

## ARTICLE 1302

### DEFINITIONS

#### 1302.01 General

- (a) Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:
- (1) Words used in the present tense include the future.
  - (2) The singular includes the plural, and the plural the singular.
  - (3) The word "person" includes a corporation, partnership, association and individual.
  - (4) The word "shall" is always mandatory. The word "may" is permissive.
  - (5) The word "lot" includes the word "parcel", "tract", or "plot".
  - (6) 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."
  - (7) The word "City" means the City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania; the terms "Council", "Zoning Board", "Planning Commission" mean respectively, the City Council, the Zoning Hearing Board and the City Planning Commission of the City. County refers to Lehigh County and/or Northampton County, Pennsylvania.
  - (8) All definitions stated in Article II of the Subdivision and Development Ordinance of the City of Bethlehem, as amended, shall represent the usage of those words when used in this Ordinance.

#### 1302.02 Accessory Building or Use

A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "Accessory Building" may include a private garage, garden shed or barn, private playhouse, private greenhouse, private swimming pool, guesthouse, caretaker's cottage, or servants' quarters, as hereinafter provided.

Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

1302.03 Alley

A public right-of-way having a right-of-way width of twenty (20) feet or less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main building shall have its frontage on an alley.

1302.04 Alteration

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

1302.05 Basement

A floor level partly or completely below grade. A basement shall be considered a story if more than one-third of the perimeter walls are five (5) feet or more above the finished grade level of the ground immediately adjacent to the walls.

1302.06 Bed and Breakfast Home

A single family detached residence, owner-occupied, which may provide overnight lodging and serve breakfast to transient guests.

1302.07 Boarding or Rooming House

A dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed as a boarding or rooming house.

1302.08 Billboard

Any sign used to identify the product made or the activity being pursued by any individual, business, service, commercial or industrial enterprise, for the purpose of informing the public of the location of such enterprise and/or the type of activity in which it is engaged.

1302.09 Buffer Yard

Strips of land planted with trees, shrubs and lawns and/or fenced or walled, which serve to separate incompatible uses or zoning districts. See also "Screen or Screening", Section 1302.78.

1302.10 Building

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

- (a) Detached Building - Any structure, having a roof supported column or by walls and intended for shelter, housing or enclosure of persons, animals or chattels, which is surrounded by open space on the same lot and which has no party, or division wall in common with any other building.
- (b) Completely Enclosed Building - A building separated on all sides from adjacent open space, or from other buildings, by fixed exterior walls or party walls, pierced only by windows, entrance or exit doors, and covered by a permanent roof.

1302.11 Front of Building

The wall of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

1302.12 Main Building

A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, a dwelling shall be deemed a main building on the lot on which the same is located, unless otherwise provided for elsewhere in this Zoning Code.

1302.13 Building Area

The aggregate of the ground floor area of all enclosed and roofed spaces of the principal building and all accessory buildings. Such area shall be computed by using the outside building dimensions of each building measured on a horizontal plane at floor level. The area of any roof or any portion thereof which is at ground level or which has direct access to ground level and which further provides usable plaza, park and/or other open area shall not be considered in calculating building area.

1302.14 Building Line or Building Setback Line

The line between which, and the street or lot line, no building or other structure or portion thereof, except as provided in this Zoning Code, may be erected above grade level. The building line is considered a vertical surface intersecting the ground on such line.

1302.15 Building Permit

See 1302.99 - Zoning and Building Permit.

1302.16 Bulk

The size and shape of building uses, and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, height, required yards, courts, usable open space, floor area ratio, spacing between buildings on a single lot, and the length of buildings in a row.

1302.17 Business Office

A business establishment which does not offer a product or merchandise for sale to the public. Personal services such as barber and beauty shops and repair services are not deemed a business office.

1302.17A B.Y.O.B. Club

"B.Y.O.B. Club" means any business facility such as a dance hall, club or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as "Bring Your Own Bottle" clubs; provided that a facility which is rented for a limited period of time, not to exceed six (6) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B club under the terms of this Ordinance. B.Y.O.B. club shall not include a restaurant as defined in Section 1302.75, as amended, of the Codified Ordinances of the City of Bethlehem.

1302.18 Cellar

A basement having more than one-half (1/2) its height, measured from floor to ceiling, below the average finished grade level of the ground immediately adjacent to the building.

1302.19 Certificate of Occupancy

A certificate issued by the Bureau of Inspections upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. Said certificate shall acknowledge compliance with requirements of this Ordinance, such adjustments thereto granted by the Zoning Hearing Board, and/or all other applicable requirements. (See Bill No. 18 - 1970, Ordinance No. 2197).

1302.20 Church

A building used for public worship.

1302.21 Commercial Vehicle

Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use. Also, any motor vehicle including passenger cars which by reason of a characteristic coloring, or marking exceeding one (1) square foot in area is identified or commonly associated with any business, industry, or public agency, shall be considered a commercial vehicle within the terms of this Ordinance. Other passenger cars used in business by a resident shall not be considered a commercial vehicle.

1302.22 Comprehensive Plan

The Comprehensive Plan for the City of Bethlehem.

1302.23 Construction Area.

For the purposes of Section 1318.29 entitled "Development Standards for Steep Slopes", "construction area" shall mean the total land areas proposed to be used for and/or within 20 feet of any and all of the following proposed features:

- (a) Principal and accessory buildings.
- (b) Gravel or paved areas (including driveways) other than walkways.
- (c) Areas proposed to be graded.

1302.24 Convalescent Home

A building in which persons are housed or lodged and furnished with nursing care for hire, also known as a nursing home.

1302.25 Courts

An unobstructed open area, bounded on three (3) or more sides by the walls of a building or buildings. It does not include any such area with no windows opening upon it except windows on a stairway.

1302.26 Curb Level

The mean curb level as established by Council or, in the absence of an established curb level, the mean level of the existing curb or of the lot at the street line.

1302.27 Dump

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

1302.28 Dustless Surface

An adequate covering or paving with concrete, bituminous products, or screenings, stone, or gravel, and maintained in good condition at all times.

1302.29 Dwelling

A building used as a residence.

- (a) Single Family Detached - A building with one (1) dwelling unit, and having no party wall in common with an adjacent building.
- (b) Single Family Attached (Townhouse or Row House) - A building on a single lot which has two (2) party walls in common with adjacent buildings, on adjacent lots, except for end buildings in a row, which have only one (1) party wall.
- (c) Single Family Semi-Detached Dwelling - A one (1) family building on a single lot having one (1) party wall in common with an adjacent one-family building on an adjoining lot.
- (d) Two Family - A building used for two (2) dwelling units or two (2) buildings separated by a common wall, each used for one (1) dwelling unit.
- (e) Two Family Semi-Detached - A two (2) family building on a single lot having one (1) party wall in common with an adjacent two-family building on an adjoining lot, with one (1) living over the other, the two buildings together, however, accommodating but four (4) families, two (2) families living on either side of the party wall.
- (f) Multi-Family - A building used for three (3) or more dwelling units provided the multiple family dwelling or dwellings are in one (1) ownership.
  - (1) Garden Apartment - A multi-family dwelling located on a landscaped lot which provides off-street parking, common open space, and other services to its tenants. Garden Apartments shall not exceed three and one-half (3 1/2) stories in height.
  - (2) Elevator (High-Rise) Apartment - A multi-family dwelling more than three and one-half (3 1/2) stories in height and in one (1) ownership.

- (3) Condominium - A multi-family dwelling in which the individual units of the multi-dwelling unit structure are separately owned. The grounds, however, shall be owned and maintained and the structures shall be maintained by a single corporation or management.

1302.30 Dwelling Unit

One (1) or more rooms with provision for cooking, living, sleeping and sanitary facilities arranged for the use of one (1) family.

1302.31 Family

One (1) or more individuals living as a single housekeeping unit and using cooking facilities and certain rooms in common.

1302.32 Fence

An artificially constructed barrier of manufactured material or combination of materials erected for enclosure of yard areas, storage areas, parking areas and for screening.

1302.33 Filling or Service Station

A building or a lot or part thereof having pumps and storage tanks for the retail sale of motor fuels, petroleum products and other accessories for motor vehicles, including facilities for polishing, lubricating, washing, cleaning and minor repairs, but not including storage or parking space offered for rent, except in an industrial district.

1302.34 Flood - A temporary inundation of normally dry land areas.

(a) Flood Plain

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Ordinance, the 100-Year Flood Plain as defined in the Flood Insurance Study for the City of Bethlehem prepared by the U. S. Department of Housing and Urban Development.

(b) Floodway

The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude without raising the 100-year flood elevation more than one (1) foot. For the purpose of this Ordinance, the floodway and approximated flood plains, as defined in the Flood Boundary and Floodway Map and Floodway Data Table prepared by the U. S. Department of Housing and Urban Development.

(c) Flood Fringe

That portion of the flood plain outside the floodway.

(d) One Hundred Year Flood

A flood that has a one (1) percent chance of being equaled or exceeded in any given year.

(e) Regulatory Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the One Hundred Year Flood.

(f) Regulatory Flood Elevation

For purposes of this Ordinance, the 100-Year Flood Elevation.

(g) Floodproofing

Any combination of structural and non-structural additional, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

1302.35 Floor Area

The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two (2) buildings. Regardless of the internal arrangement of a building, it shall be deemed to have at least one (1) story for each twenty (20) feet of height or fraction thereof.

1302.36 Floor Area Ratio

The total floor area of a building divided by the area of the lot on which it is located.



1302.37 Garage

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

- (a) Community or Public Garage. One (1) or more garages other than a private garage used for compensation. Only facilities for washing tenant's cars may be permitted.
- (b) Private Garage. A garage owned and used by the owner or tenant of the premises.
- (c) Repair Garage. Any garage other than a private garage, available to the public, operated for gain, and which is used for the storage, servicing and repair of automobiles or other motor vehicles, including painting and body work and the supply of gasoline or oil products, but not including the sale of motor vehicles.

1302.38 Height of a Structure

The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in Section 1318.20.

1302.39 Home Occupation

A personal service customarily conducted entirely within a dwelling solely by members of the resident family, and clearly incidental and accessory to the main use; provided that the occupation is limited to the main building and shall occupy not more than twenty-five percent (25%) of the floor area of said building; that there shall be no exterior evidence of such secondary use other than a small nameplate and no display of products shall be visible from the exterior; and that no mechanical or electrical equipment shall be used except customary household equipment. Beauty parlors, barber shops, hairdressing and manicuring establishments, tea rooms, mortuary establishments, lessons in voice or instrumental music for more than one (1) pupil at a time, and retail business or trade, shall not be considered home occupations.

1302.40 Home Professional Office

The office of a resident physician, dentist, lawyer, architect, engineer, accountant or studio of an artist.

1302.41 Hospital

A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation.



1302.42 Impervious Coverage

The impervious coverage is the percentage of the lot area of a lot that is covered by building roofs, gravel, concrete or asphalt, and/or other man-made surfaces having a coefficient of runoff of 0.8 or greater. The City Engineer shall determine whether a surface would meet this definition.

1302.43 Hotel

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

1302.44 Industry, Non-Nuisance

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

1302.45 Industrial Park

One (1) or more non-nuisance industrial plant on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, or buildings.

1302.46 Institution

Church, school, college, medical center, hospital, society or organization of a public character and/or the building or buildings used by such organizations.

1302.47 Junkyard

A lot or structure or part thereof, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collection, dismantling, storage, or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

1302.48 Lot

Lot means a parcel of land fronting on a street used or designed to be used by one (1) use or structure or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures.

(a) Lot Area. The total horizontal area within the lot lines of a lot.

- (b) Lot Corner. A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.
- (c) Lot Coverage. The building area divided by the lot area expressed as a percent.
- (d) Lot, Depth of. The distance along a straight line drawn from the mid-point of the front line to the mid-point of the rear lot line.
- (e) Lot, Interior. A lot other than a corner lot.
- (f) Lot Line. Any boundary of a lot. (See property Line 1302.69).
- (g) Lot Line, Front. The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line.
- (h) Lot Line, Rear. The lot line opposite to the front lot line.
- (i) Lot Line, Side. Any lot line not a front lot line nor a rear lot line.
- (j) Recorded Lot. A registered lot designated as a separate and distinct parcel of land on a legally recorded subdivision plat, or in a legally recorded deed filed among the land records of Lehigh or Northampton Counties, on or before September 25, 1970, and as shown on an official map of the City in its Real Estate Registry as required by law. After September 25, 1970, a recorded lot shall be any lot thereafter legally subdivided and kept on file by the City following approval of a subdivision or re-subdivision plan by the City Planning Commission.
- (k) Lot, Through. A lot having its front and rear yards each abutting on a street as herein defined.
- (l) Lot, Width. The distance between straight lines connecting the ends of the front and rear lot lines measured at the required building setback lines.

1302.49 Main Use of Building

The principal or most important use of building on a lot.

1302.50 Manufacturing

The treatment or processing of raw materials, the production of products from raw or prepared materials by giving them new forms of qualities.

- 1302.51      Medical Office Building
- A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
- 1302.52      Membership Club
- A building, structure, lot or land area used as a private club or social organization not conducted for individual profit or gain.
- 1302.53      Motel
- A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts, and other similar uses.
- 1302.54      Motor Vehicle Sales and Service Agency
- A retail establishment which offers motor vehicles for sale to the general public. This business may also perform any repair service to motor vehicles normally performed in a repair garage.
- 1302.55      Non-Conforming Lot
- A lot of record existing at the date of passage of this Zoning Ordinance or due to subsequent zoning changes, which does not have street frontage or the minimum width or depth or contain the minimum area for the zone in which it is located.
- 1302.56      Non-Conforming Structure
- A structure lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such structure which does not conform to the Building Regulations of this Ordinance for the district in which it is situated.
- 1302.57      Non-Conforming Use
- Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such use, which does not conform to the regulations of this Ordinance applicable to the use and the district in which it is situated.
- 1302.58      Non-Conforming Sign
- Signs which do not conform to the controls regulating signs in Article 1320.

1302.59 Overnight Shelter

A facility operated by a non-profit agency providing single-night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.

1302.60 Open Area

An unoccupied area open to the sky, usually in a natural state but including squares, plazas and formal gardens. Also the unoccupied area open to the sky on the same lot with a principal and/or accessory building.

1302.61 Parking Area

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

1302.62 Parking Space

A stall or berth used for parking motor vehicles, the length of which shall be no less than nineteen (19) feet and the width of which shall be no less than nine (9) feet, exclusive of and to which there is access from a street or alley.

1302.63 Planned Industrial Development

Land under single ownership or agreement developed according to a detailed plan to provide serviced sites for manufacturing plants, distribution warehouses and similar industrial uses, providing adequate overall intensity of land use, access and amounts of light, air and open space, while permitting flexibility in placement and bulk, and adequate safeguards protecting the neighborhood from any adverse effects.

1302.64 Planned Office Development

Land under single ownership or agreement developed according to a detailed plan to provide one (1) or more sites for the office structure providing adequate overall intensity of land use, access or amount of light, air and open space, while permitting flexibility in placement and bulk and adequate safeguards protecting the neighborhood from any adverse effects.

1302.65 Planned Unit Development

A tract of land under single ownership or agreement, planned and developed as a permanent, year-round residential unit, utilizing a reasonable degree of flexibility in the placement, bulk, and interrelationship of buildings and uses, while at the same time maintaining adequate overall intensity of land use, density of population, and amounts of light, air, access, and open space.

- 1302.66     Portable Structure
- A structure or building, whether above or below grade level, designed or intended for seasonal rather than year-round use, and not attached to a principal building.
- 1302.67     Private Power Generation Facility
- A facility owned and operated by an entity, other than a governmental body or public utility, which generates, transmits and/or distributes electrical energy for sale.
- 1302.68     Professional Office
- The office of a recognized profession maintained for the conduct of said profession. Such professions shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, and accounting.
- 1302.69     Property Line
- A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.
- 1302.70     Public Notice
- Notice of the time and place of a hearing, meeting, or proceeding printed in a newspaper of general circulation in a manner provided by law.
- 1302.71     Purveyance of Obscene Materials
- The exhibition or dissemination by sale, loan, or otherwise of explicit sexual materials of an obscene nature; if such use comprises more than twenty (20) percent of the stock in trade of the premises or constitutes, from time to time, the primary or major attraction to the premises.
- (a)     "Explicit Sexual Materials", as used herein, means:
- (1)     Any picture, photograph, drawing, sculpture, motion picture film, or other similar visual representation of image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse; or
- (2)     Any book pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any manner enumerated in sub-paragraph (1) above, or explicit and detailed verbal excitement, sexual conduct, or sadomasochistic abuse.

- (b) "Obscene Nature" as used herein, means that:
- (1) The average person, applying contemporary community standards, would find that the subject matter taken as a whole appeals to the prurient interest;
  - (2) The subject matter depicts or describes in a patently offensive way materials of the type described hereinabove; and
  - (3) The subject matter, taken as a whole, lacks serious literary artistic, political, educational, or scientific value.
- (c) Words and phrases used herein shall have the meanings given to them under Title 18 PA C.P.S.A. Section 5903 and any amendments, from time to time, thereto.

1302.72 Recreational Vehicle

A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck and not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

1302.73 Rehabilitation Facility

A facility which provides treatment and rehabilitation services, which may include room and board, personal care, and intensive supervision and casework, or one which houses individuals, whether adult or juvenile, receiving therapy and counseling under the supervision and constraints of alternatives to imprisonment, but not limited to pre-release, work release, restitution or probationary programs.

1302.74 Residential Retirement Complex

A planned residential development for persons of retirement age located on ten (10) acres or more which is held in one (1) ownership and which provides certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and services.

1302.75 Residential Treatment Facility

A facility whose primary function is to temporarily house individuals for the purpose of receiving medical, psychological, or social treatment and/or counseling. This shall only apply to those groupings covered as protective classes under federal law.



1302.76      Restaurant

Any establishment, however designated, at which food is prepared and sold for consumption on the premises within the principal building. However, a concession stand at a public or a community playground, playfield, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

1302.77      Restaurant, Drive-In

An establishment where food is prepared and sold primarily for consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, indoor or outdoor seats or other accommodations are provided for the patrons.

1302.78      Satellite Earth Stations

A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites. (See 1318.28).

1302.79      Screen or Screening

A strip at least four (4) feet wide, densely planted with shrubs or trees at least six (6) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high, a solid wall or barrier, or uniformly painted fence, at least six (6) feet high. Either shall be maintained in good condition at all times, and may have normal entrances and exits, but shall have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow and the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. See also "Buffer Yard", Section 1302.09.

1302.80      Shopping Center

Three (3) or more retail stores designed as an integrated unit served by common parking and service facilities, and having architectural and landscape unity.

1302.81      Single and Separate Ownership

The ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot. Ownership of two (2) or more contiguous lots by one (1) or more persons, partnerships, or corporations shall be construed to comprise one (1) lot.

1302.82 Slope of Construction Area

The slope of the construction area shall be defined as the highest slope that is present within the construction area prior to disturbance. See "Exceptions" in Section 1318.29, and the definition of Construction Area in Article 1302. The contours of land regulated by this section shall not be altered prior to documentation, submission and regulation under this section.

1302.83 Special Exception Uses

A use in one (1) or more districts for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of the Zoning Ordinance.

1302.84 Steep Slope

Any area of land with a gradient in excess of 15%.

1302.85 Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof above. (See Basement 1302.05).

1302.86 Street

Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used by the public for street purposes, and shown upon the Official Map or upon a filed plat. An alley shall not be deemed a street.

(a) Street Curb Line. The official line with grade of an existing or proposed curb on any street as approved by the Department of Public Works.

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

(c) Street Width. The perpendicular distance between street lines.

1302.87 Structures

Anything constructed or erected above or below the ground or upon another structure.

1302.88 Substantial Damage

restoring the Damage from any cause sustained by a structure whereby the cost of structure to its before-damaged condition would equal or exceed fifty

(50) percent  
damage occurred.

or more of the market value of the structure before the

1302.89      Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of the 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 dimension of the structure. The term does not, however, include either (a) 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 (b) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

1302.90      Substation, Gas or Electric

An assemblage of equipment for purposes other than generation or utilization, through which electric or gas energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that an electric or gas substation permitted in a residence district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing of repair crews.

1302.91      Swimming Pool, Private

Any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and his private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of the City of Bethlehem.

1302.92      Swimming Pool, Public or Semi-Public

Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

1302.93      Telephone Relay Office

A building and its equipment erected and used only for the purposes of the transmission and exchange of telephone or radio-telephone messages.

1302.94 Temporary Shelter

A facility operated by a non-profit agency providing single-night, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood, domestic violence, condemnation, court-ordered eviction or other urgent event).

1302.95 Theaters, Drive-In

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on paid admission basis, to patrons seated in automobile or on outdoor seats.

1302.96 Trailer, Including Automobile Trailer and Mobile Homes

Any vehicle or structure used as a dwelling or for commercial use, which utilizes wheels and axles for its transportation or is designed to be transported as a unit on separate wheels and axles.

1302.97 Trailer Camp

A lot or part thereof, with its appurtenant facilities, used primarily for the parking of one (1) or more trailers utilized on such lot for living or sleeping purposes.

1302.98 Variance

A modification of the regulations of this Ordinance, granted on grounds of exceptional difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Article 1325 of this Zoning Ordinance, and the laws of the State of Pennsylvania.

1302.99 Yard

Any open space located on the same lot with a principal building situated between the nearest roofed portion of the principal buildings and a lot line.

- (a) Yard, Front. A yard extending across the full width of the lot abutting the front lot line.
- (b) Yard, Rear. A yard extending across the full width of the lot, abutting the rear lot line.
- (c) Yard, Side. A yard extending from the front yard to the rear yard, abutting the side lot line.
- (d) Yard, Width. The minimum perpendicular distance between the lot line and the nearest roofed portion of the principal building.

1302.100      Zoning Officer

The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the City of Bethlehem.

1302.101      Zoning and Building Permit

A permit stating that a building and/or the proposed use of a building and/or land is in conformity with all applicable city building and zoning ordinances.