



MEDIA

HYBRID FORM-BASED CODE

“A Section” of the Zoning Ordinance

June 6, 2022 **DRAFT**

Changes are identified in red.

This document has been updated to address changes needed to facilitate the creation of the Hybrid Form-Based Code. This document has been updated to address changes needed to facilitate the creation of the Hybrid Form-Based Code. Changes are intended to impact only those areas that are covered by the hybrid form-based code (R1, R2, R3, R4 and Office District).

Article A-I. General Provisions

§ 311.A-1. Title.

This chapter shall be known and may be cited as the "Borough of Media Zoning Ordinance of 1989."

§ 311.A-2. Legislative intent.

The zoning regulations and districts set forth in this chapter are designed to achieve the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; proper density of population; civil defense, disaster evacuation, and national defense facilities; the provision of adequate light and air; police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers; and
- C. To advance the purposes and goals of the Borough as set forth in the Media Borough Comprehensive Plan Update, adopted September 18, 1986.

§ 311.A-3. Organization.

The following ordinance is organized into several sections:

- A. Section 311.A. includes the general provision of the ordinance, including definitions.
- B. Section 311.B. includes the **Borough's Hybrid Form-Based Code** that is applicable to all development in the following districts: R-1, R-2, R-3, R-4, and Office. The standards in this section specifically apply to those districts unless otherwise stipulated. The standards established in other sections may apply to development in these districts.
- C. Section 311.C. includes the standards applicable to all sections not identified above including the following zones: Municipal, Educational, Recreational and Community Use District (MERC), Retail-Office-Apartment District (ROA), Highway Business-Office District (HBO), Industrial District (I) as well as the Industrial Performance Standards.
- D. Section 311.D includes standards applicable to all overlay districts including: TND-1 - Traditional Neighborhood Design Overlay District; HR - Historic Resources Overlay District; and the L ROA - Light Retail-Office-Apartment Overlay District; and the Steep Slope Conservation Overlay District.
- E. Section 311.E includes standards which are applicable to one or more districts and includes parking, sign, and supplemental regulations, among others.
- F. Section 311.F includes standards which govern the administration of this ordinance, including the Zoning Hearing Board.

§ 311.A-4. Establishment of districts.

[Amended 1-15-2004 by Ord. No. 984; 7-19-2007 by Ord. No. 1031; 11-20-2008 by Ord. No. 1051; 10-21-2010 by Ord. No. 1077; 6-21-2012 by Ord. No. 1094]

For the purposes of this chapter the Borough of Media is hereby divided into the following zoning districts:

- A. R-1 - Residential District
- B. R-2 - Residential District
- C. R-3 - Residential District
- D. R-4 - Residential District
- E. MERC - Municipal, Educational, Recreational and Community Use District
- F. O - Office District
- G. ROA - Retail-Office-Apartment District
- H. HBO - Highway Business-Office District I — Industrial District
- I. TND-1 - Traditional Neighborhood Design Overlay District
- J. HR - Historic Resources Overlay District
- K. L ROA - Light Retail-Office-Apartment Overlay District
- L. Steep Slope Conservation Overlay District

§ 311.A-5. Establishment of controls.

- A. Minimum and uniform regulations. The regulations set forth in this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.
- B. Proposed uses and structures. In all zoning districts, after the effective date of this chapter, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Article XVII of this chapter.
- C. Existing uses and structures. In all districts, after the effective date of this chapter, any existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article XVIII of this chapter.

§ 311.A-6. Zoning Map.

The zoning district locations and boundaries are those that exist on the legally adopted Official Zoning Map, a copy of which is attached hereto and made a part of this Zoning Chapter. The original Zoning Map shall be kept on file in the office of the Borough Secretary. Whenever changes are made in the boundaries or other matter included on the said Zoning Map, such changes in the map shall be made within five days after the amendment has been approved by Borough Council.

§ 311.A-7. Boundary tolerances.

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of the less restricted district shall extend over the portion of

the lot in the more restricted district a distance of not more than 25 feet from the district boundary.

§ 311.A-8. Floodplain regulations.

[Amended 1-20-1994 by Ord. No. 870; 8-15-1996 by Ord. No. 903]

All structures, land areas and/or premises which are located in areas identified as floodplain by the National Flood Insurance Program are subject to the regulations of the Media Floodplain Ordinance, as amended.²

§ 311.A-9. Stormwater management.

Stormwater management in those portions of the Borough within the Ridley Creek watershed shall conform to the standards and criteria of the Ridley Creek Stormwater Management Plan, as regulated by the Ridley Creek Stormwater Management Ordinance, as now in effect or as later adopted.

§ 311.A-10. Interpretation.

In the interpretation and application of the provisions of this chapter, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. In the case that this chapter is in conflict with any other statute, ordinance or regulation, the more restrictive statute, ordinance or regulation shall be controlling.

§ 311.A-11. Repealer.

The existing zoning regulations, Ordinance No. 625 of 1973, as amended, are hereby repealed.

Article A-II. Definitions

§ 311.A-12. Interpretation of language.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning indicated herein. The singular shall include the plural, and the plural shall include the singular. The phrase "used for" includes the phrase "arranged for," "designed for," "intended for," "maintained for" or "occupied for." The word "building" shall include the word "structure." The present tense shall include the future tense. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive.

§ 311.A-13. § 311-12. Definition of terms.

In this chapter, words, terms and phrases shall have the following meanings:

ABANDONMENT — The cessation of a use of a property, land and/or structures by the owner for a period of at least one year.

ACCESSORY STRUCTURE — A subordinate structure, the use of which is clearly incidental to that of the principal building on the same lot or to the use of the land. Toolsheds shall be considered accessory structures.

ACCESSORY USE — A use of land or of a building or a portion thereof customarily incidental and

subordinate to the principal use and located on the same lot.

ACCESSORY DWELLING UNIT (ADU) - A secondary residential living unit on the same parcel as a principal housing unit. The ADU provides complete independent living facilities for one or more persons. An ADU is (1) owned by the owner of the principal dwelling; (2) contains complete HOUSEKEEPING FACILITIES; and (3) does not share HOUSEKEEPING FACILITIES with any other use. It may take various forms: a detached unit; a semi-attached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is totally integrated into the primary residence.

ACCESSORY WORK UNIT (AWU) - A secondary detached or semi-detached building on the same parcel as a principal housing unit. The AWU provides space for the occupant of the principal housing unit to perform activities permitted within the zone, such as no-impact home-based business activities, hobbies, and crafts. An ADO is (1) owned by the owner of the principal dwelling; (2) does NOT contains any HOUSEKEEPING FACILITIES including but not limited to bathrooms, kitchens, and bedrooms.

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion producing devices are maintained to show images to five or fewer persons per machine at any one time or where the image is so displayed over distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas. **[Added 6-16-1994 by Ord. No. 871]**

ADULT CABARET, ADULT DANCE HALL, ADULT CLUB, ADULT BAR, ADULT TAVERN, NIGHTCLUB, RESTAURANT OR SIMILAR COMMERCIAL ESTABLISHMENT — Offering adult entertainment; any cabaret, dance hall club, tavern, bar, nightclub, restaurant or similar commercial establishment offering entertainment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein whether or not liquor is sold on the premises. Such presentation or material may be live or through films, motion pictures, video cassettes, slides or other photographic reproduction depicting or describing specified sexual activities or specified anatomical areas. **[Added 6-16-1994 by Ord. No. 871]**

ADULT ENTERTAINMENT — Live or non-live entertainment containing specified sexual activities or displaying or presenting specified anatomical areas. This definition is a broad overall definition which includes the activities adult cabaret, adult dance hall, adult club, adult bar, adult tavern, adult materials sales, adult mini motion picture theater, adult motion picture theater, and peep shows as part of its definition for adult entertainment. **[Added 6-16-1994 by Ord. No. 871]**

ADULT MATERIALS SALES **[Added 6-16-1994 by Ord. No. 871]** — Book, video, magazine sales, other printed matter, photographs, films, motion picture video or production slides or other visual representation and/or rentals where either the materials, advertising or the displays or the signs in or out of the locations offer written material showing, displaying, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patron therein. This does not apply to the availability for sale of any material displayed in such a way that only the name of the book or magazine appears.

Instruments, devices or paraphernalia which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or

specified anatomical areas.

Such a commercial establishment as listed in Subsections A and B may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be characterized as adult material sales. Such other business purposes will not serve to exempt such commercial establishments from being categorized as adult material sales so long as one of its principal business purposes is the offering for sale or rental for consideration in specified materials used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

ADULT MINI MOTION PICTURE THEATER — Any enclosed, or semi-enclosed, or unenclosed building which houses a commercial establishment with the capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein.**[Added 6-16-1994 by Ord. No. 871]**

ADULT MOTEL — A hotel, motel or similar commercial establishment which offers accommodation to the public for any form of consideration; provides patrons of closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproduction which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.**[Added 6-16-1994 by Ord. No. 871]**

ADULT MOTION PICTURE THEATER — Any enclosed, or partially enclosed, or unenclosed building which houses a commercial establishment with the capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein.**[Added 6-16-1994 by Ord. No. 871]**

ALLEY — A public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation. Its primary functions are to provide access to the rear of abutting lots, to enable buildings to be located closer to the street and thereby enhance the streetscape character by moving garage doors and curb cuts away from the frontage street.**[Amended 2-19-2015 by Ord. No. 1116]**

ALTERATION — A change or rearrangement in the structural parts or in the means of egress from a building or an enlargement, whether by extending the building or increasing building height.

ALTERATION, VISUAL — Any change that results in a significant change in the visual appearance of a building as viewed from any street or sidewalk.

APPLICANT — A person who applies by filling out an application for a permit for an adult entertainment business.**[Added 6-16-1994 by Ord. No. 871]**

ARCHITECTURAL CONSISTENCY - When the design of one building is substantially similar to the design of a reference building or to an architectural style. This may include similar forms, fenestrations, materials, details, or other attributes as certified by a registered architect and/or

demonstrated through adherence to standards found in architectural publications from reputable sources, including the American Institute of Architects, among others. When determining the architectural consistency of building components, windows, doors, or other architectural details to either reference buildings or to reference styles, consistency may be determined based on the form, shape, relative size, material, or other details.

AWNINGS (FIXED OR RETRACTABLE) — A metal framework attached to the frame of a building with a flexible material covering, without any vertical members supporting it at grade level. **[Added 8-15-1996 by Ord. No. 903]**

BANK — A financial institution organized primarily for the purpose of lending and receiving money and the accounts and deposits of which are insured by an agency of the federal government. Credit Unions are considered banks. **[Amended 12-16-1999 by Ord. No. 938]**

BED-AND-BREAKFAST — A use that provides overnight accommodation and may provide a single morning meal and afternoon tea for a limited number of transient guests for compensation either in more than one room or to more than two persons at any one time. **[Added 11-20-2008 by Ord. No. 1051-2008; amended 7-20-2017 by Ord. No. 1126-2017]**

BILLBOARD — An off-premises sign displaying changeable or permanent advertising copy which pertains to a business organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located and which is supported by one or more uprights upon the ground with or without braces and not attached to a building or structure. **[Added 1-20-2000 by Ord. No. 940]**

BOROUGH — Media Borough, Delaware County, Commonwealth of Pennsylvania. **[Added 11-20-2008 by Ord. No. 1051-2008]**

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING COVERAGE — The aggregate of the horizontal cross-sectional areas of all buildings on a lot, and excluding only such projections as are permitted in required yards in § 311-61.

BUILDING HEIGHT — The lesser of the vertical distance measured from the average level of the ground as provided by the BOCA building regulations surrounding the structure or from the average level of the ground at the center line(s) of the public street(s) abutting the property, to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height. In the event the property is on a corner, the lesser vertical distance is measured at the center line of each street to the same highest point described in the prior sentence. This definition is to be used to determine the building height in each zoning district. **[Amended 1-15-2004 by Ord. No. 984]**

BUILDING LINE — A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

BUILD-TO LINE — The line which defines the placement of the building from the street on which the building fronts. The build-to line of the building forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street. A build-to line may have a recess or

projection up to four feet in order to promote variations of building placement on a block. **[Added 7-19-2007 by Ord. No. 1031]**

BUSINESS — A legal commercial or mercantile activity engaged in as a means of livelihood or income as defined by the Federal Internal Revenue Code. **[Added 6-19-2003 by Ord. No. 973]**

CANOPY — A metal framework attached to the frame of a building with a flexible material covering, partially or fully supported by vertical members bearing at grade level. **[Added 8-15-1996 by Ord. No. 903]**

CARTWAY — The minimum paved area of a public or private street within which vehicles are permitted.

CERTIFICATE OF OCCUPANCY — A document issued by the duly authorized local authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CERTIFICATION — A department and/or agency of the Borough after inspection of the premises for adult entertainment writes a report to the Code Enforcement Officer regarding compliance or noncompliance. **[Added 6-16-1994 by Ord. No. 871]**

CHURCH — A building or group of buildings, including customary accessory buildings, designed or intended for organized religious services.

CLUB OR LODGE — A social, professional, philanthropic or similar organization characterized by the payment of dues, regular meetings, and a constitution and/or bylaws. A building is used for club or lodge purposes when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

CODE ENFORCEMENT OFFICER — A duly appointed official empowered to administer and enforce the Zoning Chapter and other Borough ordinances.

COMMERCIAL ACTIVITY — Of or relating to the legal buying, selling, or trading of a product or products for the purpose of a means of livelihood or income as defined by the Federal Internal Revenue Code. **[Added 6-19-2003 by Ord. No. 973]**

COMMON OR SHARED DRIVEWAY — A driveway for the use of two parcels or lots under separate or common ownership and that driveway is located on one or both properties. **[Added 7-15-2004 by Ord. No. 994]**

COMMUNITY DAY-CARE CENTER — A facility providing day care and early child educational services to seven or more children at any one time where the child-care areas are not being used as family residence. **[Added 3-5-2020 by Ord. No. 1139]**

COMMUNITY-OWNED DRIVEWAY — A single driveway that serves more than two multiple dwelling units in the same community. The ownership and/or maintenance of the community driveway shall be the legal responsibility of all owners of the dwelling units as set forth in the deeds of the properties and/or any joint homeowners' agreements. **[Added 7-15-2004 by Ord. No. 995]**

COMMUNITY-OWNED PARKING AREA — A multiple off-street parking area that serves more than two multiple dwelling units for the use and enjoyment for all dwelling units in the same community.

The ownership and/or maintenance of the community parking area shall be the legal responsibility of all owners of the dwellings units as set forth in the deeds of the properties and/or any joint homeowners' agreements.**[Added 7-15-2004 by Ord. No. 995]**

COMMUNITY RESIDENCE FACILITY, FAMILY-BASED — A residential facility licensed by the appropriate agency and used as living quarters by persons requiring special care, and by their adult supervisors. A family-based community residence facility is specifically designed to create a residential environment for the following types of individuals: developmentally disabled, mentally ill, physically handicapped, elderly, dependent children or similar types of individuals who are unable to live without supervision. This definition does not include facilities for the mentally retarded.

COMMUNITY RESIDENCE FACILITY, PHYSICALLY AND/OR MENTALLY

DISABLED — A residential facility licensed by the appropriate agency and used as living quarters by persons requiring special care and by their adult supervisors. A community residence facility for the physically and/or mentally disabled is specifically designed to create a residential environment for the physically and/or mentally disabled.**[Amended 8-15-1996 by Ord. No. 903]**

COMMUNITY USE FACILITIES — The facilities which provide for various community services such as health, education, safety, leisure and like needs and the locations at which these services are provided. Typical community facilities include: schools, parks and recreational areas, libraries, hospitals and other health-care facilities, fire protection, police, ambulance and rescue services and postal services.

COMPREHENSIVE PLAN — The Media Borough Comprehensive Plan, as may be amended from time to time, including maps, tables and text which constitute a guide for local decisions regarding land use, housing, circulation, parking and community facilities in Media Borough.

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.

CONSTRUCT or CONSTRUCTION — The erection of a new building, structure or object upon a site.**[Added 11-20-2008 by Ord. No. 1051-2008]**

CONVERSION — A change in the use of a building; for example, the change of a single-family dwelling to a multifamily dwelling which may include an efficiency apartment or the change of a retail use to office use. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this chapter permit, such conversion may be accomplished by appropriate alteration upon the issuance of a land development approval and the issuance of the necessary permits.**[Amended 7-15-2004 by Ord. No. 995]**

COUNCIL — The Media Borough Council.**[Added 11-20-2008 by Ord. No. 1051-2008]**

COURTYARD SPACES — A type of plaza, surfaced primarily with decorative pavers, and typically enclosed by buildings.**[Added 2-19-2015 by Ord. No. 1116]**

DAY-CARE CENTER — A facility which provides supplemental parental care and supervision and/or

instruction to more than six children during the entire or any portion of the day.

DECK or OPEN DECK — A flat floored roofless structure without walls adjoining a house or building that is usually constructed of wood or wood-type products and is elevated above the ground.**[Added 5-20-2004 by Ord. No. 989]**

DEMOLITION or DEMOLISH — The razing or destruction, whether entirely or partially, in an amount in excess of 25% of the facade area or floor area of an historic resource. Demolition includes the removal of an historic resource from its site.**[Added 11-20-2008 by Ord. No. 1051-2008]**

DENSITY — The maximum number of dwelling units per gross acre.

DEVELOPER — Any owner, equitable owner or agent of such owner or tenant with the permission of such owner who makes or causes to be made a subdivision of land, land development or any other development.

DEVELOPMENT — The division of a parcel of land into two or more lots; any man-made changes to land, including but not limited to the construction, reconstruction, erection, conversion, structural alteration, relocation or enlargement of any structure; and mining, excavation, landfill, filling or other land disturbance.

DISPLAY — To place, present or exhibit.**[Added 6-19-2003 by Ord. No. 973]**

DRIVEWAY — A privately owned vehicular access with a single entry from a public or private street or road to a parking area contained on a lot or property, the use of which is limited to persons residing on or otherwise using or visiting the parcel upon which such driveway is located. Driveways shall not be the sole part of said lot or parcel of land that contacts the public or private street or road. That portion of a lot or parcel of land which abuts a public or private street or road and is used as a driveway shall not be considered as part of the required area and bulk requirements and/or setbacks for any zoning district.**[Added 7-15-2004 by Ord. No. 994]**

DWELLING — A building designed for residential use.

DWELLING, MULTIFAMILY (APARTMENTS) — A building designed and used exclusively as a residence for three or more families living independently of one another.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) — A single-family attached dwelling within a building with not less than three and not more than five such dwellings. Each such dwelling has at least one party wall in common with other dwellings in the same row; a townhouse. If only two townhouses are built with a common party wall, they are considered single-family semidetached homes (twin).**[Amended 1-15-2004 by Ord. No. 984]**

DWELLING, SINGLE-FAMILY DETACHED — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building and having yard areas on all four sides.

DWELLING SINGLE-FAMILY SEMIDETACHED (TWIN) — A building designed for and occupied exclusively as a residence for only one family, having one party wall in common with an adjacent building and having yard areas on three sides. If only two townhouses are built

with a common party wall, they are single family semidetached homes (twin).**[Amended 1-15-2004 by Ord. No. 984]**

DWELLING, TWO-FAMILY DETACHED (DUPLEX) — A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and having no party wall in common with an adjacent building; a duplex. "Living partly over another family" is defined as sharing parts of the structure such as but not limited to stairs and hallways, but not bathroom or kitchen facilities. "Detached" is defined as where the two-family structure, identified in this definition, is not attached to another structure with or without another family or families.**[Amended 1-15-2004 by Ord. No. 984]**

DWELLING UNIT — One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT — The grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation or another person or entity.

EFFICIENCY APARTMENT — A one-room apartment that contains a small kitchen and bathroom. An efficiency apartment shall be a use by right or use by special exception where zoning permits residential conversions or multifamily dwellings (apartments.) The area and bulk regulations, including minimum square footage per unit requirements, for these districts shall apply to efficiency apartments as they do for residential conversions or multifamily dwellings (apartments).**[Added 7-15-2004 by Ord. No. 995]**

END-ON-END PARKING — A parking arrangement designed and/or used so as to allow the parking of abutting rows of vehicles in a parking area serving a commercial or office use in a manner that the vehicles in the interior row have no direct, unimpeded access to the street or alley and must traverse parking spaces in the exterior row to exit the parking area. The vehicle in the exterior row must be moved in order to allow the vehicle in the interior row to exit the parking area. Not more than two such parallel rows shall be permitted. See Illustration 2. ³

ESTABLISHMENT **[Added 6-16-1994 by Ord. No. 871]** — The opening or commencement of any adult entertainment as a new business; The conversion of an existing business, whether or not an adult entertainment, to an adult entertainment business; The additions of any adult entertainment business to any other existing adult entertainment business; or The relocation of any adult entertainment business.

FAÇADE — The outside face of the building given special architectural treatment.**[Added 6-19-2003 by Ord. No. 974]**

FACADE ENHANCEMENT — Occurs when the rear of the building has been improved with substantial architectural detailing of a pent eave, pilaster, cornice, arch, column, porch, balcony, or like-type feature or the rear entrance has been enhanced with landscape detailing including a brick courtyard wall, wrought-iron fence, pergola, espalier, trellis, arbor, or like-type feature. Whether an enhancement meets the substantial requirement shall be reviewed by and determined by the Code Enforcement Officer.**[Added 6-19-2003 by Ord. No. 974]**

FAMILY — Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children, plus not more

than two boarders, two roomers or two lodgers; or no more than five single, unrelated individuals living together as a single housekeeping unit with single kitchen facilities. This definition shall not apply to domestic servants or occupants of a community residence facility, club, lodge, fraternity, boardinghouse or similar use. **[Amended 7-20-2017 by Ord. No. 1126-2017]**

FINANCIAL INSTITUTION — An institution (other than a bank) that is organized primarily for the purpose of investing and trading of stocks, bonds and other investments and the accounts of which are not insured by an agency of the federal government. **[Added 12-16-1999 by Ord. No. 938]**

FLAG LOT — Any lot not meeting the minimum lot width requirement at the property boundary and/or at the street line and which includes an elongated extension to connect the bulk of the said lot to a street is a flag lot. **[Added 7-15-2004 by Ord. No. 994]**

FLOOD, ONE-HUNDRED YEAR — A flood that, on the average, is likely to occur only once every 100 years, that is one that has a one-percent likelihood of occurring each year, but may occur more than once in any one-hundred-year period.

FLOODPLAIN — A land area adjoining a river, stream, watercourse or other body of water, which area is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation of surface waters from any source.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. Gross floor area includes but is not limited to the following:

- Basement space, if it meets the requirements of a building story as defined in this section.
- Elevator shaft, stairwell and attic space providing headroom of six feet or more.
- The floor areas of roofed terraces, exterior balconies, breezeways or porches where over 50% of the perimeter is enclosed.
- Any floor space used for dwelling purposes no matter where located within a building.

FLOOR AREA, NET — The total of all floor areas of a building, excluding stairwells and elevator shafts, corridors, vestibules, toilet rooms, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for other than storage or mechanical purposes.

FLOOR AREA, SALES OR CUSTOMER SERVICE — That portion of floor area devoted exclusively to selling or display of merchandise or service of customers or patrons.

FRONTAGE (see Street Frontage, Illustration 1⁴) — That side of a lot abutting on a street. On a corner lot the frontage is the side where the main entrance is located.

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

GARAGE, PRIVATE — A building accessory to a principal building, used principally for automobile

storage and in which no business, service or industry whether connected directly or indirectly with motor vehicles is conducted.

GARAGE, PUBLIC — A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GREEN COURT — A green space that may be located within the interior of a property in the TND-1 Overlay District, without having direct frontage on a street. **[Added 2-19-2015 by Ord. No. 1116]**

GREEN SPACE — The open space in the TND-1 Overlay District intended to be used as space for public access, in the form of a courtyard, green court, neighborhood green, plaza, or other like type pedestrian gathering area. **[Added 2-19-2015 by Ord. No. 1116]**

GROUND COVER — A substance, either living or nonliving, that forms a dense covering to prevent soil erosion or weed growth.

GYMNASIUM — A room on building equipped for gymnastics and/or other sports. **[Added 8-15-1996 by Ord. No. 903]**

HABITABLE FLOOR AREA — The net floor area of a structure. **[Added 6-19-2003 by Ord. No. 973]**

HERIATAGE TREE – Any tree that is equal to or exceed 24 inches diameter at breast height.

HOUSKEEPING FACILITIES – Facilities that are customarily associated with a housing unit, including but not limited to, bathrooms, kitchens, and bedrooms.

HISTORIC RESOURCE — Any building, structure, site or object listed in the Historic Sites Survey, except for buildings, structures, sites or objects located within the Historic Districts established by the Borough pursuant to Ordinance No. 638-B, or any successor or amending ordinance thereto, where such buildings, structures, sites or objects are governed by and subject to a review process before the Borough's Historic Architectural Review Board and Council. **[Added 11-20-2008 by Ord. No. 1051-2008]**

HISTORIC RESOURCE MAP — The official municipal map, maintained by the Borough, indicating the locations of historic resources situated in the Borough. The map is buttressed by the Historic Sites Survey and any supplements and amendments thereto. **[Added 11-20-2008 by Ord. No. 1051-2008]**

HISTORIC RESOURCE OVERLAY DISTRICT — An official list and map comprised of historic resources regulated by this amendment as part of the Media Borough Zoning Code. **[Added 11-20-2008 by Ord. No. 1051-2008]**

HISTORIC SITES SURVEY — The Media Borough Historic Sites Survey as prepared by the Delaware County Planning Department, dated November 1990, as updated from time to time either by the Delaware County Planning Department or by the Borough in accordance with the provisions of § 311-149 herein **[Added 11-20-2008 by Ord. No. 1051-2008]**

HISTORIC STRUCTURE — Any building or structure which is historically or architecturally significant.

IMPERVIOUS SURFACE — **[Added 5-15-2008 by Ord. No. 1047; amended 1-20-2011 by Ord. No. 1082]**

- A. A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, any structure and accessory structure building footprints, parking areas, driveway areas, decks, walkways, patios and swimming pools; provided, however, that for the purpose of calculating impervious surface in any R residential zoning district, the following improvements shall not be included:
- (1) An accessory structure footprint of up to 120 square feet provided that the accessory building is placed upon a stone recharge bed of six inches of clean three-quarters-inch stone that extends a minimum of two feet past the roof eaves of the accessory structure.
 - (2) Walkways four feet or less in width necessary to access the primary structure from the street or to connect off-street parking areas located upon the lot with the primary structure.
 - (3) An off-street parking area of up to two parking spaces measuring a maximum of nine feet wide by 18 feet deep each, provided that the parking spaces:
 - (a) Comply with stormwater management ordinance requirements; and
 - (b) Do not generate stormwater flow detrimental to adjacent properties.
 - (4) Uncovered decks with a footprint including access stairs not exceeding the greater of 10% of the principal structure footprint or 120 square feet, provided that:
 - (a) Such decks will have spacing between the floor boards of in between 1/4 inch and 3/8 inch to allow stormwater drainage through the deck; and
 - (b) The ground surface beneath the deck shall be provided with a stormwater management facility designed to manage two inches of rain applied over the square footage of the deck.
 - (5) Additions to the principal structure of less than 100 square feet where the stormwater from the addition is managed by installation of either a rain barrel or the planting of a tree with a minimum caliper of at least two inches.
- B. In all instances above in which a stormwater management solution is required, the applicant may petition the zoning officer for approval of an alternative that meets the requirements of Chapter 251 of the Borough Code.

INFILL DEVELOPMENT — New development, adaptive re-use of buildings, redevelopment, and the like. **[Added 7-19-2007 by Ord. No. 1031]**

LAND DEVELOPMENT — The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings or the division or allocation of land between or among two or more existing or prospective occupants and properties by means of, or for the purpose of, streets, common areas, leaseholds, condominiums,

building groups or other features, including a subdivision of land.[Amended 7-18-2002 by Ord. No. 958]

- A. Minor land development. The following criteria shall constitute a minor land development for the purposes of this chapter:
- B. The cost of the proposed development does not exceed \$250,000; and
- C. The intended development or modification of a site, or use and occupancy of any existing structure or change of use group will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this chapter; and/or
- D. The additions to existing nonresidential building is less the 5,000 gross square feet and does not exceed more than a twenty-five-percent increase in the size of the existing building; and/or
- E. The proposal is only a parking lot expansion.
- F. Major land development. Any proposed land development that shall not meet the criteria of a minor land development shall be considered a major land development.

LANDSCAPED PLANTING AREA — An area landscaped with grass, ground cover, shrubs, trees and/or flowering perennial plants placed where required by the Zoning Chapter and permanently maintained. Shrubs, trees and flowering perennial plants in mulched planting beds shall occupy a minimum of 50% of the square footage of the landscaped planting area. [Amended 8-15-1996 by Ord. No. 903]

LANDSCAPING PLAN — A plan for the installation and maintenance of plantings.

LIVING AREA - The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

LOADING SPACE, OFF-STREET — A space in a building or on a lot which is accessible from the public street system for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

LOGO — A symbol, word or phrase used in advertising that is not a proper name, or company name.[Added 8-15-1996 by Ord. No. 903]

LOT — A parcel of land on which a main building and any accessory buildings are or may be placed, together with the required open spaces and setbacks.

LOT AREA — The total horizontal area within the lot lines of a lot.LOT, CORNER — A lot bounded on at least two sides by streets.

LOT LINE — A line of record bounding a lot which line divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT (See Illustration 1⁵) — The line separating the lot from the street right-of-way.

LOT LINE, REAR (See Illustration 1) — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE (See Illustration 1) — Any lot line not a front or rear lot line.

LOT, MINIMUM AREA OF — The smallest lot area established by the Borough Zoning Chapter on which a use or structure may be located in a particular district.

LOT WIDTH — The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

MEDICAL MARIJUANA ACT — Act 16 of 2016, 35 P.S. § 10231.101. et seq. **[Added 7-20-2017 by Ord. No. 1127-2017]**

MEDICAL MARIJUANA DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act. **[Added 7-20-2017 by Ord. No. 1127-2017]**

MEDICAL MARIJUANA GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act. **[Added 7-20-2017 by Ord. No. 1127-2017]**

MINIMUM AVERAGE LOT SIZE - The average (mean) size of all the lots in a subdivision. No lot within a subdivision may be more than 10% larger or smaller than the Minimum Average Lot Size.

MIXED USE — The development of a tract of land or a building with two or more different uses such as, but not limited to, retail, office or residential.

MOTEL (including inn or hotel) — A building or group of buildings containing five or more guest rooms, without cooking facilities of any kind, especially designed for the temporary lodging of transient guests. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing and laundering of linen. Eating and drinking facilities may be an accessory use to the motel or inn.

MULTITENANT BUILDING — A single building containing two or more commercial uses and having no more than one common primary public entrance. **[Added 8-15-1996 by Ord. No. 903]**

MUNICIPAL USE — A use conducted by the Borough or a Borough authority, such as parks, playgrounds and other recreational, cultural and conservation areas, the sites for sewage treatment and other public facilities.

MURAL — A painting on a wall, or self-supported structure. **[Added 8-15-1996 by Ord. No. 903]**

NEGLECTED VEHICLE — Any motor vehicle as defined by the Commonwealth of Pennsylvania Vehicle Code and its amendments, with any of the following, but not limited to: a flat tire, broken windows, without one or more wheels, the vehicle raised up off its wheels by mechanical or other means, a vehicle which cannot be readily driven and/or moved or cannot pass a state inspection, that is parked on the public or private street or upon private property for a period of 24 hours or

more or on a property, and/or parcel of land and/or a lot for continuous period of 10 or more days.**[Added 5-20-2004 by Ord. No. 988]**

NEIGHBORHOOD GREEN — An open space and green space amenity in the TND-1 Overlay District, typically 2,000 square feet in size and greater and typically used for

passive recreation, around which buildings have frontage.**[Added 2-19-2015 by Ord. No. 1116]**

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use.**[Added 6-19-2003 by Ord. No. 973]**

NONCONFORMING LOT — A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE — A structure, the size, dimensions or location of which were lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

NONPROFIT ORGANIZATION — A group organized for lawful purposes, other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional or similar organization.

NUDITY or STATE OF NUDITY — The appearance of the specified anatomical areas without any coverings on the body area.**[Added 6-16-1994 by Ord. No. 871]**

OBJECTOR — Any person that has filed written objections to the issuance of a demolition permit pursuant to § 311-144D of this article.**[Added 11-20-2008 by Ord. No. 1051-2008]**

OFFICE — A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OPEN SPACE — Natural, cultivated or landscaped areas restricted to natural resource conservation, recreation, buffer or other uses.

OPEN SPACE, PROGRAMED — Open space that is specifically designed for passive or active recreation.

OPEN SPACE, COMMON — A parcel or parcels of land or an area of water, or a combination of land and water within a land development or subdivision, designed and intended for the use or enjoyment of residents or occupants thereof, not including streets, off-street parking areas and areas set aside for public facilities.

ORNAMENTAL FENCES - Fences that made from ornamental iron, steel, or wood which create a

high-quality and attractive boundary that enhance the appearance of a property or garden.
Ornamental fences do not include plastics, vinyl, or aluminum, among other materials.

PARK — A tract of land designated and used by the public primarily for recreation of an active or passive nature.

PARKING SPACE — A paved area used for the parking of one motor vehicle. The size of such space shall be as required in Article XIII.

PARTY WALL — A common, shared wall between two separate structures or dwelling units.

PATIENT — An individual seeking, awaiting, receiving or under medical care and treatment. **[Added 6-19-2003 by Ord. No. 973]**

PEDESTRIAN GATHERING AREA — A green space in the TND-1 Overlay District that is built and maintained with amenities such as benches, landscaping, planters, and lighting. **[Added 2-19-2015 by Ord. No. 1116]**

"PEEP" SHOWS — Any enclosed, or semi-enclosed, or unenclosed building/enclosure which houses a commercial establishment with the capacity for one person used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activity or specified anatomical areas for observation by parties therein. **[Added 6-16-1994 by Ord. No. 871]**

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — Pennsylvania Act 247

of 1968 (P.L. 805) as amended, also cited as 53 P.S. § 10101 et seq., or any subsequent act of the Commonwealth of Pennsylvania which replaces, supplements or repeals any or all of the provisions of Act 247.

PERFORMANCE STANDARDS — A set criteria or limits relating to nuisance elements which a particular use or process may not exceed. These standards are listed in Article XI of this chapter.

PERMIT — Written governmental permission issued by the Code Enforcement Officer empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

PERMITTEE AND/OR LICENSEE — A person or persons who has a permit and/or license to operate an adult entertainment has been issued, as well as the individual or individuals listed as an applicant on the application for permit and/or license. **[Added 6-16-1994 by Ord. No. 871]**

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity. **[Added 6-16-1994 by Ord. No. 871]**

PICKUP, DELIVERY OR REMOVAL TRAFFIC — Includes but is not limited to the

U.S. Postal, any or one of the private delivery services, (i.e., UPS, Federal Express, etc.), moving and or transport companies. **[Added 6-19-2003 by Ord. No. 973]**

PLANTED BUFFER — A strip of evergreen plantings (shrubs and/or trees), or a mix of both evergreen plantings and up to 50% deciduous plantings, which at the time of planting are of the minimum height required by the Zoning Chapter. The number of individual specimens required

for a planted buffer is determined by dividing by 15 the total linear feet of the property line along which the buffer is to be installed. In the case of a fractional result, the number of specimens shall be rounded up to the next highest whole number. Stems of individual specimens may not be separated by more than 20 linear feet at the time of planting. Each individual specimen shall be provided a minimum of 20 square feet of previous planting area. The planted buffer is intended to provide visual beauty, reduce noise and dust and provide a partial visual screen. Such buffers will be permanently maintained so as to continue to provide its purposes. **[Amended 8-15-1996 by Ord. No. 903]**

PLANTED VISUAL SCREEN — A strip of evergreen trees and/or shrubs adjacent to the boundary of a property which, at the time of planting, are of the minimum height required by the Zoning Chapter and which shall be of sufficient density to constitute an effective visual screen, and thereby give visual protection to abutting properties. Such screens shall consist of branched plants with horizontal dimensions equal to at least 50% of the required height. Each individual specimen may be planted no more than eight feet away from its adjoining specimens, measured stem to stem. Dense evergreens which shall be planted not farther than eight feet. Each specimen shall be allotted a minimum of 20 square feet of previous planting area adjacent to and including its root mass. Such screens shall be permanently maintained and will continue to provide a visual screen

from the ground to the height required by the Zoning Chapter. **[Amended 8-15-1996 by Ord. No. 903]**

PLAZA — An open space and green space amenity in the TND-1 Overlay District, typically 500 to 2,000 square feet in size and typically used for passive recreation, that provides a space for benches, lighting, shade trees, other landscaping, and a decorative paver surface. **[Added 2-19-2015 by Ord. No. 1116]**

PLUM STREET PEDESTRIAN MALL — The blocks of Plum Street between Baker Street and Front Street. **[Added 8-16-2007 by Ord. No. 1035]**

PRIMARY FACADE — The facade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades. **[Added 7-19-2007 by Ord. No. 1031]**

PRINCIPAL BUILDING OR USE — A building or use which is the main building or use on a lot as distinguished from a building or buildings related to an accessory, incidental or subordinate use. The main or primary purpose for which land, a building, or a structure or the use thereof is designed, arranged or intended.

PRIVATE STREET OR ROAD — A street or road that is not owned by the Borough or a municipality but is owned by private land owner. **[Added 7-15-2004 by Ord. No. 994]**

PRIVATE SWIMMING POOL — Any body of water, tank, pond or other receptacle for water containment, whether indoors or outdoors, in or above ground, even if portable or temporary, having a depth at any point of 18 inches or more, or containing over 750 gallons of water, which is used, or intended to be used, for swimming or bathing by the owner, resident or occupant and their guests. A private swimming pool is considered an accessory use to a residence under this chapter.

PUBLIC STREET OR ROAD — A street or road that is owned by the Borough. **[Added 7-15-2004 by**

Ord. No. 994]

PUBLIC UTILITY BUILDINGS — Any structure owned by a public utility, as defined herein. **[Added 8-15-1996 by Ord. No. 903]**

RAMP, ACCESSIBLE — Passageway or structure with a running slope no greater than 1:20. **[Added 8-15-1996 by Ord. No. 903]**

RECREATION, ACTIVE — Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields, e.g., tennis, basketball, baseball, softball and other court or field games. **[Amended 2-19-2015 by Ord. No. 1116]**

RECREATION AREA — Land designated and equipped for the conduct of leisure time activities such as games, sports and other customary and usual active recreational activities.

RECREATION, PASSIVE — Any leisure time activity not considered active, e.g., hiking, walking, picnicking, sitting, etc. **[Amended 2-19-2015 by Ord. No. 1116]**

REDEVELOPMENT — The re-use, alteration, enlargement or extension of a building by 33 1/3% or more of the gross floor area of the building. **[Added 7-19-2007 by Ord. No. 1031]**

RELEASE RATE PERCENTAGE — The percentage of predevelopment water runoff that may leave the site after development.

REMOTE LOT PARKING — Any parking space(s) located on a particular lot which are intended to satisfy the parking requirements of a building or use located on another lot, not adjacent to the former lot, and no more than 400 feet distant from former lot, and located within the same zoning district as the former lot. **[Added 8-15-1996 by Ord. No. 903]**

RENTAL STORAGE FACILITY — Any structure or group of structures designed and used for the leasing of storage space.

RESTAURANT, DRIVE-THROUGH (FAST FOOD) — Any premises used for the sale of food, refreshments and nonalcoholic beverages, whose design or method of operation includes the serving of food and beverages in disposable containers and in which food or beverages are not normally delivered to the customer's table by an employee of the restaurant. Such restaurant shall also include the delivery of food and beverages directly from the restaurant to the customer in his or her motor vehicle.

RESTAURANT, STANDARD OR SIT-DOWN — Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer is normally involved with an individual menu and served by a restaurant employee at the table, booth or counter at which said items are consumed.

RESTAURANT WALK-UP — Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer has the food, refreshments or beverages delivered directly through a service window outside the restaurant building. **[Added 8-15-1996 by Ord. No. 903]**

RETAIL STORE — An establishment offering goods for sale to the general public

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a road, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse or similar uses.

SATELLITE ANTENNA — An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.

SCHOOL — A place where instruction is given in a field, or fields, of study. **[Added 8-15-1996 by Ord. No. 903]**

SEMINUDE or SEMI-NUDITY — State of dress in which clothing partially covers areas of the body, including portions of the body covered by supporting straps or devices. **[Added 6-16-1994 by Ord. No. 871]**

SETBACK (See Illustration 1) — ⁶The distance between the street right-of-way line or a lot line and the principal building on a lot.

SEXUAL ENCOUNTER CENTER **[Added 6-16-1994 by Ord. No. 871]** — A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SHOPPING CENTER — A single building containing three or more commercial uses, each use having their own primary public entrance. **[Added 8-15-1996 by Ord. No. 903]**

SHORT-TERM RENTAL - A dwelling unit, or portion thereof, that is offered or provided to a guest for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. .

SIDEWALK — A concrete or brick paved area not less than four feet wide generally paralleling the cartway of the street and used as a pedestrian walkway.

SIGN — Any object, device, display or illustration, or portion thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers or symbols.

SIGN, A-FRAME — A portable sign no larger than 30 inches by 48 inches permitted in the ROA District only and having two separate surfaces meeting at the top to form an "A" and supported on these surfaces (i.e., having no pole). Such sign may contain information relating to the business to which it pertains, and such information may be changed periodically.

SIGN, ANIMATED — A sign or any device used or designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means.

SIGN, AWNING — A roof-like structure that serves as shelter or is ornamental which identifies a business name and address.

SIGN, BILLBOARD — A permanent sign which directs attention to a business, commodity, service or

entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Billboards are frequently, although not always, larger than 20 square feet, with some being several hundred square feet in size.

SIGN, DIGITAL BILLBOARD — A billboard without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including, without limitation, light-emitting diodes (LED), liquid crystal display, and plasma image display.**[Added 6-21-2012 by Ord. No. 1095]**

SIGN, DIRECTIONAL — A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as entry or exit, one-way, loading or service area, fire lanes, parking, or similar signs incidental to the primary use and not itself advertising or naming that use except as required by law.

SIGN, DIRECTLY ILLUMINATED — A sign which is designed to emit artificial light through transparent or translucent material from a source of light within or upon such sign.

SIGN, EXEMPT — A sign which is exempt from the requirements of this chapter and which may be erected without a local sign permit.

SIGN, FREESTANDING — A sign supported by a freestanding column or other support(s) located in or upon the ground and not attached to a building.

SIGN, GROUND — A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground.**[Added 7-19-2007 by Ord. No. 1031]**

SIGN, INDIRECTLY ILLUMINATED — A sign which is designed to be illuminated by artificial light from a source adjacent to and outside of the sign in such manner that the source of light is not directly visible from the street, public sidewalk or adjacent properties.

SIGN, MENU BOARD — A sign which depicts the menu of food or drink for sale at a eating or drinking establishment.

SIGN, NAMEPLATE — A sign indicating only the name and/or profession and address of a person or persons residing on the premises or legally occupying the premises.

SIGN, OFFICIAL — A sign erected by the state, county, Borough or other legally constituted governmental, public or quasi-public body.

SIGN, PERMANENT — A sign which is constructed of durable, weather resistant material and which is intended to be displayed for a long period of time, normally more than one year. All permanent signs must receive a sign permit prior to their erection and must be reviewed by the Art and Architectural Commission.

SIGN, POLITICAL — A sign which indicates the name, cause or affiliation of a person seeking public office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

SIGN, PROJECTING — A sign mounted to a wall or other vertical building surface, other than a wall sign, which projects more than 12 inches from the wall or surface to which it is mounted.

SIGN, ROOF — A sign erected on, above, or projecting above the eave, roof or parapet of any building.

SIGN, SIDEWALK, SANDWICH BOARD — A movable sign which is not secured or attached permanently to the ground.

SIGN, TEMPORARY — A sign intended to be displayed for a relatively short period of time, not more than one month, or a sign designed for the placement of removable letters and symbols which announce events of short duration. Such signs are frequently labeled "banners" and can be constructed from paper, cloth, plastic, canvas, plywood or other lightweight material. **[Amended 2-18-1993 by Ord. No. 857]**

SIGN, TIME AND TEMPERATURE — A sign or portion of a sign whose sole purpose is to indicate the time and/or temperature.

SIGN, WALL — A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which sign does not project more than 12 inches from the wall or vertical surface to which it is attached.

SIGN, WINDOW — A sign attached, affixed or painted on a window or door.

SPECIAL EXCEPTION — A function of the Zoning Hearing Board in accordance with the provisions of Article XVII, § 311-109B, whereby the Zoning Hearing Board hears and decides requests for uses, stipulated in this chapter as uses permitted by special exception, in accordance with express standards and criteria. In granting a special exception, the Zoning Hearing Board shall determine that the proposed use would not be injurious to the public interest, and may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter to implement the purposes of this chapter.

SPECIFIED ANATOMICAL AREAS [Added 6-16-1994 by Ord. No. 871] —

- A. Less than completely and opaquely covered:
- C. Human genitals, pubic region; anus;
- D. Buttocks; or
- E. Female breast(s) below a point immediately above the top of the areola and/or female breast(s) partially or completely covering the areola; or
- F. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Added 6-16-1994 by Ord. No. 871] —

- A. Human genitals in state of sexual stimulation or arousal;
- G. Acts or simulated acts of human masturbation, sexual intercourse, sodomy or oral copulation;
- H. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast(s); or
- I. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

STORY — That part of the building included between the upper surface of a floor and the floor or roof next above. This term shall apply to basements if used for the principal use.

STREET — A public or private right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to three or more abutting lots or dwellings or other uses within a land development, and used to provide space for the installation of improvements such as sewers, telephone, gas and electric lines, other utilities, street trees and sidewalks. For the purposes of this chapter, the Plum Street Pedestrian Mall shall be deemed to be and shall constitute a street. **[Amended 8-16-2007 by Ord. No. 1035]**

STREET, PRIMARY - The street towards which adjacent primary structures are oriented.

STREET, SECONDARY - The street towards which adjacent primary structures are NOT oriented.

STREET LINES (STREET RIGHT-OF-WAY LINE) — The ultimate line to which a street can be developed.

STREETSCAPE — The space formed by buildings adjoining the street, which is embellished with sidewalks, street trees, streetlights, curbs, on-street parking, and cartways. The streetscape is framed by buildings, which create the "outdoor room" character of the street. **[Added 7-19-2007 by Ord. No. 1031]**

STREET WALL — The wall of a building adjoining a sidewalk at the edge of the street right-of-way; or approved architectural or landscaping elements at least 30 inches but not more than 42 inches in height, such as walls, pillars, colonnades, fences, and hedges, in lieu of a building wall when an existing building is already set back from the street wall line. A street wall shall extend the entire length of the edge of Baltimore Avenue right-of-way, except where curb cuts, driveways and pedestrian access is provided. **[Added 7-19-2007 by Ord. No. 1031]**

STRUCTURE — Any man-made object or improvement with a stationary location on land or water.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, conveyance or other transfer of ownership, building or development. This definition also includes the combination of two or more lots, tracts or parcels. **[Amended 7-18-2002 by Ord. No. 958]**

- A. Minor subdivision. The following criteria shall constitute a minor subdivision for the purposes of this chapter:
- J. The cost of the proposed subdivision does not exceed \$250,000; and
- K. The subdivision proposal, shall propose to divide one existing lot into two lots, both of which comply with the applicable dimensional requirements of the zoning district in which the existing lot is located; and
- L. The existing lot has sufficient frontage on an existing, improved public street to satisfy the application Borough of Media requirements for lot frontage and access to a public street for both proposed lots; and
- M. The existing lot has not been a part of an approved subdivision proposal during the five years previous to the current application; and
- N. The proposed subdivision shall not require new road construction, road improvements, or the extension of existing public utility lines; and
- O. The proposed subdivision shall not involve significant stormwater and/or erosion control issues, as determined by the Code Enforcement Officer and Borough Engineer.
- P. Major subdivision. Any proposed subdivision that shall not meet the criteria of a minor subdivision shall be considered a major subdivision.

SUBSTANTIAL — Considerable in quantity which is 25% or greater than as normally associated with residential use. [Added 6-19-2003 by Ord. No. 973]

THROUGH-LOT — A lot which abuts two streets and is not a corner lot; the property owner shall select one side abutting a street to be the front yard, consistent with other uses prevailing on the same block. [Added 8-15-1996 by Ord. No. 903]

TRADITIONAL BUILDING — A building constructed prior to 1950 in Media Borough, typically two or three stories in height, adjoining or located close to the sidewalk. [Added 7-19-2007 by Ord. No. 1031]

TRANSFER OF OWNERSHIP OR CONTROL [Added 6-16-1994 by Ord. No. 871]— Includes:

- A. The sale, lease or sublease of a business;
- Q. The transfer of securities which constitutes a controlling interest in the business whether by sale, exchange or similar means; or
- R. The establishment of a trust, gift or other similar device which transfers the ownership or control of the business except for transfer by a bequest or other operation of law upon the death of a person possessing the ownership or control.

USE — The purpose or activity for which land or buildings are designed, arranged, constructed or intended, or for which land or buildings are occupied or maintained.

USE, PERMITTED — Any use allowed in a zoning district and subject to the limitations and restrictions of that zoning district.

UTILITY, PRIVATE — A closely regulated private enterprise with an exclusive franchise for providing a public service.

UTILITY, PUBLIC — Any agency which under public franchise or ownership or under

certificate of convenience or necessity, provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service, with the exception of "wireless communication facilities" as defined herein. **[Amended 5-21-1998 by Ord. No. 928]**

VARIANCE — Permission or authorization of the Zoning Hearing Board to deviate from or modify the provisions of this chapter when the literal enforcement of same would create an unnecessary hardship. Variances may be granted pursuant to provisions of § 311-109A of this chapter and the provisions of Articles IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

YARD — The open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except for accessory structures and projections permitted in § 311-61.

YARD, FRONT — An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the principal building.

YARD, REAR — An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the principal building.

YARD, REQUIRED — The open space between a lot line and the buildable area within which no building shall be located, except for accessory structures and projections permitted in § 311-61.

YARD, SIDE — An open space extending from the front yard to the rear yard, the width of which is the horizontal distance between the side lot line and the principal building.