of habitable floor area, and may include the preparation and service of meals on the premises, and the provision of housekeeping services, but shall exclude 24-hour supervision or full-time convalescent or chronic health care. (See also Section 410.)

RIGHT-OF-WAY (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way. (added 07/16/17 per Ordinance # 1213)

SATELLITE RECEIVING DISH: For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL (types): (added 09/13/2023 per Ordinance # 1249)

1. Academic School –An educational institution that provides learning spaces and programs for the teaching of students under the direction and supervision of teachers, including pre-school through graduate school. (added 09/13/2023 per Ordinance # 1249)
2. Alternative school – An elementary or secondary school with a nontraditional curriculum. Such schools offer a wide range of philosophies and teaching methods; some have strong political, scholarly, or philosophical orientations, while others are more *ad hoc* assemblies of teachers and students dissatisfied with some aspect of mainstream or traditional education. Some schools are based on pedagogical approaches differing from that of the mainstream pedagogy employed in a culture, while other schools are for gifted students, children with special needs, children who have fallen off the track educationally

or been expelled from their base school, children who wish to explore an unstructured or less rigid system of learning, etc. (added 09/13/2023 per Ordinance # 1249)

3. Professional school – Areas of learning and study based around certified and degree programs that help prepare individuals for specialized careers such as Engineering, Medical, Law, Social Work, Pharmacy, Dentistry, etc. (added 09/13/2023 per Ordinance # 1249)
4. Business school - Areas of learning and study based around certified and degree programs that help prepare individuals for management, administration, and business careers such as business administration, analytics, strategy, sales, marketing, banking, economics, etc. (added 09/13/2023 per Ordinance # 1249)
5. Technical school - Areas of learning and study based around applied sciences and modern technology careers such as graphic arts, agriculture, computers, data processing, drafting, design, etc. (added 09/13/2023 per Ordinance # 1249)
6. Vocational school - Areas of learning and study based around proficiency in manual and specialized skills such as auto body, auto mechanic, masonry, carpentry, etc. (added 09/13/2023 per Ordinance # 1249)

SCREENING: The provision of a visual shield or barrier between adjacent properties, structures, or uses, which may include vegetative plantings, fencing, or natural or man-made berms or landforms. (See also Section 506.)

SCREEN PLANTING: A type of screening made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen. Such plantings shall however adhere to the requirements of Section 506 A and shall be broken only at points of vehicular or pedestrian access or utility easements.

SHED: A simple single story roofed structure on a property detached from any main structure that is used for storage, hobbies, or a workshop. (added 09/13/2023 per Ordinance # 1249)

SHELTER (EMERGENCY): Temporary housing with minimal supportive services (food, clothing, etc.) for displaced people as a result of necessary evacuation of an area as declared due to an emergency situation or event. The temporary housing is limited to overnight stay or as long as deemed necessary by Federal, State, or Local EMA Agencies. homeless person. No individual or household may be denied shelter because of an inability to pay for other permanent housing. Such a facility may have individual rooms but does not have individual dwelling units. (The Emergency Shelter Use shall be permitted to temporarily exist in any Zoning District, except the Open Space and Floodfringe and Floodway Overlay Districts, as directed by Federal, State, or Local EMA Agencies with the approval by the Borough Code Enforcement Officer and Borough Zoning Officer).

(added 05/22/2024 per Ordinance # 1254)

SHELTER (HOMELESS): Temporary housing with minimal supportive services (food, clothing, etc.) for homeless people. The temporary housing is limited to overnight

stay or up to 2 weeks, which can be renewed as necessary by the Shelter Administration. No homeless individual or household may be denied shelter because of an inability to pay for housing elsewhere. Such a facility may have individual rooms but does not have individual dwelling units. (added 05/22/2024 per Ordinance # 1254)

SHOPPING CENTER: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments which have been planned, developed and managed as a unit, whether contained in one (1) building or in several buildings on the same tract.

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline. 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also Section 504 I.)

SIGN: Any device, structure or object used for visual communication or for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 700 for definitions of specific types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

SINGLE-FAMILY DETACHED DWELLING: See DWELLING, SINGLE-FAMILY DETACHED.

SITE: A location; i.e. for towers, other than towers in the public Rights-of-Way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible Wireless Communications Support Structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. (added 07/16/17 per Ordinance # 1213)

Small Wind Turbine Device: Shall mean and include small wind turbine devices, wind generators and systems producing from 1 to 100 kWh of electricity, and which are designed to be mounted on a pole or tower or to be attached to the principle or an accessory structure and used to generate power to serve structure(s) located on the same lot. (added 09/13/2023 per Ordinance # 1249)

SOLAR ARRAY: A system of a group of solar panels connected together. (added 09/13/2023 per Ordinance # 1249)

SOLAR ARRAY CONNECTION: The low-voltage electric lines which connect Solar Related Equipment. (added 09/13/2023 per Ordinance # 1249)

SOLAR EASEMENT: A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems. (added 09/13/2023 per Ordinance # 1249)

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun. (added 09/13/2023 per Ordinance # 1249)

SOLAR ENERGY SYSTEM FACILITY: An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principle solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. (added 09/13/2023 per Ordinance # 1249)

Solar Energy Farms: Systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on-site. (added 09/13/2023 per Ordinance # 1249)

SOLAR ENERGY PROJECT: A grouping of two or more Solar Energy Facilities which are held by owner or leased to a common lessor and which are part of a single solar energy production development project. (added 09/13/2023 per Ordinance # 1249)

SOLAR ENERGY PROJECT OWNER: The individual, group, or entity responsible for the permitting, construction and operation of a Solar Energy Facility or Solar Energy Project. (SEF Developer) (added 09/13/2023 per Ordinance # 1249)

SOLAR ENERGY SYSTEM (ACCESSORY): An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. Ground mounted or freestanding Solar Energy System with an output size not greater than 10kw shall be considered an Accessory Solar Energy System. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to power output. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules (panels), or solar equipment and is intended to primarily reduce on-site consumption of utility power or fuels for use on-site by the generator. (added 09/13/2023 per Ordinance # 1249)

Solar Energy System (Principle): Consists of one or more free-standing ground, or roof mounted solar collective devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures solely used for electric or thermal energy generation for sale onto the grid system and for off-site consumer uses. (added 09/13/2023 per Ordinance # 1249)

SOLAR FACILITY CONNECTION: The high-voltage electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

(added 09/13/2023 per Ordinance # 1249)

Solar Flower (Smart Flower): A flower-shaped solar panel array that attracts the sun and is completely portable.

(added 09/13/2023 per Ordinance # 1249)

Solar Module: Solar cells grouped to collect the sun's energy.

(added 09/13/2023 per Ordinance # 1249)

Solar Panel: That part or portion of a Solar Energy System containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

(added 09/13/2023 per Ordinance # 1249)

Solar Project Connection: The electric conveyance lines which connect a Solar Energy System Facility to the high-voltage electric interconnection grid.

(added 09/13/2023 per Ordinance # 1249)

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collection device panel, lines, pumps, batteries, mounting brackets, framing and foundations or other structures used for or intended to be used for collection of solar energy.

(added 09/13/2023 per Ordinance # 1249)

SOLAR SYSTEM DEVICE(S): A panel or collection system that converts the sunlight into an energy source through devices such as Photovoltaic (Electricity) Panels or Thermal (Heating Water or Air) Panels with tubing or a collection box. May be used for residential, commercial, industrial, or manufacturing as noted in Appendix A.

(added 09/13/2023 per Ordinance # 1249)

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and refraction of that medium. The description of sound may include characteristics of such sound, including duration, intensity, and frequency.

(added 09/13/2023 per Ordinance # 1249)

Sound Level Meter: An instrument to measure sound pressure levels which shall meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a "type two" meter and shall be calibrated by the manufacture or a company that can certify the calibration at least one time each year.

(added 09/13/2023 per Ordinance # 1249)

SPA: See SWIMMING POOL.

SPECIAL EXCEPTION USE: A use permitted in a certain zoning district as provided for in Article 3, the District Regulations, which must be approved by the Borough Zoning Hearing Board as set forth in Section 1001 D. of this Ordinance. Special exception approval may not be granted for uses other

than those expressly listed in Article 3.

SPECIAL PERMIT: A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring Special Permits and details for submission of applications for such activities.)

STEALTH TECHNOLOGY: State-of-the-art design techniques and camouflaging methods applied to Wireless Communications Facilities and Towers which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, flagpoles, utility poles, and light poles. (added 07/16/17 per Ordinance # 1213)

STORAGE: 1) A place or space for storing goods, articles of personal property, materials, etc.

2) The maintenance of goods, articles of personal property, materials, etc. on a site or at a location for a period of time.

Storage Batteries: Batteries that store electricity from renewable sources which are used directly to power a household, farm, or business with utility power as a backup. (added 09/13/2023 per Ordinance # 1249)

STORAGE BUILDING: See UTILITY BUILDING.

STORAGE FACILITY: See WAREHOUSING FACILITY.

STORAGE, OUTSIDE: For the purposes of this Ordinance, outside storage shall be defined as the outdoor or unenclosed storage of goods, materials, or merchandise which may be authorized as an accessory use on a lot in the General Commercial, Manufacturing, or Economic Development District. (See also Section 423.)

STREET: Any thoroughfare, whether public or private, located in whole or in part within Milton Borough, excluding alleys. The word "road" may be used interchangeably with the word "street".

STREET LINE: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, decks, fences, communications towers, swimming pools, and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.



b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: A place where a musician, photographer, dancer, or artist does his work or gives lessons.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or 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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE: A modification to an existing Wireless Communications Facility that changes the physical dimensions of a Wireless Communications Support Structure or base station if it meets any of the following criteria: (added 07/16/17 per Ordinance # 1213)

1. For a Tower outside the public rights-of-way:
  - a. It increases the height of the facility by more than ten (10%) percent, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20') feet, whichever is greater; or
  - b. It protrudes from the edge of the Wireless Communications Facility by more than twenty (20') feet, or more than the width of the Tower structures at the level off the appurtenance, whichever is greater.
2. For a Tower within the public rights-of-way:
  - a. It increases the height of the facility by more than ten (10%) percent or ten (10') feet, whichever is greater;
  - b. It protrudes from the edge of the structure by more than six (6') feet;
  - c. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
  - d. It entails any excavation or deployment outside the current site of the Tower;  
or
  - e. It does not comply with conditions associated with prior approval of construction or modification of the Tower, unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure

either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERMARKET: See GROCERY STORE.

SWIMMING POOL, SPA OR HOT TUB: A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet, used or intended to be used for recreation purposes, excluding ornamental reflecting pools and fish ponds. Such facilities may be private, public, or semi-public in nature. (See also Section 420.)

TEMPORARY HELICOPTER LANDING ZONE: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of emergency service helicopters (police, fire, rescue, medivac, military) on a temporary basis. (added 09/2012)

TEMPORARY ZONING PERMIT: A Zoning Permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Borough, or for temporary uses or structures. (See also Section 1202 J.)

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot in the Borough for a specified duration.

TEMPORARY USE: A short-term use or special activity which occurs in the Borough, including but not limited to, carnivals, circuses, open-air cultural, religious, or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use.

TOWER: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for Wireless Communications Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. Wi-Fi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their

associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.  
(added 07/16/17 per Ordinance # 1213)

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF): Wireless Communications Facilities that include the installation of a new tower to support the transmission equipment. A Wireless Communications Facility that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a Wireless Communications Facility is not considered a new Tower-Based Wireless Communications Facility.  
(added 07/16/17 per Ordinance # 1213)

TRACT: A lot, parcel, site, piece of property, or other area of land used or intended to be used, developed, or built upon as a unit. (added 02/27/2013 per Ordinance # 1182)

TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized Wireless Communications Service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Communications Services and fixed Wireless Communications Services such as a microwave backhaul. (added 07/16/17 per Ordinance # 1213)

TRUCKING OR MOTOR FREIGHT TERMINAL: Any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of freight or cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to serve the needs of drivers or the motoring public if approved by the proper Borough officials. (See also DISTRIBUTION FACILITY and WAREHOUSING FACILITY.)

Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor pane.  
(added 09/13/2023 per Ordinance # 1249)

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. Use, Accessory: A use subordinate to the principal use of a building, structure or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

UTILITY BUILDING: For the purposes of this Ordinance a utility building shall be defined as a detached accessory building used for the storage of articles of personal property, often

property maintenance equipment, but not including vehicles, boats, or similar large objects; i.e. a shed.

Utility Scale Solar: See "Grid Scale Solar." (added 09/13/2023 per Ordinance # 1249)

VARIANCE: A modification of the provisions of this Ordinance which the Borough Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is requested.)

View Shed: The geographical area of land, water, or other environmental elements that is visible to the human eye from a fixed vantage point or location. It includes all surrounding points that are in "line-of sight" with the location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees). (added 09/13/2023 per Ordinance # 1249)

WALL: A vertical architectural structure that serves to define and divide space, especially the sides of a building that connects the foundation to the roof.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSES.)

WATER-RELATED USES: Uses or activities located adjacent to or in the water, including, but not limited to, docks, piers, marinas, and other similar uses. (See also Section 426.)

WATER TOWER: A standpipe or an elevated tank situated on a support structure, both of which shall be constructed of steel, have a height of at least 75 feet and be used as a reservoir or facility to deliver water. (added 07/16/17 per Ordinance # 1213)

WBCA: Pennsylvania Wireless Broadcast Colocation Act (53 P.S. §11702.1, et seq.) (added 07/16/17 per Ordinance # 1213)

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, the United States Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory, and a wetland area designated by a river basin commission or other regulatory agency.

WHOLESALE: The sale of goods in quantity to retailers, dealers and the public.

Wildlife Corridor: An area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development, or logging). (added 09/13/2023 per Ordinance # 1249)

WIND ENERGY DEVICE: A wind driven system that converts wind power into an electric energy source through devices such as Wind Turbines, Windmills, etc. May be used for residential, commercial, industrial or manufacturing. (added 09/13/2023 per Ordinance # 1249)

Wind Energy Facility: An Electric generating facility, with the purpose of electricity supply, consisting of one or more wind turbines and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. (added 09/13/2023 per Ordinance # 1249)

Wind Turbine: A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, which may be of horizontal or vertical shaft design. (added 09/13/2023 per Ordinance # 1249)

WIRELESS: Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, personal communications service, microwave, satellite, or radio signals. (added 07/16/17 per Ordinance # 1213)

WIRELESS COMMUNICATIONS FACILITY (WCF): The set of equipment and network components, including antennas, nodes, control boxes, towers, poles, receivers, base stations, cabling & accessory equipment, conduits, ducts, pedestals, electronics, transmitters, and other equipment, used to provide Wireless Data and Wireless Communications Services, and for the purpose of transmitting, receiving, distributing, providing, storing, or accommodating Wireless Communications Services. This term shall include Distributed Antenna System (DAS). This term shall not include a Wireless Communications Support Structure. This term shall include a Broadcast Transmission Facility. (added 07/16/17 per Ordinance # 1213)

WIRELESS COMMUNICATIONS FACILITIES ON EXISTING STRUCTURES: Wireless Communications Facilities located on existing structures such as, but not limited to, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles, and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed Wireless Communications Facilities. (added 07/16/17 per Ordinance # 1213)

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a Wireless Communications Support Structure, including, but not limited to, buildings, light poles, utility poles, traffic signal poles and other similar structures that could support the placement or installation of WCF if approved by the Borough. This term shall include a Broadcast Transmission Support Structure. (added 07/16/17 per Ordinance # 1213)

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.
- d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Milton Borough, Northumberland County, PA, appointed by the Borough Council.

ZONING MAP: The official Zoning Map of Milton Borough, Northumberland County, PA, together with all notations, references and amendments which may hereafter be enacted. Said map is made a part of this Ordinance as set forth in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Borough Council and charged with the duty of enforcing the provisions of this Ordinance, the Milton Borough Zoning Ordinance.

ZONING PERMIT: The permit required by this Ordinance which states the purpose for which a building, structure, or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Ordinance. (See also TEMPORARY ZONING PERMIT and Section 1202.)