

## ARTICLE II

### DEFINITIONS

#### Section 200. INTERPRETATION

Unless otherwise expressly stated, the following words shall be construed throughout this Ordinance to have the meaning set forth in this Article.

Words used in the present tense include the future. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the neuter. The words “shall” or “must” are mandatory. The words “district” and “zone” shall be synonymous. The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity. The words “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

#### Section 201. DEFINITIONS

For the purposes of this Ordinance, certain words and phrases shall have the following meanings. Words and phrases not included in this section shall have their common meanings.

##### Abandonment

An intentional and absolute relinquishment and cessation of that use without intention to resume the said use for a period of time, or the voluntary discontinuance of a use for a continuous period of time.

##### Access Management

The design of vehicular access along collector and arterial roads to minimize conflicts. Access management techniques may include: minimizing curb cuts; narrowing existing curb cuts to better control points of ingress and egress; and providing alleys, service lanes, and shared driveways to the rear of properties to minimize vehicular circulation problems along the primary road frontages.

##### Accessory Dwelling

A self-contained dwelling unit, resulting from the conversion of an existing single-family detached dwelling into two (2) units, which is complete with kitchen and bath facilities, has direct access to the outdoors or to a hall from which there is direct access to the outdoors and is physically subordinate to the primary dwelling unit that exists within the structure.

##### Accessory Use or Structure

A use or structure on the same lot, with, and of a nature customarily incidental and subordinate to the principal use of the structure. The term “accessory use” shall not include any home occupation, as hereinafter defined.

##### Act 247

The Pennsylvania Municipalities Planning Code, Act 247 of 1968, (P.L. 805) as now and hereafter amended, Act 170 of 1988.

##### Adult-Oriented Use

Any adult bookstore, adult cabaret, or adult mini-picture theater, as defined herein and which, must

exclude minors or may not knowingly distribute to minors.

A. Adult Bookstore

A commercial establishment, having as a substantial or significant portion of its stock in trade, whether for sale or rental, books, magazines, videos, novelties, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specific sexual activities” as defined herein.

B. Adult Cabaret

A cabaret, tavern, theater, or club which features strippers, male or female impersonators or similar entertainers who exhibit, display, or engage nudity, sexual conduct or sadomasochistic abuse, as defined in the PA Crimes Code, Section 5903.

C. Adult Mini-Motion Picture Theater.

An enclosed building offering video presentations distinguishing or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.

D. Adult Theater.

Any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse as defined in the PA Crimes Code, Section 5903.

E. Massage Establishment.

Any establishment or business which provides the services of a massage or body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Age Restricted Residences

Residences restricted to heads of households age 55 or over and with no children under age 18 residing on a permanent basis.

Age Restricted Housing Community

A subdivision or land development wherein all of the dwelling units are age restricted residences.

Agriculture

The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nurserying, horticulture, forestry, and the breeding and raising of livestock and poultry, excluding pets such as dogs, cats, rabbits and the like and excluding horses for the personal recreational use of the occupant of the principal house.

Agricultural Lot

Existing lot of record intended for continued agricultural use and from which a new lot or lots is/are created for the purposes of very low density, rural residential development. See Article V of this Zoning Ordinance for applicability.

### Agricultural Security Area

A unit of two hundred and fifty (250) or more gross acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one or more persons and designated as such under the procedures as set forth in the Agricultural Area Security Law, Act of 1981, P.L. 128, No. 43, or designated as such pursuant to the Act of January 19, 1968 (1967 P.L. 992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses, "prior to the effective date of the amendatory act (Act of 1981, P.L. 128), by the governing body of the county or by the governing body of the municipality in which such agricultural land is located on the basis of criteria and procedures which predate the effective date of the amendatory act (Act of 1981, P.L. 128): Provided, that an owner of land designated as such under the authority of the Act of January 19, 1968 (1967 P.L. 992, No. 442) may withdraw such land from an agricultural security area by providing written notice of withdrawal to the county governing body or governing body of the municipality in which such land is located within 180 days of the effective date of the amendatory act.

### Alley or Service Lane

An improved right of way or easement providing secondary access to the side or rear of two (2) or more lots that is not intended for through traffic use.

### Alteration

As applied to building, structure, or sign, or Historic Resource, means a change, rearrangement, renovation, relocation or enlargement in the structural parts of exterior or which would change its use classification.

### Antenna

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

### Antique Shop

A retail establishment where items that are considered to be of collectible, heirloom or heritage value due to their age, scarcity, significance, or artistic quality are sold.

### Apartment

See Dwelling, Dwelling Unit

### Applicant

A landowner or developer, including heirs, successors and assigns, as herein after defined who has filed an Application for Development.

### Application for Development

Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development. Such applications include, but are not limited to, an application for a grading permit, building permit, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

### Archeological Site

Any location that provides the context for and contains evidence of significant human activity as confirmed by the presence of artifacts and/or features on or below the ground surface.

For the purpose of Article XVI, Historic Resource Protection Standards of the East Pikeland Zoning Ordinance, properties first developed and occupied in the 18th century or containing evidence of earlier human occupation shall be considered of 'high' archeological significance; properties first developed and occupied in the 19th century shall be considered of 'medium' archeological significance, and properties first developed and occupied in the 20th century shall be considered of 'low' archeological significance.

### Area Stabilization

The establishment and maintenance of a suitable vegetative cover; the application of mulches or mechanical devices such as a wood fiber blanket or erosion control netting; the erection of dikes or other structures or barricades to prevent erosion.

### Assisted Living Community

A residential development of individual and/or multiple dwelling units, and their ancillary medical, recreational and social facilities, which is intended for adults who may live independently, but emphasizes continuing and long term medical care in various degrees, provided by professional staff. Most residents are dependent on living assistance and/or medical care. Similar terms include "Nursing Home" and "Convalescent Home".

### Base Flood

The flood selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for purposes of this Ordinance, the one hundred-year flood.

### Base Flood Elevation

The one hundred year (100-year) flood elevation. Within the Approximated Floodplain, the Base Flood Elevation shall be established as a point on the boundary of the Approximated Floodplain that is nearest to the site in question.

### Basement

That portion of a building that is partly below and partly above grade, and has at least one-half (1/2) its height above grade. A basement shall be counted as a story for purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet and is used as an office or for dwelling purposes (not a game or recreation room and/or a garage). For the purposes of administering the Floodplain District, a basement is defined as any area of a building having its floor below ground level on all sides.

### Bed-And-Breakfast Facility

A single-family dwelling containing guestrooms available for short-term overnight rental and providing breakfast service to overnight guests.

### Big Box Retail

Large-scale retail sales outlets occupying twenty thousand (20,000) square feet or more of gross floor area with a dependence on high volumes of patrons and a reliance on automobile-borne patrons. Big Box Retail uses may also be referred to as "value retailers", "superstores", "discount department stores", or "warehouse clubs".

### Board

For the purpose of this Ordinance, the term refers to the East Pikeland Township Board of Supervisors. This term is not intended to include the Zoning Hearing Board.

### Brightness

A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

### Buffer Area

An area to be used as a visual and/or auditory barrier, consisting of a mound, berm or strip of land planted and/or maintained with structures such as walls, serving as an effective barrier of sufficient height and density separating parcels or uses of land.

### Building

A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

### Building Coverage

The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located. The percentage of the lot area covered by buildings.

### Building Height

The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys and antenna. Also see "Basement". For structures other than buildings, see "Height".

### Building Inspector

The officer or other designated authority charged with the administration and enforcement of the Township Building Code.

### Building Line

A line passing through the point of a building nearest to the front lot line, parallel to such line and at a distance therefrom established by the actual location of the building. The building line may be the same as the "Building Setback Line" or may be farther from the front lot line, but cannot be closer to the front line than the "Building Setback Line".

### Building Permit

A statement issued and signed by the Building Inspector authorizing the erection, alteration, or enlargement of a building or structure. The statement shall indicate that the proposed activity complies with the applicable Township Codes and Ordinances.

### Building, Principal

A structure in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located.

### Building Setback Line

A line established within a lot, measured from the street right-of-way line and parallel thereto, defining the minimum distance in which no building may be constructed. In the case of an interior lot not

fronting on a street for its entire width, the building setback line shall be a line parallel to the street right-of-way measured from the property line nearest the street, for the entire width of the lot, defining the minimum distance in which no building may be constructed.

#### Build-to Line

The street wall line at which a principal building is constructed and maintained, typically close to or adjoining the sidewalk, that provides for a generally uniform placement of principal buildings along a primary frontage street. On a corner lot, the build-to line is located on each side of a lot abutting a street.

#### Bulk

A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

#### Bus Shelter

A frame-like structure enclosed on a minimum of three sides built to mark an existing bus stop of a regional transportation system and to shelter pedestrians from the weather while waiting for buses in a public or private regional transportation system. Bus shelters may contain limited advertising space.

#### Cafe

A commercial establishment like a coffee shop or tearoom with seating for less than 40 persons, at which food and beverages are sold.

#### Campground or Recreational Vehicle Park

A lot or land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. "Temporary" shall mean not to exceed fourteen (14) days in any one calendar year.

#### Campsite or Recreational Vehicle Site

A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis. "Temporary" shall mean not to exceed fourteen (14) days in any one calendar year.

#### Carport

A roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for storage of private motor vehicles.

#### Cartway

That portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the normal course of travel over the street.

#### Cartway, Minor

A separate and subordinate cartway within the right-of-way of a major street which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

### Cellar

That portion of a building which is partly or completely below grade and having at least one-half (1/2) its height below grade. A cellar shall not be considered a story in determining the permissible number of stories or building height.

### Cemetery

Land used or intended to be used for the burial of the deceased, including crematories, mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries.

### Central Sewage Collector and Treatment System

A sanitary sewage collection and treatment system in which sewage is carried from individual discharges by a system of pipes to one or more common treatment and disposal facilities approved by the applicable agencies.

### Central Water Supply System

A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site and may be publicly or privately owned.

### Certificate of Occupancy

A statement, signed, issued, and enforced by the Building Inspector upon completion of construction of a new building or upon change or conversion of the structure or use of a building, which establishes that a building and its lot complies with all requirements and regulations as provided in this Ordinance and other applicable Codes, and that the same may be used for the intended use.

### Certified Historic District

An historic district that has been delineated by East Pikeland Township and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with The Historic District Act of June 13, 1961, P.L. 282, No. 167 as amended. The following Certified Historic District is within East Pikeland Township: Kimberton Village.

### Church

A building utilized for public divine worship. The term church shall also include accessory temple, hall, synagogue, mosque, rectory, parish house or parsonage.

### Clear-Cutting

The felling of substantially all trees within a woodland on a tract of land.

### Clinic

A medical facility for the diagnosis and treatment of outpatients.

### Cluster Development

An arrangement of residential structures that allows for grouping of the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

### Co-Location

The mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

Commercial

A use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

Common Open Space

See "Open Space, Common

Communication Tower

A support structure and the reception and/or transmission antennae upon it intended for transmitting or receiving radio, television, telephone or digital communications.

Completely Dry Space

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

Comprehensive Plan

The Comprehensive Plan of East Pikeland Township as adopted and amended from time to time.

Comprehensive Trail System

A system of interlinking trails throughout the Township, designated for transportation and recreation purposes. The comprehensive trail system is delineated in the *East Pikeland Township Open Space, Recreation and Environmental Resources Plan*.

Conditional Use

A use that is not necessarily appropriate to a particular zoning district, but which may be suitable when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are approved or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission as set forth in Article XIX.

Condominium

A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980 as may be amended from time to time.

Conservation Development Incentive

A policy to permit development within the MU Mixed Use zoning district at higher intensities in consideration of funding dedicated for the advancement of Township conservation initiatives.

Conservation Plan

A plan for the conservation of precipitation and soils meeting the standards established and revised from time to time by the Pennsylvania Department of Environmental Protection, the Chester County Soil and Water Conservation District and by the Natural Resources Conservation Service, U.S. Department of Agriculture.

### Construction

The erection or alteration of any structure and/or any disturbance of the existing surface of the land or any disturbance to existing vegetation related to the erection or alteration of structures thereon, including the cutting of trees or clearing of brush. The limited disturbance to soil or vegetation associated with the entering upon the premises for purposes of surveying, staking, or to obtain necessary data on existing conditions shall not be deemed "Construction".

### Continuing Care Retirement Community

A planned community designed to provide a range of senior housing options, specialized services, support and security, and three levels of health care including independent living, assisted living, and long-term and short-term skilled nursing care together with an array of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents.

### Contractors Establishment

Uses or facilities designed to be used or intended to be used for the conduct of businesses related to the construction industry and characterized by large outdoor storage areas for materials and equipment. Such establishments may include, but are not limited to, electrical contractors, HVAC contractors, plumbing contractors, excavation and grading contractors, masonry and concrete contractors, flooring contractors, framing and carpentry contractors, and similar trades and businesses.

### Contributing Element

A building, structure, archeological site, landscape feature, or any combination thereof, adding to the historical importance and integrity of a Historic Resource by supporting it through location, design, setting, materials, workmanship, feeling or association. Contributing elements are identified for each Historic Resource included in the East Pikeland Township Historic Resources List under Appendix G of the East Pikeland Zoning Ordinance.

### Contributing Resource

A building, structure, archeological site, object, landscape feature, or any combination thereof, contributing to the historic significance, importance and integrity of a Historic Resource or Certified Historic District by supporting it through location, design, setting, materials, workmanship, feeling or association.

### Convenience Store

A retail store that sells a variety of prepared and non-prepared food, beverages, over-the-counter drugs, sundries, and household supplies.

### Convenience Store, Multiple Use

A retail store that sells a variety of prepared and non-prepared food, beverages, over-the-counter drugs, sundries, and household supplies, and that contains a drive-up service window(s) or facilities for the sale of gasoline and/or diesel fuel and/or provides automobile washing and cleaning facilities.

### Conversion

An alteration of a building, structure or land by change of use, theretofore existing, to new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. In the case of dwelling units, the creation of two (2) or more dwelling units within an existing single family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities.

### Cottage Industry

An industrial or intensive use(s) conducted on a lot with a residential dwelling unit. Up to six (6) employees may be employed in addition to family members. Farm; workers are not included. This use includes, but is not limited to, businesses related to agriculture, carpentry, upholstery, woodworking, potteries, glassworks and other similar uses. Outdoor storage areas shall be screened.

### Cul-De-Sac

A local street intersecting another street at one (1) end and terminated at the other end by a permanent vehicular turnaround.

### Cultural Studio

A facility used for providing to the public instruction in the performing arts, limited to dance, music, and theater, and the fine arts, including drawing, painting, photography and sculpture.

### Cuts

Manufacturer's catalog sheets including photographs or pictures showing the design of the fixture and the performance data for the luminaire. The Cuts also show lighting fixture supports, poles, and the light standards which are proposed with applicable notes.

### Datum

Used as a basis for calculations or measurements, as a level from which elevations are measured in surveying.

### Day Care Center

The land and buildings the principal use of which is the supervision and care of seven (7) or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another non-residential use. Education may be an ancillary use in connection with the day care function. Care shall be exercised on a daily basis only and the facilities of a day care center shall not include provisions for overnight accommodation. Operation of a day care center may be by a public agency, a private non-profit organization or a private commercial entity and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child care center".

### DBH (dbh)

The diameter outside bark of a tree at breast height, measured four and one half (4.5) feet from the ground surface at the point of highest elevation in contact with the trunk of such tree.

### Decibel (dBA)

A unit for expressing the relative intensity of sounds on a scale from zero (0) for the average least perceptible sounds to about one hundred thirty (130) for the average pain level.

### Demolition or Demolish

In the context of Article XVI, the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the façade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

### Demolition by Neglect

Failure to provide ordinary and necessary maintenance and repair to a Historic Resource, whether in or outside of a Certified Historic District, except for existing ruins, by the owner or person(s) or entities having legal custody or control (a.k.a. owner), that results in any of the following conditions:

- (1) The deterioration of exterior features so as to create or permit a hazardous or unsafe situation.
- (2) The deterioration of exterior walls, roofs, chimneys, windows, molding, porches, or decorative architectural elements; the lack of adequate waterproofing; or deterioration of interior features or foundations that will or could result in permanent damage or loss of exterior features.
- (3) A Historic Resource open or vulnerable to vandalism or decay by the elements.
- (4) Any or all other findings and remedies as described in the 2003 International Property Maintenance Code, Chapter 3, General Requirements.

### Density, Gross

The total area within the title lines of a lot or tract divided by the total number of dwelling units existing and/or to be constructed thereon, expressed in dwelling units per acre.

### Density, Net

The number of dwelling units per acre, within only that portion of the lot devoted to any one (1) particular housing type, including yards and driveway facilities directly serving those particular dwelling types, but excluding common spaces, places of worship, permitted commercial uses, school sites, utility rights-of-way, public streets, and other public grounds.

### Determination of Eligibility (DOE)

A formal determination made by the Pennsylvania Historical and Museum Commission or the U.S. Department of the Interior whereby a historic resource or district is eligible for the National Register of Historic Places.

### Developer

Any landowner, agent of such landowner or tenant with the permission from a landowner, who makes or causes to be made an application for approval of a subdivision and/or land development.

### Development

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

### Developmental Disability

A disability of a person which has continued, or can be expected to continue indefinitely, which disability is attributable to mental retardation, cerebral palsy, epilepsy or autism; is found to be attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such

persons; or is attributable to dyslexia resulting from such disability.

Developmentally Disabled Person

A person with a developmental disability.

Disturbed Antenna System (DAS)

Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

Drip Line

A generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree's widest branch points.

Dump

Any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

Dwelling or Dwelling Unit

A building or entirely self-contained portion thereof containing complete housekeeping facilities, for occupancy by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other dwelling unit. Dwelling units may be classified, but not limited to the following:

A. Single-Family Detached Dwelling

A building having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.

B. Multi-Family Dwelling

A building containing two (2) or more dwelling units; including, but not limited to, two-family dwellings (twin or duplex), four-plex (quadra-plex), townhouses, apartment buildings, and other similar building types.

1. Two-Family Dwelling

A building containing two dwelling units; a twin or duplex.

a. Twin

A building containing two dwelling units separated by a party wall, each having independent outside access and open space on three sides.

b. Duplex

A building containing two dwelling units from ground to roof, one above the other, each of which has independent

2. Four-plex

A building containing four dwelling units, each unit of which has open space on two non-parallel sides, and all of which are ground floor units. Also called a quadra-plex.

3. Townhouse

A building containing not more than six dwelling units, each of which is separated by party walls on opposite sides, and each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units and open space to the front and rear (internal units) or front, rear and one side (end units). Each unit can be referred to as a single family attached unit, particularly when separately owned.

4. Apartment

A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses and, hallways.

5. Any other combination of units not herein specified.

Easement

An interest in land, buildings, or property owned by another that entitles the holder of the easement to a specific use or enjoyment of the land.

Easement, Conservation

A legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

Educational Use

Land and/or buildings specifically designed, arranged, and intended for the purpose of education, including preschool, elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

Electric Substation/Facility

Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

Electric Utility Facility

Buildings or structures and equipment used for the purpose of generating, producing, collecting, supplying, manufacturing or delivering electricity in connection with the generation, production, collection, supply, manufacture or delivery of electricity to the Pennsylvania-Jersey-Maryland Power Grid. Notwithstanding the foregoing, a nuclear powered facility is not included within this definition, nor does this definition include any facility that collects or burns trash or refuse.

Emergency

A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

Essentially Dry Space

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

Façade

Any exterior face or front of a building.

Family

Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to four (4) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common.

Family Day Care Home

A single-family dwelling where day care services are provided for as many as, but not more than, six (6) individuals, none of whom is a relative of the caregiver.

Farm Building

Any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

Farmers/Growers Market

A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold, typically in an open air setting by persons who grow, harvest, or process such items from their farm or agricultural operation.

FCC

Federal Communications Commission.

Feedlot

Any area where agricultural animals are held or maintained for the purpose of feeding or fattening where sixty (60) percent or more of the feed for such animals is imported or purchased when not incidental to a farm.

Fence

Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one half (2 1/2) feet high or higher; erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall is considered a fence.

Fill

Any earth, sand, gravel, rock, or any other material, except landscape plantings or other customary landscape materials, which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location, including conditions resulting therefrom.

Flag

A piece of cloth, commonly bunting, of varying size, shape, color, and device, usually attached by one edge to a staff or cord and used as an ensign, standard or a symbol.

Flood

A temporary inundation of normally dry land areas.

Flood Elevation, Regulatory

The One Hundred (100) Year Flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Flood Fringe

That portion of the 100-year floodplain outside the floodway.

Flood, One Hundred Year

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

Floodplain

A relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and are subject to the unusual and rapid accumulation of the surface waters from any source. The limits of a floodplain area shall be as mapped by the Federal Emergency Management Agency on Flood Insurance Rate Maps as part of the National Flood Insurance Program.

Flood-proofing

Means any combination of structural and non structural additions, 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.

Floodway

The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area. The total enclosed area in the horizontal planes of a principal structure, and all accessory structures as measured from the outside face of all exterior walls.

Floor Area, Habitable

The sum of the gross horizontal areas of all rooms used for habitation, exclusive, of the hallways, stairways, basements not included in height calculations, cellars, attics, bathrooms, closets, unheated areas, rooms without one window or skylight, garages and accessory buildings.

Floor Area Ratio

The aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

Foot-candle (fc)

A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One lumen per square foot.

Forestry

The management of forest and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Front Lot Line (See “Lot Line, Front”)

Garage, Private

An accessory building or part of a principal building used for the storage of motor vehicles or materials or equipment owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles or materials and equipment owned and used by persons other than the owner or tenant of the premises.

Garage, Public

A building other than a private garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

Garden Shed

An accessory structure, no greater than two hundred and fifty (250) square feet, for the storage of garden and lawn equipment or used as a workshop

Glare

The interference with proper vision, or eye discomfort which comes directly from a light source or is reflected from a glossy surface.

Golf Course, Public or Private

A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes. A golf course may include accessory uses such as club house, snack bar, golf equipment pro-shop, and practice areas, provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public. Private golf courses may also include swimming pools, tennis courts, and other recreational facilities provided solely for use by club members and their guests. Uses excluded from this definition include driving ranges as a principal use, pitch-and-putt or miniature golf courses.

Grade, Existing

The elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

Grade, Finished

The elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

Grade, Proposed

The elevation, relative to a given datum, of the ground surface proposed to be achieved by excavation or fill.

Greenway Lands

That portion of a tract that is set aside for the protection of natural features, farmland, scenic views and other unique features. Greenways may be accessible to the residents of the subdivision or land development or the residents of the Township, or it may contain areas of lots, when approved by the Township, that are not accessible to the public.

Gross Area

The total area of a lot or tract as described in the deed of record for the lot or tract and lying within existing lot lines prior to subdivision or land development.

### GFA – Gross Floor Area

The sum of the areas of all floors, measured from the exterior surfaces of the building perimeter walls.

### Gross Leaseable Area

The total floor area of any building or structure in which some or all spaces are leased.

### Group Home

A dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed where required by an appropriate governmental agency, and a copy of such license must be delivered to the Township prior to the beginning of such use. Group homes shall be subject to the same limitations and regulations by the Township as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P. L. 100-430.

### Hedgerow

A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak). For the purposes of this Ordinance, hedgerows are considered woodlands and regulated as such regardless of area or tree size.

### Height

See “Building Height”. For structures other than buildings, the height shall be the vertical distance measured from the elevation of the average proposed ground level (grade) along the front of the structure to its highest point.

### Height of Tower-Based WCF

The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.

### Heliport

An area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow development of service facilities as desired.

### Helistop

An area on a roof or on the ground to accommodate landing and takeoff of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo, with no service facilities.

### Herbaceous

Plants that have no woody parts. Stems and branches remain green and soft and die down to the ground in winter.

### Historic District

A geographically definable area, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and that is listed on or determined eligible for the National Register of Historic Places, or that has been designated a Certified Historic District per definition found in this ordinance.

### Historic Resource

Any buildings, structures, objects, or sites, including walls, bridges, roads, trails, quarries, archaeological sites or cultural artifacts, as well as the property containing such historic resource(s), designated by the East Pikeland Township Board of Supervisors for its importance to the history of East Pikeland Township as established in the criteria outlined in Article XVI, Section 1603 of the East Pikeland Zoning Ordinance, and included in Appendix D, Historic Resources List and the East Pikeland Township Historic Resources Inventory Map. All Historic Resources shall be regulated under the Historic Resource Protection Standards outlined in Article XVI of the East Pikeland Zoning Ordinance.

### Historic Resources List

An official list, appropriately documented and enumerated, of Historic Resources including the property on which they are located, in East Pikeland Township. Such Historic Resources are also indicated on the Historic Resources Inventory Map, and also contain properties within a Certified Historic District(s) that contain noncontributing resources and vacant land.

### Historic Resources Inventory Map

A map adopted as part of this Ordinance Historic Resources as enumerated properties and Certified Historic District(s) as also listed on the Historic Resources List.

### Home Occupation, Major

A commercial or business activity that is clearly secondary to the residential use of a dwelling, does not alter the character of the dwelling, and otherwise conforms to the provisions of Section 1806 of this Ordinance.

### Home Based Business, No Impact

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a residential dwelling and which involves no retail sales or customer, client or patient traffic; no pick, delivery or removal functions to or from the premises; the employment of only family members residing in the dwelling; no business or commercial activity occurring outside the dwelling, and otherwise conforms to the provisions of Section 1806 of this Ordinance.

### Homeowners Association

A non-profit organization comprised of homeowners or property owners, planned and operated under approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property, subject to the provisions of the Pennsylvania Uniform Planned Community Act of 1996.

### Hospital

An accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed, but excluding facilities for the mentally retarded and the emotionally disturbed.

### Hotel, Motel, Inn

A building or group of buildings intended for the transient lodging accommodations (short-term or extended stay) of guests for compensation. Additional services to be offered may include restaurants, meeting rooms and recreational facilities.

### Hydric Soils

Soils which in their natural un-drained state are wet frequently enough at or near the surface to

periodically produce anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this Ordinance, hydric soils include any soil inventories or described as hydric or as a soil with hydric inclusions according to the Soil Survey of Chester and Delaware Counties, Pennsylvania, or other information provided by the U.S. Natural Resources Conservation Service.

Where site conditions indicate that the location and extent of hydric soils or soils with hydric inclusions differ from that of the NRCS, the burden shall be upon the Applicant to verify such location and extent to the satisfaction of the Township Engineer.

Where tile drainage has been introduced to drain soils defined herein as hydric soils, such areas shall be considered hydric for the purpose of this Ordinance.

#### Identified Floodplain Area

The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

#### Illuminance

The quantity of light measured in foot-candles or lux.

#### Illumination

The density of luminous flux on a surface.

#### Impervious Cover

Any surface which does not absorb precipitation or runoff. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and other such areas in concrete or asphalt shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall, also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

#### Incinerator

A facility, designed to reduce municipal solid waste by combustion, that consists of refuse handling and storage facilities, furnaces, subsidence chambers, residue handling and removal facilities, chimneys and other air pollution control equipment and which may or may not include heat exchange equipment for energy recovery.

#### Industrial Use

Any use permitted in the Industrial zoning district which involves the fabrication, production, repair, alteration and/or storage of a product(s), within a building and/or outdoors. Such uses do not include customer oriented retail sales.

#### Institution

A residential property used by four (4) or more unrelated occupants for a common, lawful purpose (e.g. educational, recreational, religious, therapeutic, rehabilitative, correctional) including, where necessary to serve such purpose, continually staffed professional supervision. An institution shall not include a group home as defined herein.

Invasive Plant Species

A plant identified by Pennsylvania Department of Conservation and Natural Resources or other recognized authority as detrimental to ecosystems due to aggressive growth and spreading that displaces other plants.

Isolux Diagram

A light plotted on any appropriate set of coordinates which shows all the points on a surface where the illumination is the same as an isolux (isofoot-candle) line. Where a series of such lines for various illumination levels are plotted on the same set of coordinates, an isolux diagram is formed.

Junkyard

An area of land with or without buildings used for storage of used and/or discarded materials, outside a completely enclosed building, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, parts thereof, or vehicles, thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, un-inspected, wrecked, or disabled vehicles, or the major part thereof, is a "junkyard".

Kennel

An establishment for the breeding or boarding of four (4) or more dogs that are more than six (6) months old.

Kimberton Village

That area, also know as "Kimberton", encompassed by the boundaries established for the Kimberton Retail (KR) zoning district.

Kimberton Village Historic District

The Certified Historic District specifically indicated on the Historic Resources Inventory Map and Historic Resources List.

Laboratory

A building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale on the premises.

Lake (also Pond)

A natural body of water containing a permanent pool of water a minimum of six (6) feet in depth with side slopes no less than 10:1. A lake or pond may be utilized for storm water management purposes

Landfill

See Sanitary Landfill

Land Development

According to usage:

- A. The improvement of one (1) or more contiguous lots; or tracts or parcels of land for any purpose permitted in this Ordinance involving a group of two (2) or more buildings or one (1) non-residential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, building

groups or other features.

- B. A division of land into lots for the purpose of conveying or leasing such lots singly or in groups to any person, partnership or corporation for the purpose of erection of buildings by such person, partnership or corporation.

Landowner

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

Land Disturbance

Any activity that exposes soils, alters topography, and/or alters vegetation, except for removal of hazardous or invasive alien vegetation. Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

Landscape Cover

The landscaping on a lot that consists of planting beds, trees, shrubs, lawn and other vegetative groundcover.

Landscaping

See Landscape Cover.

Level of Service

A description of traffic conditions along a given roadway or at a particular intersection according to the *Highway Capacity Manual, Transportation Research Board, 1994*, and as amended thereafter.

Light Trespass

Light emitted by a lighting installation, that extends beyond the boundaries of the lot on which the installation is sited.

Livestock

The horses, cattle, sheep or other useful animals kept or raised on an agricultural property or on any property meeting the provisions of this Ordinance.

Live-Work Unit

A shop, studio, office, or other place of business on the ground floor in combination with a dwelling unit located above such place of business. A person or persons other than the proprietor of the business may occupy a Live-Work Unit.

Loft

An additional partial story of a single story attached dwelling which shall not exceed five hundred fifty (550) square feet of floor area and shall include no more than one (1) finished bedroom and one (1) bathroom.

Lot

A tract, plot or parcel of land occupied or capable of being occupied by a building or permitted structure and its accessory buildings, in compliance with the terms of this Ordinance, together with

such open spaces as are arranged and designed to be used in connection with such buildings, held in single and separate ownership. The term "lot" shall also mean parcel, plot, tract, site or any similar term.

#### Lot Area

The acreage contained within the property lines of a lot as defined in the deed or as shown on an approved subdivision plan. For purposes of calculating the minimum lot area (net lot area) necessary to comply with the area and bulk requirements of this Ordinance, the following areas shall be excluded from such calculation:

- A. Any area use for gas, oil, natural gas, electrical or communication transmission facilities whether below or above ground that do not serve the lot or lots traversed.
- B. Any area within a street or other transportation right-of-way.
- C. Any area comprising a storm water management basin but not including storm water management facilities or areas intended to serve individual residential lots.
- D. Any area overlain by the Floodplain Conservation District; areas of slope in excess of twenty-five percent (25%); areas of seasonally high water table soils; and all areas delineated as wetlands, as herein defined.
- E. Any area comprising and/or including an historic or cultural resource. Such area shall be established by the Planning Commission upon recommendation of the East Pikeland Historic Commission.

#### Lot Area, Gross

The total land surface contained within the limits of the property lines bounding the lot.

#### Lot Averaging

A means of developing single-family detached dwellings on lots, some of which are larger and some of which are smaller than is otherwise required, not incorporating areas of common open space within the development. All lots when combined, represent the average lot size as required within the district.

#### Lot, Corner

A lot at the junction of, and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).

#### Lot, Coverage

The ratio of the total ground floor area of all buildings and other impervious areas on a lot to the lot area on which they are located.

#### Lot, Interior

Any lot which only has access to a street by either an easement or right-of-way and may be characterized as "landlocked"; or any lot that has limited frontage to a street by virtue of being "flag-shaped".

#### Lot Line, Front

Front lot line shall mean the line separating such lot from any street or public right-of-way, whether or not it is the recorded boundary of the lot.

Lot Line, Rear

A line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line nor a side lot line.

Lot Line, Side

Any lot line not a front or rear lot line; in the case of a corner lot, any lot line that intersects a front lot line shall be considered a side lot line.

Lot, Reverse Frontage

A lot extending between and having frontage on two generally parallel streets with vehicular access only from the minor street.

Lot Size

The total land surface of the lot lying within the limits of the property lines bounding the lot, exclusive of streets. The area of any lot abutting a street shall be measured to the street line only. In the case of an interior lot, the minimum lot size (and other dimensional requirements) shall be calculated and measured on that portion of the lot exclusive of the easement or access strip which gives the lot access to a street. See also "Lot Area, Gross" and "Lot Area, Net".

Lot Width

The distance between side lot lines at the building setback line, measured parallel to the street line. Where the street line is curved or angled, the lot may be measured as an arc distance instead of a straight line.

Lowest Floor

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of the ordinance.

Luminaire

A complete lighting unit, lighting unit assembly (including reflectors, glassware, socket, etc.), and accessories for mounting.

Luminance

The physical and measurable quantity of light corresponding to the brightness of a surface (e.g., a lamp, luminaries, reflecting material) in a specific area, and measurable with a luminance meter.

Lux

A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per foot-candle.

Man-Made Area

Areas of land that have been disturbed or changed by grading or filling to such extent that the natural soil conditions no longer prevail.

### Manufactured Home

Manufactured Home - A factory built single-family residential structure, transportable in one or more sections, that is designed for use with a permanent foundation and meets the requirements of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

### Map, Official

A plan, legally adopted by the Township Board of Supervisors, of officially dedicated, ordained, opened, or platted streets; existing parks and other public properties; or those proposed for acquisition by the Township by condemnation, purchase, dedication, or otherwise.

### Marsh

A low, constantly wet, area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

### Meadow

A plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

### Medical Clinic

A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that the patients are not kept overnight except under emergency conditions. This includes doctors and dental offices and clinics.

### Minimize

To reduce to the smallest amount or extent possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. "Minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, storm water management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

### Mini-Storage Facility

A structure or group of structures used for the dead storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

### Minor Repair

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

### Mitigation.

A. An action undertaken to accomplish one or more of the following:

1. Avoid and minimize impacts by limiting the degree or magnitude of the action and its

implementation.

2. Rectify the impact by repairing, rehabilitating or restoring the impacted environment.
3. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

B. If the impact cannot be minimized in accordance with clauses 1-3 above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

#### Mixed Use Building

A building that contains both commercial and residential uses.

#### Mobile Home

A factory built single-family residential structure, transportable in one or more sections, that is designed for use with or without a permanent foundation and predates or is not subject to the Federal Manufactured Home Construction and Safety Standards Act of 1976. The term includes park trailers, travel trailers, recreational and other similar vehicles that are used on a site for residential purposes.

#### Mobile Home Park

A site containing spaces with required improvements and utilities for the long-term placement of two (2) or more mobile homes.

#### Monopole

A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

#### Mortgage Subdivision

A division or redivision of a lot, tract or parcel of land into two or more lots, tracts or parcels for the purpose of granting separate and distinct mortgages on each of the lots formed by the division. Mortgage Subdivisions are distinct from a traditional land subdivision and shall not be subject to the Subdivision and Land Development Ordinance requirements. Mortgage Subdivisions shall be part of and subject to a Unified Master Plan and all lots under a Mortgage Subdivision shall execute all necessary cross easements and covenants and shall remain governed by the Unified Master Plan.

#### Municipal Solid Waste

Any garbage, refuse, industrial lunchroom or office waste, other materials including solid, semi-solid (not greater than twenty percent liquid) or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities.

#### Municipal Use

Any use owned or operated by the Township.

#### Museum

An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

National Register Criteria

Standards promulgated by the Secretary of the Interior against which historic resources nominated to the National Register are evaluated.

Natural Succession

The process by which landscapes are transformed over time from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

New Construction

Structures for which the “start of construction” commenced on or after December 30, 1974, and includes any improvements to such structures.

Noise

An audible sound characterized by volume and frequency that is annoying and unwanted which may interfere with the hearing of other sounds.

Non-conforming Lot

A lot which does not conform to the Area or Bulk Regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate such regulations prior to the enactment of such Ordinance or amendment.

Non-conforming Structure

A structure or building, or part thereof which does not conform to the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance, or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Ordinance or amendment.

Non-conforming Use

Use of land or use of building or structure, which use does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate such regulations prior to the enactment of Ordinance or amendments.

Noncontributing Resource

A building, structure or site that does not contribute to the historic or architectural significance of a Historic Resource or Historic District.

Non-Tower Wireless Communications Facility (Non-Tower WCF)

All non-tower wireless communications facilities, including but not limited to, Antennae and Related Equipment. Non-Tower WCF shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.

Noxious Vegetation

Plant material that is undesirable or offensive due to unsightliness, threats to health or prolific and uncontrollable growth. For the purpose of this Ordinance, noxious vegetation shall include, but not limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, and oriental bittersweet.

Nursing Home

See “Assisted Living Community”

Object

A thing of functional aesthetic, cultural, historical or scientific value that may be, by nature or design, moveable yet related to a specific setting or environment.

Obstruction

Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, that may impede, retard, or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

Old Field

An area undergoing natural succession characterized by the presence of grasses, forbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.

One Bedroom Apartment

A dwelling unit within a residential or mixed-use building which contains complete living accommodations in two to three rooms, including a single separate bedroom. Bathrooms shall not count towards the room total.

One Hundred Year Flood

See Flood, One Hundred Year.

On-Site Sewer Service, Individual

The disposal of sewage by use of system entirely contained within the confines of a lot to which the use it serves is located and as approved by the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection.

On-Site Water Service, Individual

The supply of water to a single user from a private well within the confines of the lot on which the use is located.

Open Space

An area of land or water or a combination of land and water within a subdivision or land development, designed and intended for the use and enjoyment of the residents of the subdivision or land development, or the residents of the Township, consisting of landscaped or natural terrain, including lakes and streams. Open space may include active and passive recreation areas, trails, greenways and riparian and wetlands buffers. Open space shall not include structures or other improvements (other than those related to recreational uses and approved by the Township) street and utility rights-of-way or easements, stormwater management facilities or areas, sediment and erosion control facilities, required yard areas, and off-street parking areas.

Open Space Management Plan

A plan that provides for the long-term management and maintenance of private or public open space.

Operator

The owner of a mobile home park, or his authorized agent, who is duly licensed for maintaining a mobile home park in the Township.

Parking Lot

An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

Parking Pocket

An area of a street right-of-way adjacent to a travel lane for the parallel parking of motor vehicles, clearly designated by an indentation of curbing and paint striping. No more than three (3) contiguous vehicle spaces shall occur in one (1) location and no parking pockets shall be opposite other parking pockets on the same right-of-way.

Parking Space

A space located off the public right-of-way designated for the parking of motor vehicles, the usable area of which is not less than 171 square feet (9 x 19) to which there is access from a street, alley, or driveway.

Pasture

A plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing.

PennDot

For the purpose of this Ordinance, the Commonwealth of Pennsylvania Department of Transportation.

Perimeter Buffer

An area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

Person

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

Personal Care Facility

A residential facility licensed by the Commonwealth of Pennsylvania that provides care to adults who do not require hospitalization or skilled or intermediate nursing care. A Personal Care Facility may include accommodations for independent living in addition to personal care and memory care.

Personal Service Establishment

Personal Service Establishment – A barbershop, beauty salon, tailor, shoe repair service, dry cleaner, or business offering similar services, not including adult-oriented use.

Place of Worship

See “Church”

Planned Commercial Development

A contiguous area of land controlled by a single landowner and developed as a single entity for a number of commercial and other similar uses, the development plan for which may or may not correspond in lot size, bulk or other design standards in any one commercial district created from time to time under the provisions of this Ordinance.

Planning Commission

For the purpose of this Ordinance, the Planning Commission of East Pikeland Township.

Planting Screen

A strip of planting having an initial height of not less than five (5) feet, the ultimate height and width of which shall be not less than ten (10) feet, consisting of not less than fifty (50) percent evergreen material scattered throughout the length of the strip and sufficient to provide an effective screen.

Planting, Street Tree

An installation of deciduous hardwood trees within a street right-of-way, of a type approved by the Township Board of Supervisors, and in accordance with Section 418 of the Township Subdivision and Land Development Ordinance.

PNDI

Pennsylvania Natural Diversity Inventory.

Potential Rare, Threatened, Endangered (RTE) Species Sites.

- A. Sites in which federal and/or state recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Chester County Natural Areas Inventory.
- B. Sites which provide suitable habitat for federal and/or state recognized RTE species of fauna.

Pre-Construction Mean Level

The average of the natural grade elevations of the four (4) corners of a building or structure. If more than four (4) corners exist, the Township Engineer shall determine the number of points to use for averaging purposes.

Primary Facade

The façade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades.

Primary Frontage Street

The main or primary street along which an existing or proposed building has frontage, and from which access to a building is achieved through a front door and entryway.

Prime Agricultural Soils

Soils in Capability Classes I and II, as defined in *Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, 1963.*

Principal Use

The primary use, on a lot, serving as the basis for classification as to use category.

Principally Above Ground

Where at least fifty-one percent (51%) of the actual cash value of a structure, less the land value, is above the ground.

Pro forma

A financial statement, based on a set of specific assumptions, that projects gross income, operating expenses and net operating income for a future period of time.

Public Grounds

Areas of land or water that include parks, playgrounds and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Hearing

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

Public Meeting

A forum held pursuant to notice under the Act of July 3, 1986, P. L. 1988, known as the "Sunshine Act".

Public Notice

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such Public Notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. Where the hearing to be held will include consideration of a proposed zoning amendment to the zoning map, then such proposed amendment must be additionally noticed by the posting along the perimeter of the affected tract at least one (1) week prior to the date of the hearing.

Public Sewage System

An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

Recreation, Active

Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include playgrounds, ball courts and swimming pools.

Recreation, Passive

Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such pursuits include walking, hiking and horseback riding along established trails, bird watching, biking and picnicking.

Recreational Vehicle

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently tow-able by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonable use.

Recycling Facility

A location at which is accumulated materials such as paper, glass, aluminum and/or plastic that are no longer useful for their intended purpose and which are then sold as raw material for use in the manufacture of a new product.

Redevelopment

Any enlargement or extension of the total square footage of an existing building or an existing use as of the effective date of the Ordinance.

Reflector

A surface or element of a luminaire designed to direct light in a desired direction.

Reforestation

The restocking of an area with forest trees including natural regeneration as well as tree planting.

Registered Landscape Architect

A professional that is registered as a Landscape Architect with the Commonwealth of Pennsylvania.

Regulatory flood elevation

The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Rehabilitation

The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions and features of the property that are significant to its historical, architectural and cultural value.

Related Equipment

Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

Religious Use

A nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution including rectory and parish house.

Rental Unit

An individual space offered for rent or lease within, but not limited to, a residence, apartment building, motel, rooming house, tourist home, dormitory, or professional or commercial office building.

Repetitive Loss

Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the costs of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market.

Residual Waste

Any garbage, refuse or other discarded material or other waste including solid, semi-solid (not greater than twenty (20) percent liquid) or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, commercial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility provided that it is not hazardous.

Restaurant

A building, or portion of a building, used for the purpose of furnishing meals to the public, including an indoor seating area.

Restaurant, Fast-Food

A type of restaurant where customers place orders at an inside service area or drive-thru window and where food and/or beverages are either served for consumption at eating places within the building or are taken out for consumption away from the premises, including drive-thru service.

Retail or Retailing

A commercial activity that provides for the sale of commodities directly to consumers.

Retirement Community

A development of individual and/or multiple dwelling units, and their ancillary recreational and social facilities, which is intended for adults without children in residence permanently, and which may have minimum age restrictions. Such developments do not have on-site medical facilities and individuals live independently. A similar term is Age Restricted Community.

Revitalization

Coordinated Land Development consistent with the Design Standards of Article X, involving one or more of the following:

- a. The combination of two or more lots into a land development parcel of four (4) or more acres,
- b. The renovation of an existing principal building or buildings,
- c. The removal of an existing principal building or buildings.

Right-of-Way, Legal

The total width of any land reserved or dedicated as a street, alley, crosswalk, utility, or for any other public or private purpose, as reflected on a recorded subdivision plat, boundary plat, or dedication plat.

Right-of-Way, Ultimate

The total width of any land intended to be used for street, alley, crosswalk, utility or for any another public or private purpose, including lands privately owned, but intended to be acquired by a public agency.

Riparian Buffer Conservation Area

Areas immediately adjacent to all watercourses, as defined herein, within the Township and subject to the protection requirements of this Ordinance. The riparian buffer conservation area consists of two (2) zones:

- A. Zone 1 - A setback zone of thirty (30) feet, as measured, along a horizontal plane, from the top of the bank of the body of water, where no disturbance of vegetation or soil, except for restoration, shall occur.
- B. Zone 2 - A managed buffer zone of seventy (70) feet extending outward from zone 1 where disturbance of vegetation and soil is limited to selective tree cutting and other activities that minimally disturb such vegetation and soil.

A riparian buffer conservation area adjacent to high quality waters and exceptional value waters as designated under the Pennsylvania Department of Environmental Protection Chapter 93 Rules and Regulations shall be subject to the provisions of the Department of Environmental Protection *Special Protection Waters Implementation Handbook* or successor document. To the extent that the Township's requirements are more restrictive, such requirements shall apply.

Rooming House

A dwelling in which sleeping accommodations are provided for compensation for no more than six (6) persons whether or not the serving of meals is included.

RTE

Rare, threatened or endangered plant or animal species.

Sanatorium/Sanitarium

An institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Sanitary Landfill

An engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection.

Scenic Resources

The views and vistas, scenic roads, environments and features as identified in the *East Pikeland Township Open Space, Recreation and Environmental Resources Plan*, Scenic Resources Map.

Screening

The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide visual and/or physical separation between two or more different land uses which abut one another.

Seasonally High Water Table Soils

Soils in which seasonal wetness, as indicated by redoximorphic (mottling) features, is within eighteen (18) inches of the ground surface at certain times of the year. Seasonally high water table soils must be directly adjacent or within watercourses, Waters of the Commonwealth of Pennsylvania, water bodies, wetlands, 100-year floodplains, floodplain soils, wetland margins or buffers, and hydric soils.

The burden shall be on the Applicant to verify such location(s) to the satisfaction of the Board of Supervisors. Where drainage improvements have been introduced to drain soil areas herein defined as seasonally high water table soils, such areas shall be considered seasonally high water table soils areas for the purpose of this Ordinance.

Selective Cutting

The felling of certain, but not all, trees in an area for the purposes of: (1) removing dead, diseased, damaged, mature or marketable timber; (2) improving the quality of a tree stand or species; or (3) meeting personal domestic needs.

### Service Station

Structures, buildings, or area of land or any portion thereof that is used for the selling or dispensing of gasoline, diesel fuel or other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing and minor repair of motor vehicles, but not including the painting and/or body work thereof or the sale of new or used motor vehicles. Any portion of an institution, business or industry dispensing motor vehicle fuel for its own use and vehicles will not be deemed to be a service station.

### Sewage Facilities or Sewage Disposal Systems

#### A. Individual On-Site

An individual sewage disposal system as defined and regulated by the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection.

#### B. Central/Community Collection and Treatment

A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one or more common treatment and disposal facilities, either on-site or offsite, and approved by the Pennsylvania Department of Environmental Protection.

#### C. Public Sewage System

An off-site system for treatment and disposal of sewage in which sewage is conveyed to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

### Sight Distance

The length of street visible to the driver of a vehicle, essentially unobstructed.

### Shopping Center

A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access and aesthetic considerations.

### Sign

A structure which consists of a device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, or representation which advertises, directs, or announces a use conducted, goods, products, services, or facilities available, which influences persons, or conveys information.

#### A. Business Sign

A sign that announces or directs attention to a business, produce, service or activity sold or conducted on the premises where such sign is located.

#### B. Directional Sign

A sign that directs the reader to a business, product, service or activity, sold or conducted at a location a short distance away from where the sign is located.

#### C. Identification Sign

A sign that identifies only the occupant of the premises, the profession or occupation of the occupancy, and/or the name of the building upon which the sign is placed.

### Sign Area

- A. For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.
- C. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all the letters and symbols.

### Single and Separate Ownership

The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

### Site

A lot, tract, or parcel of land on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

### Site Analysis

Investigation, study, and documentation of property proposed for subdivision and/or land development and adjacent areas, including review of established information sources as well as on-site investigation, in accordance with the provisions of the Subdivision and Land Development Ordinance.

### Site Restoration

Measures taken following completion of land disturbance activities that will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

### Slope

The ratio of the change in elevation (rise) over the horizontal distance (run) as measured between consecutive contour lines, expressed as a percentage. See "Steep Slope Areas"

### Special Exception

A use which, when deemed suitable, with or without the imposition of conditions or restrictions under applicable standards, may be allowed by the Zoning Hearing Board after public hearing.

### Special Permit

A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivision and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

### Specified Sexual Activities

- A. Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person be female, breasts.

- B. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

#### Specimen Tree

A non-invasive tree in good health of 30 inches or greater diameter at breast height (DBH) measured 4 ½ feet above the ground surface. In addition, a unique, culturally valuable, or historically significant tree may be designated a specimen tree by the Township.

#### Statutory Review Period

The period of time within which the Township Board of Supervisors must grant approval or issue denial to a given plan as established by the Pennsylvania Municipalities Planning Code.

#### Stealth Technology

Camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

#### Steep Slope Areas

Areas where the slope measured between consecutive contour intervals is greater than or equal to fifteen (15) percent. Such measurement shall be based upon mapping of contour lines at the minimum interval applicable in accordance with the East Pikeland Township Subdivision and Land Development Ordinance. Where topographic data is not available and submission thereof not otherwise required, areas mapped as sloping fifteen percent (15%) or more on the Land Resources Map in the East Pikeland Township *Open Space, Recreation & Environmental Resources Plan* shall be considered steep slope areas, except where Applicant has demonstrated otherwise to the satisfaction of the Township.

#### Steep Slope, Precautionary

Areas of land with a slope between fifteen (15%) percent and twenty-five percent (25%), as defined in Section 402.3 of this Ordinance.

#### Steep Slope, Prohibitive

Areas of land with a slope greater than twenty-five percent (25%), as defined in Section 402.3 of this Ordinance.

#### Storage

The deposit of goods, materials, or products intended for future disposition.

#### Storage Garage

A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

Storm Water

Any precipitation, but usually rainfall, which is sufficient to flow on any natural or man-made surface; frequently termed “run-off”.

Story

That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

Stream

Any watercourse with a defined bed and banks.

Stream Valley

The streams identified in the East Pikeland Township *Open Space, Recreation and Environmental Resources Plan*, Hydrology and Surface Water Resources Map of stream orders 1, 2, 3 and 4 together with their 100-year floodplains and hydric soils identified as very significant and significant.

Street

A public (dedicated) or private (undedicated) right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service-street, and road or similar terms.

A. Arterial

A street serving the heaviest volumes of traffic (comparatively high speed and long distance) in the Township, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation; providing the highest degree of vehicular mobility; and/or involving controls on access.

B. Collector

A street used primarily as the means of access for through traffic between residential neighborhoods, major streets, districts within the Township and areas immediately adjacent thereto.

C. Local

A street used primarily for local traffic as the means of access to abutting residential lots.

Street Line

The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted; or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right-of-way.

Streetscape

The space located close to the street, which can be embellished with sidewalks, trees, lights, curbs, and furnishings. The streetscape is framed by buildings, fences, walls, trees and/or hedges that create an “outdoor room” character.

### Structural Alteration

Any change in, or addition to, the supporting structural members of a building, or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use, or which, in case of a non-conforming building or other structure, would prolong the life of such building or other structure.

### Structural Unit

One or more buildings enclosed by continuous exterior walls and a continuous roof.

### Structure

Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, shed, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

### Studio Apartment

A dwelling unit within a residential or mixed-use building which contains complete living accommodations in one to two rooms without a separate bedroom. Bathrooms shall not count towards the room total.

### Subdivision

The division of a single lot, tract, or parcel of land into two (2) or more lots, tracts or parcels of land, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, gross, not involving any new street or easement of access or any residential dwelling, shall be exempted from this definition.

### Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the fair market value of the structure before the damage occurred.

### Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (2) Any alteration of a Historic Resource, provided that the alteration will not preclude the structure's continued designation as a Historic Resource.

### Substantially Change or Substantial Change

- (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed

twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing Antennae; or

- (2) Any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.

#### Swimming Pool

A pool or tank capable of containing water to a depth greater than twelve (12) inches for the purpose of swimming and/or other water-related recreational activities. Farm ponds and storm water basins are not swimming pools unless specifically designed for that purpose.

#### Telephone Central Office

A building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company.

#### Temporary Seasonal Sales of Merchandise

Those activities intended to sell merchandise from vehicles, temporary structures, including tents, or outdoor sales areas. Such activities include, but are not limited to, holiday tree, plant and flower sales, furniture sales and the sale of similar goods and products.

#### Temporary Structure or Use

A structure without a foundation or footings that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

#### Tenant House

A single- family detached dwelling permissible as a separate residence in addition to the principal dwelling on agricultural properties.

#### Theme Lighting

Exterior fixtures and posts which are manufactured to a high level of design and craftsmanship from material such as (but not limited to) wrought iron, cast aluminum, brass or copper, and installed to be consistently used throughout designated areas of East Pikeland Township. Its purpose is to promote a particular village character or historic theme.

#### Timber Harvesting

The removal of more than four trees of six (6) inches or greater DBH per acre from any lot of more than three (3) acres for the purpose of allowing the natural regeneration or preservation of a woodland and undertaken in compliance with an approved timber harvesting plan.

#### Tourist Home

A dwelling in which over-night sleeping accommodations are provided for rent to less than ten (10) travelers, whether or not the serving of meals is included.

#### Tower Based Wireless Communications Facility (Tower-Based WCF)

Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles, DAS hub facilities are considered to be Tower-Based WCF's.

### Tract

One or more lots assembled for the purpose of unified development, including a planned residential, commercial, or industrial development.

### Tract Area

The net acreage, contained within the property lines of a tract, upon which shall be calculated the maximum permissible density of any mobile home park, multi-family development, mixed single-family/multi-family development, or cluster development, as those terms are provided for in this Ordinance. Tract area shall be determined by excluding from the gross area of the tract the following features:

- A. Any area used for gas, oil, natural gas, electric or communications transmission facilities, whether below or above-ground, that do not serve the tract.
- B. Any area within a street or other transportation right-of-way.
- C. Any area comprising a stormwater management basin, but not including stormwater management berms intended to serve individual residential lots.
- D. That portion of those portions of the tract in which the following features individually or cumulatively represent greater than twenty percent (20%) of the gross area of the tract: areas overlain by Flood Plain Conservation District; areas of slope in excess of twenty five percent (25%); areas of seasonally high water table soils; and all areas delineated as wetland, as each is defined herein.

### Tract Area, Gross

For purposes of establishing the minimum open space required or, where applicable, the maximum number of dwelling units permitted, the gross tract area shall include all areas within the titled lines of a tract.

### Tract Area, Net

For purposes of establishing the maximum permissible number of lots or dwelling units on any tract, or for determining compliance with maximum impervious cover limitations, the net tract area shall include all areas within the titled lines of a tract, excluding the following:

- A. Any existing area that has been set aside as a permanent right-of-way or easement for a public or private street or for aboveground or underground utilities other than for local service.
- B. Any existing area comprising permanent drainage or storm water management easements.
- C. Any existing area comprising sewage disposal facilities serving any property not part of the subject tract.
- D. An area equivalent to seventy five percent (75%) of any area comprised of one or more of the following areas and excluding any area already excluded by subparagraphs 1, 2, or 3, above:
  - 1. Any area within the Floodplain District as established in Article IV of the Zoning Ordinance.
  - 2. Any area comprising wetlands under the jurisdiction of the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. The

Township reserves the right to retain a wetlands scientist or other qualified consultant to ascertain the extent of jurisdictional wetlands, reasonable and necessary charges therefore to be borne by the applicant.

3. Any area of steep slope, as defined herein and where the ratio of the change in elevation over the horizontal distance as measured between consecutive two-foot contour intervals exceeds 15/100.

#### Traditional Neighborhood Development (TND)

A form of land development defined as a small, compact center of predominantly residential character, consisting of residential and complimentary non-residential land uses, linked by an interconnected network of streets, alleys, sidewalks and open space designed in such a fashion as to emulate a “village” environment. Non-residential uses shall not include doctors’ offices or beauty salons.

#### Trail

A corridor of ten (10) feet in width through which passes, or will pass, a trail as part of the Township Comprehensive Trail System or as otherwise authorized by the Township. A trail is to serve the transportation and recreational functions for walkers, bicyclists, horseback riders and cross country skiers; trails shall exclude motorized vehicles except as authorized by the Township for maintenance, management and emergency purposes.

#### Transfer Station

A facility where solid waste is delivered for the purpose of compacting the material for subsequent transport by larger vehicles to a final disposal site or processing facility. A transfer station may include the separation and collection of material for the purpose of recycling.

#### Travel Trailer

Any vehicle used for temporary living or sleeping purposes for transient use.

#### Tree Protection Zone

An area that is radial to the trunk of a tree within which no land disturbance shall occur. The tree protection zone shall be a minimum distance of fifteen (15) feet from the tree trunk or the distance from the tree trunk to the dripline, whichever is greater. Where a group of trees or woodland is to be protected, the tree protection zone shall be the aggregate of the tree protection zones of the individual trees.

#### Truck Terminal

An area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

#### Two Bedroom Apartment

A dwelling unit within a residential or mixed-use building which contains complete living accommodations in three to five rooms, including two separate bedrooms. Bathrooms shall not count towards the room total.

#### Ultralight Vehicle

A vehicle, powered or un-powered, that is used or intended to be used for manned operation in the air by a single occupant for recreation or sport purposes only and that does not have any United States or foreign airworthiness certificate. Weight, fuel capacity and maximum speed shall be as regulated by

Part 103 of the Federal Aviation Regulations.

Unified Master Plan

A single land development plan that encourages two or more contiguous lots or parcels of land or lots or parcels of land separated by a public road, that provides a cohesive design and layout of uses including shared vehicular access, stormwater management, architectural features, and other design standards.

Uniform Construction Code (UCC)

The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial building, the Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Use

Any purpose for which a building or other structure or a lot or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

Variance

A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of physical conditions or unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Act 247.

Vegetation, Permanent

Perennial grasses, legumes, or other long-lived plant materials, such as Crown Vetch, Fescues, and Bluegrasses, etc. depending upon the degree of refinement desired.

Vegetation, Temporary

Fast growing grasses, usually annuals, such as rye, oats, sudan, or other appropriate cover to prevent erosion until permanent vegetation can be installed.

Vehicle Auction

An area of land with or without buildings used for temporary storage, display and wholesale sales of used autos, trucks, boats, motorcycles, and recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See "Junkyards" for comparison.

View

The relative ability to see a given object from a designated location. Views shall be further classified as:

A. Unobstructed

The ability to see most or all of an object; specifically where more than eighty percent (80%) of the object is visible.

- B. Filtered  
The ability to see some of the object; specifically where twenty percent (20%) to eighty percent (80%) of the object is visible.
- C. Hidden  
The ability to see little or none of the object; specifically where less than twenty percent (20%) of the object is visible.

#### Warehousing

The temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

#### Watercourse

A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made, and having a defined bed and banks. For the purpose of this Ordinance, a watercourse shall not include manmade swales constructed for the purpose of stormwater management.

#### Water Hazard Area

Any area of land, whether natural or man-made which is, or may be, hazardous to the public health, safety or welfare as a result of either of the following conditions:

- A. Floodplain  
Land which has been and may be inundated periodically by water overflowing the normal banks of a stream as a result of natural causes, or as a result of grading, damming or other man-made changes.
- B. High Water Table  
Soil in which the ground water exists at, or periodically rises to, a level too near the surface of the ground to permit a particular type of construction or installation.

#### Water Supply Systems

- A. Individual System  
A safe and healthful supply of water to a single user from a private well located on a lot on which the use is located.
- B. Central Water Supply System  
A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site and may be publicly or privately owned.

#### Waters of the Commonwealth

Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

#### WBCA

Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)

Wellness Center

A facility dedicated to natural or non-traditional healthcare practice, which may include sale of healthcare products, acupuncture, chiropractic treatment, holistic or homeopathic healing, massage therapy, meditation, yoga and similar or related products or activities, not including any Adult-Oriented use.

Wetlands

Those areas with hydric soils (see Appendix C of the East Pikeland Township Subdivision and Land Development Ordinance) inundated or saturated by surface or groundwater for at least two (2) weeks of the year which support hydrophytic vegetation, and where the presence of wetland hydrology is indicated, as further defined by the Federal Manual for *Identifying and Delineating Jurisdictional Wetlands* as adopted by the Pennsylvania Department of Environmental Protection.

Wetlands Delineation

The on-site method or process for identifying jurisdictional wetlands that is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection. [Note: the Commonwealth currently requires the methodology outlined in *Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989*]

Wetlands Delineation Report

A document that describes the investigation procedures and findings of the delineation of wetlands.

Wetlands Buffer Conservation Area

A transitional area extending from the outer limit of a wetland. For the purpose of this Ordinance, the wetland buffer conservation area shall extend a minimum of two hundred (200) feet from the wetland boundary. The wetland buffer conservation area shall also apply to wetland mitigation areas approved by the Pennsylvania Department of Environmental Protection.

Wholesale or Wholesaling

A commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

Wild Crops

Indigenous vegetation such as berries, mushrooms and other vegetation used as forage by wild animals in the area.

Wildflower

Native or introduced plants found naturally in the landscape that are not dependant on man for their presence.

Wireless

Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Communications Facility (WCF)

The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

Wireless Communications Facility Applicant (WCF Applicant)

Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.

Wireless Support Structure

A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Township.

Woodland

A plant community of one-quarter (1/4) acre or more in which tree species are dominant or co-dominant, the branches of the trees form a complete, or nearly complete, aerial canopy and where the largest trees measure at least six (6) inches in diameter DBH. A woodland shall also include ten (10) or more individual trees of six (6) inches or greater DBH under a common canopy. Woodlands consist of groupings of live trees regardless of species or presence of illness, infestation, or physical defect. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years that would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

For the purpose of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the community.

Woodland Management Plan

A description, by means of text and maps, of proposes actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (1) to protect water quality; (2) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

Yard or Setback

An open area around the inner periphery of each lot, extending along the lot lines and street lines in which no buildings or structures shall be erected. The size of the yard shall be measured as the shortest distance between the structure and a lot line or street line.

A. Yard, Front

A yard between a structure and a street line, extending the entire length of the street line. The front yard shall be the same for a principal building and accessory structure.

In the case of a corner lot, the yards extending along all streets are front yards and the remaining yards shall include a rear yard, opposite the street to which the principal building is generally faced and a side yard, opposite the other street.

B. Yard, Rear

A yard between a structure and a rear lot line. The rear yard may be less for an accessory structure per provisions of this Ordinance.

C. Yard, Side

A yard between a structure and a side lot line, which extends from the front yard to the rear yard. The side yard may be less for an accessory structure per provisions of this Ordinance.

Zero Lot Line

The configuration of a single-family residential development in such a way that one (1) wall of the principal dwelling rests on a side property line and the lot contains one (1) side yard between the dwelling and the opposite side property line.

Zoning Hearing Board

The Zoning Hearing Board of East Pikeland Township.

Zoning Map

The map of East Pikeland Township indicating the location of boundaries for each zoning district, as adopted by the Board of Supervisors.

Zoning Officer

The municipal officer charged with enforcing the literal terms of this Ordinance or the representative agent of the Zoning Hearing Board.

Zoning Ordinance

The East Pikeland Township Zoning Ordinance, as amended.