

**ARTICLE 2 - DEFINITIONS****SECTION 200      APPLICATION AND INTERPRETATION**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated below:

- A.** The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed" or "arranged"; the word "person" includes any individual, estate, trust, fiduciary, partnership, association, corporation, or any other organization or entity, including the principal officers thereof or any person or entity acting directly or indirectly by, through, or under any of the foregoing; the word "occupied" includes the words "designed, or intended to be occupied"; the word "structure" includes "building"; the word "shall" is always mandatory; the word "may" is always permissive and the word "will" is always directory. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map, includes replacements, supplements or restatements thereof; and reference to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Sections or Subsections referred to.
- B.** The word "Township" means Edgmont Township, Delaware County, Pennsylvania; the term "Board of Supervisors" means the Board of Supervisors of Edgmont Township; and the term "Planning Commission" means the Planning Commission of the Township.
- C.** The terms "such as", "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.
- D.** The abbreviation PA DOT shall mean Pennsylvania Department of Transportation; the abbreviation PA DEP

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shall mean Pennsylvania Department of Environmental Protection; and the abbreviation DCPD shall mean Delaware County Planning Department.

## **SECTION 201      DEFINITION OF TERMS**

For the purpose of this Ordinance, the following words, terms and phrases have the meaning indicated herein:

**ABANDONMENT** - The cessation of the use of a property by the owner, with the intention neither of transferring rights of the property to another owner, nor of resuming the use of the property. A use discontinued for a period of one year or more shall be presumed to have been abandoned.

**ABSORPTION AREA** - See Filter Field

**ABUTTING OWNER** - The owner of record of a lot which shares a common boundary to the lot to be subdivided and/or developed or which is contiguous to that section of street on which the subject lot has frontage, i.e. a lot across from the lot to be subdivided and/or developed.

**ACCESSORY BUILDING** - A building subordinate and accessory to the principal permitted use and which is located on the same lot as the principal permitted use, and which is used for purposes customarily incidental to those of the principal permitted use.

**ACCESSORY STRUCTURE** - See Accessory Use Structure

**ACCESSORY USE** - A use, other than a principal permitted use, of land or of a building or portion thereof conducted on the same lot as a principal permitted use to which it is related and which is located either within the same buildings(s) or in an accessory building or accessory use structure. A use which is clearly incidental to, and customarily found in connection with, a particular principal permitted use.

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**ACCESSORY USE STRUCTURE** - Any structure other than an accessory building, which is subordinate and accessory to the principal permitted use and which is located on the same lot as the principal permitted use, and which is used for purposes customarily incidental to those of the principal permitted use, such as parking areas, driveways, signs, fencing, walls, tennis courts, basketball courts, swimming pools and other similar man-made objects.

**ACCESSWAY** - A paved surface, other than a street, which provides vehicular or pedestrian access from a street to a lot or parking area, including the area providing for the movement of vehicles around and through designated parking lots. An accessway may be a strip of land which provides access, an easement, or a driveway.

**ACRE** - An area of land and/or water which equals forty three thousand, five hundred sixty (43,560) square feet.

**ACTIVE RECREATIONAL USE** - Use involving leisure time activities and/or areas, typically involving sports, requiring equipment, or occurring at prescribed sites, fields or courts (e.g. soccer, football, baseball, tennis, basketball, swimming, and the like).

**ADULT DAILY LIVING CENTER** - A premises in which adult daily living services are simultaneously provided for part of a 24-hour day for four (4) or more clients who are not relatives of the operator. Such facilities shall be licensed by the Commonwealth of Pennsylvania, in accordance with applicable law. For the purposes of this definition, a client shall be a resident of the Commonwealth with functional impairment and is categorically eligible because the person is sixty (60) years of age or older; or eighteen (18) years of age or older and requires assistance to meet personal care, social, nutritional, and health needs.

**ADULT ENTERTAINMENT USES** - Uses regulated in Article 13 and Article 19.

**AGRICULTURAL SECURITY AREA** - A unit of 250 or more acres of land used for the agricultural production of crops, livestock and livestock products under the

ownership of one (1) or more persons and designated as such by the procedures set forth in this act 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 this amendatory act, by the governing body of the county or 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 this amendatory act: 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 this amendatory act.

**AGRICULTURAL USE, OPERATION, AGRICULTURE** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry, but excluding commercial greenhouses and the raising and keeping of swine.

**ALLEY** - A right-of-way providing secondary vehicular access to the side or rear of two (2) or more lots.

**ALTERATION** - Any change in the exterior dimensions of a building; or any change to a building or use which would alter its use classification; or any change which would require alteration of the existing sewage disposal system serving the building and/or use.

**ALTERATION OF BUILDING OR STRUCTURE** - See Alteration

**AMBIENT NOISE** - The all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

**ANTENNA** - Any device or mechanism used in the collection, transmitting, routing or receiving of telecommunications transmissions, radio signals or radio frequency energy, including, but not limited to, use by or in the provision of wireless communications, cellular communications and personal communication services.

**ANTENNA HEIGHT** - The vertical distance measured from the base of a Antenna Support Structure at grade to the highest point of the Antenna Support Structure, including any Antenna affixed thereto. If the Antenna Support Structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the Antenna Height.

**ANTENNA SUPPORT STRUCTURE** - Any pole, telescoping mast, monopole, tower, tripod, or any other structure which supports or has attached to it, an Antenna or Antennae.

**ANTIQUÉ CAR** - Cars for which a current antique or classic license plate has been issued by the State of Pennsylvania.

**APPEAL** - Action as prescribed in this Ordinance or by the Pennsylvania Municipalities Planning Code in accordance with the laws of the Commonwealth, taken by an aggrieved person or persons against the action, decision, or interpretation of the Board of Supervisors or officials appointed by the Board of Supervisors to enforce the provisions of this Ordinance.

**APPLICANT** - A landowner or developer, who has filed an application for subdivision and/or land development, including his heirs, successors, assigns and grantees. The term Applicant may include a landowner or developer who has filed an application for Conditional Use, Special Exception or Variance, or any other application required by this Ordinance.

**AREAS OF ENVIRONMENTAL CONCERN** - Areas including such features as very steep slopes, flood hazard and flood prone areas, woodland and forest areas, and ponds, lakes, streams and other water bodies as depicted in the Comprehensive Plan, and other resources as described in the Open Space Provisions, Section 2003.

**ASSISTED LIVING FACILITY** - A facility that provides rooms, meals, personal care, and supervision of self-administered medication, and may provide other services, such as recreational activities, financial services, and transportation.

**AUTOMATED TELLER MACHINES (ATM)** - An Accessory Use structure which is used for banking activities.

**AUTOMOBILE SERVICE STATION** - A building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade, and/or where automotive repair service may be rendered.

**A-WEIGHTED SOUND LEVEL** - The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

**BASEMENT** - An enclosed area partly or completely below grade. A basement shall be considered as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet. For the purposes of Article 15, the basement shall include areas of a building that are subgrade or below grade on all sides.

**BED AND BREAKFAST INN** - An accessory use, where permitted by Special Exception, to a single-family detached dwelling, permitted as such only when conducted in conformity with Section 1918.

**BLOCK** - A tract of land bounded by streets, public parks, railroad rights-of-way and/or corporate boundary lines of the Township.

**BOARDER** - A person occupying any room or group of rooms forming a single, habitable unit, used or

intended to be used for living and sleeping but not for cooking or eating purposes, and paying compensation for lodging or board by prearrangement for a week or more at a time to the owner or operator. Any person occupying such rooms under the same terms for less than one week shall be classified for purposes of this Ordinance as a guest of a commercial lodging establishment.

**BOARDING HOUSE** - A dwelling unit or part thereof in which, for compensation, lodging and meals are provided.

**BUFFER PLANTING STRIP** - A strip of required yard space not less in width than designated in this Article which is landscaped for its full width with plantings such as evergreen and deciduous trees and shrubs and which is permanently maintained. Buffer planting strips shall consist of such plantings as will create an effective screen of sufficient density to provide a continuous visual buffer, and shall be of sufficient height to minimize visibility from abutting properties or districts or from a discrete area of a premises.

**BUILDING** - Any structure having a roof supported by columns or enclosing walls or other support and used for the shelter, housing or enclosure of persons, animals or property.

**BUILDING AREA** -The aggregate of the ground level floor areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

**BUILDING CODE** - The Building Code of Edgmont Township, as adapted from the National Building Code, and as may be amended or modified from time to time.

**BUILDING COVERAGE** - The percentage of the net lot area covered by buildings.

**BUILDING ENVELOPE** - The area within a lot within which a building may be placed, as defined by the minimum

yard setbacks, and the setbacks from the Flood Hazard District and Steep Slope Conservation District.

**BUILDING AND STRUCTURE HEIGHT** - A vertical distance measured from the average grade at the perimeter of the building to the highest point of the roof, not including antenna height.

**BUILDING SETBACK LINE - Front Yard Building Setback Line** - The line normally parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in this Ordinance. All yards adjacent to a public or private street right-of-way shall normally be considered front yards. However, in the case of an interior lot, such setback line shall coincide with the front lot line as hereinafter defined.

**BUILDING SETBACK LINE - Rear Yard Building Setback Line** - The line normally parallel to the front yard street right-of-way line and equal to the minimum depth of the rear yard designated for each district in this Ordinance.

**BUILDING SETBACK LINE - Side Yard Building Setback Line** - The line normally perpendicular to the front yard street right-of-way line and equal to the minimum depth of the side yard designated for each district in this Ordinance.

**BULK** - The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term may include: the size, height and floor area of buildings or other structures; and, all open areas in yard space relating to buildings and other structures.

**CALIPER** - The diameter of a tree trunk measured at a point twelve (12) inches from the ground surface at the center of the base of the tree for all trees four (4) inches or greater in diameter; and at a point six (6) inches from the ground surface at the center of the base of the tree for all trees of less than four (4) inches in diameter.

**CARTWAY** - That area of a road or other street within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.

**CAR WASH** - A building or portion thereof where automobiles are cleaned, using a conveyor, blower, steam cleaning equipment, or other devices.

**CELL SITE** - A tract or parcel of land that contains the wireless, cellular or personal communications service Antenna, its Antenna Support Structure, accessory building(s), and parking, and may include other uses associated with and ancillary to providing wireless communications, cellular communications or personal communications services.

**CENTERLINE OF STREET OR ROAD** - A line in the center of the street which is equidistant from and parallel to the street lines.

**CHILD DAY CARE CENTER** - Any premises in which care is provided at any time for seven (7) or more children unrelated to the operator. Such facilities shall be licensed by the Commonwealth of Pennsylvania, in accordance with applicable law.

**CHURCH** - See Place of Worship

**C-3 PLANNED COMMERCIAL/LIGHT INDUSTRIAL SEWAGE DISPOSAL SYSTEM** - A sewage disposal system and/or sewage treatment facilities approved by the Board of Supervisors and the PA DEP as required by Article 11, Section 1111(I)(2).

**CLUB OR LODGE** - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

**COMMERCIAL DROP-OFF AND PICK-UP BOXES** - Portable depository boxes such as Federal Express boxes, newspaper vending machines, or other like structures.

**COMMERCIAL MOTOR VEHICLE** - A motor vehicle used for commercial purposes such as delivery trucks, tow trucks, or any other motor vehicle licensed by the State as a commercial vehicle.

**COMMERCIAL USE** - Any use, business, occupation, or enterprise that is carried on for profit by an owner, lessee, tenant or licensee.

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

**COMMUNITY SEWAGE DISPOSAL SYSTEM** - Any system providing sanitary sewerage to more than one (1) lot, principal building or use, other than by way of a public sewage disposal system, provided, community sewage disposal systems shall only be permitted within and for purposes of serving a single unified development or part thereof. Such systems shall comply with all prevailing federal, state, county and municipal regulations, and shall be operated, maintained, and guaranteed to the satisfaction of the Township.

**COMMUNITY WATER SUPPLY SYSTEM** - Any system providing water supply to more than one (1) lot, principal building, or use other than by way of a public water supply system provided, community water supply systems shall only be permitted within and for purposes of serving a single unified development or part thereof. Such systems shall comply with all prevailing federal, state, county, and municipal regulations, and shall be operated, maintained and guaranteed to the satisfaction of the Township.

**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 Edgmont Township Comprehensive Plan, as may be amended from time to

time, including maps, tables and text which constitute a policy guide for decisions regarding land use, circulation, community facilities and utilities within the Township.

**CONDITIONAL USE** - A use which is not appropriate to a particular district as a whole, but which may be suitable in certain locations within the district only when specific standards and criteria prescribed for such cases within this Ordinance are present. Conditional uses and applications for permits therefor, are approved or denied by the Board of Supervisors.

**CONDOMINIUM** - See Dwelling, Condominium

**CONSERVATION DEVELOPMENT OPTION** - A development option that involves the creation of residential lots of 10 or more acres that are deed restricted against further subdivision.

**CONSERVATION USE** - The use of land for agricultural, recreational or natural resource protection.

**CONSTRUCTION OPERATION** - The erection, repair, renovation, demolition or removal of or otherwise doing any work for, to, on or with regard to any building or structure; and the excavation, filling and grading of lots in connection therewith.

**CONSTRUCTION TRAILER** - A temporary structure used during construction for the administration of construction activities as a temporary office and/or storage building by the Developer, Builder or Contractor, excluding accommodations for habitation or use as a dwelling.

**CONTINUING CARE RETIREMENT COMMUNITY** - An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees.

**CONTINUOUS VISUAL BUFFER** - A visually impenetrable

screen created through the effective use of plant materials, fencing, walls and/or earthen berms.

**CONVENTIONAL LOT DEVELOPMENT** - The standard lot-by-lot development, where all of the tract area is contained within the lots proposed as part of a subdivision, and Open Space Development is not utilized. For purposes of this Ordinance, this shall not include the Conservation Development Option.

**CUL-DE-SAC** - A street having vehicular access to and from another street at one end and terminating in a vehicular turnaround at the other end, said turnaround having its ingress and egress at the same point.

**CULTURAL OR RELIGIOUS USE** - See Cultural Use or Religious Use.

**CULTURAL USE** - A use by a non-profit historic, educational or like organization which is available to the general public in the form of a museum, botanical garden or like facility.

**DBH** - The Diameter of an existing tree at Breast Height, 4 1/2 feet above the ground at the center of the tree.

**DAY CARE CENTER** - Any premises in which child day care is provided simultaneously for children who are not relatives of the operator. Nursery schools are deemed to be day care centers. Such facilities shall be licensed by the Commonwealth of Pennsylvania.

**DECIBEL dB** - A unit for measuring the sound pressure level, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (20 micronewtons per square meter).

**DENSITY** - Unless otherwise stipulated in this Ordinance, the term density shall mean gross density which shall be determined by dividing the total number of dwelling units by the total amount of land in the tract to be developed, minus all land within the ultimate right-of-way of existing roads or utility

rights-of-way or easements.

**DESIGNATED OPEN SPACE** - Areas allocated to meet the minimum area requirements for open space in the R-1 and R-3 Residential Districts through the Open Space Option, as well as in the R-5 Residential District, the Planned Residential Development Districts, and the C-3 District. (See also Common Open Space)

**DEVELOPER** - Any landowner, equitable owner or authorized agent of such landowner who makes, or causes to be made, a subdivision of land or a land development.

**DEVELOPMENT** - The division of a lot into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, filling, grading or land disturbance; any use or extension of the use of land.

**DEVELOPMENT PLAN** - The provisions for development of a planned residential development, prepared in accordance with this Ordinance, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space, public facilities and the like. The phrase "provisions of the development plan" when used in this Ordinance, shall mean both the verbal and graphic materials referred to in the proposal.

**DRIVE-IN SERVICE PLACES** - An establishment or activity where patrons are served food, soft drinks, ice cream and similar confections, for consumption outside the confines of the principal building or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons. Drive-in theater shall not be included.

**DWELLING** - A building designed for and occupied exclusively for residential purposes, including a mobilehome, but excluding a hotel, motel, rooming home, tourist home, residential club and the like.

**DWELLING, CONDOMINIUM** - Any dwelling unit, regardless of dwelling type, which has all of the following characteristics:

1. The unit is owned by the occupant.
2. Common interior and/or exterior areas are designated for private use in a land development plan.
3. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act, P.L. 68 of 1980, as amended, and in accordance with the provisions of open space, streets, or other development features in the Subdivision and Land Development Ordinance and this Ordinance.

**DWELLING, MULTI-FAMILY** - A building designed for and occupied exclusively as a residence for two (2) or more families living independently of one another.

**DWELLING, MULTI-FAMILY -- GARDEN APARTMENT** - Multi-family dwellings, where individual dwelling units share a common outside access and share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments contain three (3) or more dwelling units in a single structure.

**DWELLING, MULTI-FAMILY -- MID-RISE APARTMENT** - Multi-family dwellings in a building containing several floors, the height of which is governed by the applicable provisions of this Ordinance, where individual dwelling units share a common outside access, and elevators serve each floor. Each dwelling unit shares with other dwelling units a common yard area, which is the sum of the required lot areas of all dwelling units within the building.

**DWELLING, MULTI-FAMILY -- RETIREMENT RESIDENCE** - A dwelling or group of dwellings specifically designed for retired or elderly persons. Retirement dwellings may be of any dwelling type defined, but are only allowed in accordance with the specific terms and conditions of this Ordinance.

**DWELLING, SINGLE-FAMILY ATTACHED** - A dwelling with party walls separating two (2) or more dwelling units.

**DWELLING, SINGLE-FAMILY ATTACHED -- DUPLEX OR TWIN HOUSE** - A single-family, semi-detached dwelling having two (2) individual dwelling units from ground to roof separated by one (1) party wall in common with the other dwelling unit.

**DWELLING, SINGLE-FAMILY ATTACHED -- TOWNHOUSE** - A single-family, attached dwelling, with individual dwelling units from ground to roof, having two (2) points of independent outside access, at least two (2) other dwellings built in conjunction therewith, and any portion of one (1) or two (2) unpierced party walls common with an adjoining dwelling unit.

**DWELLING, SINGLE-FAMILY DETACHED** - A building designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent dwelling unit. Where a private garage is structurally attached to such building, it shall be considered a part thereof.

**DWELLING, SINGLE-FAMILY DETACHED -- MOBILEHOME** - A trans-portable, single-family detached dwelling unit intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; and is constructed as permitted in Article 9, so that it may be used without a permanent foundation, but with the same, or equivalent, electrical, plumbing and sanitary facilities as for a conventional single-family

detached dwelling. A mobilehome shall include any addition or accessory structure such as porches, sheds, decks or additional rooms.

**DWELLING, TWO-FAMILY** - A building on one (1) lot designed for and occupied exclusively as a residence for two (2) families, each of which is totally separated from the other by an unpierced wall extending from ground to the roof, or by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units.

**DWELLING UNIT** - A residential building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

**EASEMENT** - A right, privilege or other interest granted or reserved for the use of land for a particular purpose; the land to which such right or privilege pertains.

**EAVES** - The overhanging lowest edge of a roof.

**EDUCATIONAL INSTITUTION** - A state licensed establishment, including buildings and grounds, existing for the purpose of the education of enrolled students who reside in buildings on the grounds. As used in this Ordinance, education is the process of training and developing knowledge, skill mind and character by formal training provided by persons licensed to do so. This use shall not include schools.

**EDUCATIONAL RESOURCE CENTER** - A facility whose only purpose is to provide programs to support children, parents and teachers associated with "home education programs" as defined in 24 P.S. Section 13-1327.1. Such a center is a separate and distinct use as a supplemental facility to home education programs and does not include an Educational Institution or a School.

**EMERGENCY** - Any occurrence or set of circumstances involving actual or imminent physical or mental trauma or property damage.

**EMERGENCY SERVICE** - Fire, ambulance, rescue, police and other like services of a municipal, state or volunteer type.

**EMERGENCY WORK** - Any work performed for the purpose of preventing or mitigating the physical or mental trauma or property damage threatened or caused by an emergency.

**EMPLOYEE** - An individual working for another person, business, partnership, corporation or other legal entity for compensation either full time or part time. The total number of employees working at a given business, partnership, corporation, or other legal entity is the number of employees during the shift operation of the facility of greatest employment.

**ENLARGEMENT** - An addition to the horizontal or vertical size of an existing structure, an increase in the area of a lot which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation, sewage, or other impacts on surrounding land uses, existing or zoned.

**ENVIRONMENTAL CONTROLS** - The performance standards set forth in Section 1914 pertaining to environmental quality and environmental degradation.

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT** - An assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental effects of a proposed subdivision and/or land development and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in Section 1915 and the Edgmont Township Subdivision and Land Development Ordinance.

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

**EXPANSION** - A change in use or alteration of a building, structure, lot or premises, which results in an increase in use, size, leasable floor area, or function from the previous use.

**FACADE** - The exterior wall of a building exposed to public view from ground or grade level to the roof line. In the case of a corner lot, a building has a front and side facade.

**FAMILY** - Any number of individuals living together as a single non-profit housekeeping unit with single kitchen facilities, when said individuals are related by blood, marriage or adoption, including any number of foster children under the care of same. This definition shall not apply to group homes or similar facilities.

**FARM PRODUCTS** - Crops and livestock products as defined in the Agricultural Security Act including but not limited to:

1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
2. Fruits, including apples, peaches, grapes, cherries and berries.
3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
4. Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
6. Timber, wood and other wood products derived from trees.
7. Aquatic plants and animals and their byproducts.

**FILL** - Material such as sand, gravel, rock, earth and other composition approved by the Township, or, any

act by which earth, sand, gravel, rock or any other approved material is placed, pushed, dumped, pulled, transported, deposited, moved to a new location above the natural surface of the ground or on top of a stripped or otherwise cut surface, so as to form an embankment or raise the surface elevation of any portion of the land.

**FILTER FIELD** - A system of open jointed piping intended to distribute septic tank effluent into the ground for absorption and evaporation; An area where effluent from septic tanks and other approved treatment tanks shall be disposed of, by soil absorption, as per Pennsylvania Act 537.

**FINISHED GRADE** - The final vertical elevation of the ground surface above sea level, after development.

**FLOOD** - A temporary inundation of normally dry areas.

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

**FLOOD FRINGE** - That portion of the flood plain outside the Floodway.

**FLOOD HAZARD AREA** - Those areas as described in Section 1505.A. of this Ordinance and delineated on the Flood Hazard District Map.

**FLOOD PLAIN** - A relatively flat or low land area, adjoining a creek, stream or other watercourse, which is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD PLAIN SOILS** - The following soil types as mapped in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1963, as being "subject to

flooding" or "subject to localized flooding" including:

1. Ch - Chewacla silt loam
2. We - Wehadkee silt loam
3. WoA - Worsham silt loam
4. WsB - Worsham very stony silt loam

**FLOOD PRONE AREA** - Those areas as described in Section 1505.B. of this Ordinance and delineated on the Flood Hazard District Map.

**FLOOD PROOFING** - 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 flood plain 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** - See Gross Floor Area and Net Floor Area

**FLOOR AREA - HABITABLE** - The floor area within outside walls, exclusive of basements and open porches, and excluding garages and accessory buildings, and in the case of a single-family detached, single-family attached, or two-family detached dwelling, exclusive of the areas above the second floor.

**FOREST** - See Woodland and Forest

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

**FRONTAGE** - The length of a property line of a lot which abuts a street or public right-of-way.

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

**GARDEN CENTER** - An establishment where permitted which involves the retail sale of garden products, supplies, tools and/or equipment.

**GARAGE, PRIVATE** - An accessory building or part of a principal permitted building used for the storage of four (4) or less passenger motor vehicles, or one (1) commercial motor vehicle, owned and used by the owner or tenant of such principal permitted building, without provision for repairing or selling such vehicles for profit.

**GARAGE, PUBLIC** - A building, not a Private Garage, used for the storage and/or repair of motor vehicles for compensation.

**GARAGE SALE AND/OR YARD SALE** - Any occasional, temporary sale, customary, incidental and accessory to a permitted residential use and conducted in a residential district, where items of personal property of the property owner are offered for sale on the property owner's property.

**GLARE** - A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and in visibility.

**GOVERNMENTAL USES** - Municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments. Also see Municipal Use.

**GREEN** - An open space area around which dwelling units are placed in a clustered arrangement. A Green serves as an organizing element for homes as part of an Open Space Development, in an arrangement as depicted in

Appendix O of the Subdivision & Land Development Ordinance.

**GROSS ACREAGE** - The acreage of a lot within the title lines.

**GROSS DENSITY** - See Density

**GROSS FLOOR AREA** - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**GROUNDWATER, SPRING OR SURFACE WATER COLLECTION FOR OFF-SITE CONSUMPTION** - The capture or collection and withdrawal of water from a running stream, a surface water impoundment, or a spring, including the capture of spring water and/or groundwater naturally emerging at the surface of the ground within a springhouse or other catchment or impoundment structure, for transport away from the collection point and/or distribution or consumption off of the premises. This use also includes the extraction or withdrawal of groundwater or surface water from a well, borehole or any other manmade means of extraction for transport, distribution or consumption off of the premises.

**GROUP HOME** - A use which provides full-time, long-term living arrangements:

1. For persons,<sup>1</sup> unrelated to one another (including resident staff or supervisory persons);
2. Who function as a common household;
3. Who, confronted with institutionalization, are given an alternative setting whereby they are provided with non-routine support services and

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<sup>1</sup>The number of persons who may occupy any one group home shall be determined in accordance with the occupant loads prescribed by Federal, State and local rules and regulations, including but not limited to, building codes, applicable to group homes and similar facilities.

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oversight, because of mental handicap, physical handicap, emotional handicap, other 'handicap' as defined by applicable federal law, or old age;

4. But which does not include persons having or being treated for substance addiction or dependency, infectious diseases, persons released from incarceration or other persons who could reasonably be considered a threat to the physical safety of others, except as otherwise provided by law; and
5. Which otherwise complies with the provisions of Article 19, Section 1924.

**GUEST** - A non-paying individual or individuals who resides temporarily with the owner/occupant of the principal permitted building. Such residency may range from an overnight accommodation to an extended stay, but shall in no case occur for a period greater than six (6) consecutive months. For the purposes of this Ordinance, quarters for such guests, when authorized by Special Exception may be therewith, or on an adjoining lot of the owner/occupant.

**HEIGHT** - See Building and Structure Height

**HELIPORT** - An area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow the provision of service facilities.

**HELISTOP** - An area on a roof or on the ground to accommodate touch-down and lift-off of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo. Such area shall have sufficient space to accommodate all required safety controls and comply in all respects with Federal Aviation Administration requirements, but in no case shall such area provide service facilities.

**HIGHWAY** - Any street classified as a Principal Arterial, Minor Arterial or Major Collector street in the Edgmont Township Subdivision and Land Development Ordinance.

**HISTORIC RESOURCES** - Sites, areas, structures, trails and/or routes which are valued due to their significance as examples and/or locations of events, customs, skills and/or arts of the past, including those having a present significance.

**HISTORIC STRUCTURE** - Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the U.S. Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the state inventory of historic places which has been approved by the Secretary of the U.S. Department of the Interior or individually listed on the county or local inventory of historic places that has been certified by an approved state program as determined by the Secretary of the Interior.

**HOMEOWNERS ASSOCIATION** - A legally constituted, private, nonprofit corporation created for the purpose of owning, operating, and maintaining defined common property.

**HORTICULTURE** - The art and practice of propagating and cultivating plants for their produce or for ornament.

**HOSPITAL** - An institution providing primary health services and medical or surgical care to persons, primarily, inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training

facilities.

**HOTEL, MOTEL, OR INN** - A building or group of buildings containing ten (10) or more guest rooms, or a group of such buildings especially designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind. Such establishment shall furnish to the occupants customary hotel services such as maid service, and the furnishing and laundering of linen. Eating and drinking facilities may be accessory to the hotel or motel.

**HOUSEHOLD PETS** - Domestic animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasure of the resident family, such as dogs, cats, Vietnamese pot belly pigs, small birds, gerbils and other similar pets.

**HOUSING FOR THE ELDERLY** - Multi-family housing designed for older people.

**IMPERVIOUS SURFACE** - A surface which has materials that do not normally absorb rainfall or surface water such as buildings, paved areas such as streets and parking lots, and paved walks and similar surfaces.

**IMPROVEMENTS** - Physical additions and changes to land such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, wells, on-lot sewage disposal systems, street trees and other plantings, and other structures that may be necessary to produce usable and desirable land development.

**IMPULSIVE SOUND** - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

**INN** - See Hotel, Motel or Inn

**INTERIOR LOT** - See Lot, Interior

**JUNK VEHICLE** - Any vehicle which is so disabled, disassembled, dismantled or damaged as to be incapable of being used safely for its intended purposes and is left in such condition for thirty (30) days or more; vehicles stored for their parts or scrap value.

**JUNKYARD** - A lot or portion thereof used for the storage of discarded materials outside of a completely enclosed and covered area. In the cases where automobiles are stored or deposited, three (3) or more vehicles without current license or inspection or wrecks and disabled vehicles or parts thereto shall constitute a junkyard.

**KENNEL** - An establishment, regulated and licensed by the Pennsylvania Department of Agriculture, where six (6) or more dogs, cats or like domesticated animals more than one (1) year old are kept, boarded, groomed, trained, raised or bred for compensation, as part of a service provided by an accompanying principal permitted use or structure.

**KENNEL, BOARDING** - Any kennel available to the general public where dogs are housed or trained for compensation by the day, week or a specified or unspecified time; but the term shall not include those kennels where the practice of veterinary medicine is performed and that the establishment is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act", but shall include any facility operated by a veterinarian whether or not this facility is on the same premises as a veterinary hospital.

**KENNEL, BREEDING** - Any kennel operated for the purpose of breeding, buying and selling or in any way transferring dogs for nonresearch purposes.

**KENNEL, NONPROFIT** - Any kennel operated by Animal Rescue Leagues, Societies for the Prevention of Cruelty to Animals, Animal Humane Societies, and nonprofit animal control kennels, which are legally constituted law enforcement agencies and approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research shall be required to register, but shall not

be required to pay any of the following license fees, and may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the Secretary of Agriculture.

**KENNEL, PRIVATE** - A kennel at, in, or adjoining a residence where dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, or field and obedience trials.

**KENNEL, RESEARCH, VIVISECTION OR DEALER** - (D Kennels) Any profit oriented kennel within the Commonwealth wherein research or vivisection is conducted with dogs, or any establishment that breeds, buys, sells, or in any way transfers dogs to laboratories, hospitals, establishments for research or any other similar purpose, or who sells, gives away or in any way transfers dogs to another research, vivisection or dealer kennel (D kennel), or who sells or offers for sale any dog belonging to another person for a fee, commission or percentage of the sales price, either privately or publicly.

**LAKES AND PONDS** - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such waterbodies shall be measured from the spillway crest elevation rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres. Ponds are any waterbody less than two (2) acres.

**LAND DEVELOPMENT** - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

- b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

2. A subdivision of land.

**LAND DEVELOPMENT PLAN** - A sketch, preliminary or final plan, submitted in compliance with the requirements of the Edgmont Township Subdivision and Land Development Ordinance, showing the provision for development of a tract of land. See, also, Subdivision Plan.

**LANDOWNER** - The record holder of legal title to land; the rightful holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee if he is authorized expressly under the lease to exercise the rights of the owner or person having a proprietary interest of the land which is the subject of an application for subdivision and/or land development.

**LANDSCAPE ARCHITECT** - A design professional duly registered by the Commonwealth of Pennsylvania to practice landscape architecture.

**LANDSCAPE AREA** - That portion of a tract or lot in which plantings have been installed in accordance with the Design Standards and Requirements for Landscaping in the Edgmont Township Subdivision and Land Development Ordinance. The landscape area includes the buffer planting strip, as well as plantings which serve a functional and/or aesthetic purpose when located around and between: buildings, streets, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and the like.

**LANDSCAPED BUFFER** - See Buffer Planting Strip

**LANDSCAPE** - Specified vegetation and plantings of types and in quantities as described in this

Ordinance, which are required for a certain use of land.

**LANDSCAPE PLAN** - A plan depicting the design intent for the installation and maintenance of plantings, prepared according to the requirements of the Edgmont Township Subdivision and Land Development Ordinance.

**LIFE CARE FACILITY** - A residential use designed and operated exclusively for adults, containing certain support facilities designed for those individuals in accordance with the R-5 District regulations.

**LIVESTOCK** - Any animal, other than household pets including but not limited to swine, and any animal raised for sale, resale or agricultural field production. Livestock shall also include poultry, notwithstanding the fact that poultry may sometimes be referred to separately. For the purpose of this Ordinance, the keeping of household pets such as dogs, cats, Vietnamese pot belly pigs and the like, shall not be considered as the keeping of livestock.

**LOADING SPACE, OFF-STREET** - A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

**LONG-TERM CARE FACILITIES** - A facility that is licensed and approved to provide health care under medical supervision for 24 or more consecutive hours to four (4) or more patients.

**LOT** - A contiguous area of land held or to be held in one (1) ownership and not divided by a street, not including any land within the limits of a street right-of-way upon which said lot abuts, even if such right-of-way is maintained by the owner of the lot; a designated parcel, tract, or area of land established by a plot and to be used, developed or built upon as a unit.

**LOT, CORNER** - A lot or parcel of land abutting upon two (2) or more streets, including shared driveways, or upon two (2) parts of the same street, including shared driveways, forming an interior angle of less

than one hundred thirty-five (135) degrees.

**LOT, INTERIOR** - Any lot which has limited frontage to a street by virtue of being a "flag-shaped" lot; any lot which only has access to a street by an easement or right-of-way such as a shared driveway and may be characterized as "landlocked" in that said lot does not front on a street.

**LOT AREA** - The area of land contained within the property lines of a parcel of land including the area of any easement, but excluding any area within an existing or designated future road rights-of-way and existing utility rights-of-way; provided however that the area of land comprised by any additional road rights-of-way (i.e. in addition to the 50, 60 or 80 feet set forth in Section 703.2 of the Subdivision and Land Development Ordinance, which the Board of Supervisors may require, shall not be subtracted when computing a minimum lot area). Further, in determining the minimum required lot area for single-family building lots in the R-1 District, the provisions of Article 4, Section 403.B.1.b. and c. shall apply.

**LOT DEPTH** - The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of a corner lot, the lot depth shall be achieved along the largest dimension of the lot.

**LOT LINE** - A property boundary line of any lot held in single and separate ownership. In the case of any lot abutting a street, including shared driveways, the lot line for such portion of the lot as abuts such street, including shared driveways, shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street right-of-way.

**LOT LINE -- FRONT** - The lot line abutting a street, including shared driveways, and coinciding with the street line. In the case of a corner lot, both street abutting lot lines shall be deemed the front lot line. In the case of an interior lot, the landowner or developer, when filing any application for subdivision

and/or land development, may select the front lot line subject to the approval of the Board of Supervisors. The foregoing election does not apply in the case of a street which is a shared driveway.

**LOT LINE -- REAR** - A lot 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 between the side lot lines parallel to and at the maximum distance from the front lot line, and the setback from which shall be co-extensively shown on any plan.

**LOT LINE -- SIDE** - Any lot line which is not a street line or a rear lot line.

**LOT WIDTH** - The distance measured between the side lot lines at the required building setback line. When there is only one (1) side lot line, as in the case of two-family or single-family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. In the case of a corner lot, the lot width shall be measured between the side lot line and the front lot line opposite.

**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 this ordinance.

**MANUFACTURED/MODULAR HOME** - A transportable, single-family dwelling intended for permanent occupancy, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term

includes mobilehomes, manufactured home park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one-hundred eighty (180) consecutive days.

**MANUFACTURED HOME PARK** - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes or mobilehomes for non-transient use.

**MINERALS** - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MOBILEHOME** - See Dwelling, Single Family Detached -- Mobilehome

**MOBILEHOME LOT** - A parcel of land in a mobilehome park or subdivision, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome either leased or held in private ownership.

**MOBILEHOME PARK** - A parcel of contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

**MOTEL** - See Hotel, Motel or Inn

**MUFFLER OR SOUND DISSIPATE DEVICE** - A device designed or used for decreasing or abating the level of sound escaping from an engine, machinery or like system.

**MUNICIPAL USE** - A use owned by the Township or operated on behalf of and under the auspices of the Township; or with the permission of the Township for the benefit of the Township such as: recreational, cultural and conservation uses; public facilities; and activities regularly conducted in connection with such uses. Emergency Services provided to or serving the Township, its residents and surrounding communities

shall be considered to be municipal uses included within this definition.

**MUNICIPALITIES PLANNING CODE** - The Pennsylvania Municipalities Planning Code, Act 247, As Amended.

**NATURAL Q7-10 BASE FLOW RATE** - The base flow rate of stream water not contributed to by surface runoff that occurs below average base flow, at a frequency interval statistically equal to once every 10 years for a period of at least seven consecutive days. Natural Q7-10 Base Flow Rate shall be calculated to include all natural flow that would occur assuming no human influence by direct water withdrawals from the stream or aquifer up hydrologic gradient of the "reference point". The "reference point", for this purpose, shall be the location immediately downstream of the confluence of the water withdrawal's discharge into the stream to which the water source would flow under natural conditions.

**NEIGHBORHOOD SHOPPING CENTER** - A mixed-use planned and integrated facility of village-scaled buildings containing commercial uses, with office and/or residential uses allowed above the ground floor only, only with customer and employee parking provided on the site, and with provisions for delivery separated from customer access.

**NET ACREAGE** - The acreage of a lot including the area of any easement, but excluding any area within an existing or designated future road rights-of-way and existing utility rights-of-way, except in the case of the R-1 District as provided in Section 403.

**NET FLOOR AREA** - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**NEW CONSTRUCTION** - The act of erecting a building and/or structure including any subsequent improvements thereto; for the purposes of Article 15, structures for which the start of construction commenced on or

after September 1, 1977, and includes any subsequent improvements.

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

**NOISE** - Any sound which annoys or disturbs humans or animals or which causes or tends to cause an adverse psychological or physiological effect on humans or animals.

**NOISE DISTURBANCE** - Any sound which (1) endangers or injures the safety or health of humans or animals, or (2) endangers or injures personal or real property, or (3) is in excess of the sound levels by zoning districts established in Article 19.

**NON-CONFORMING LOT** - A lot of record existing at the passage of the provisions of this Ordinance or of subsequent zoning amendments, which does not have the minimum width or other required dimensions, does not contain the minimum area for the district in which it is located; or, is not located in a district in which it would be considered a principal permitted use.

**NON-CONFORMING SIGN** - A sign which does not conform to the controls regulating signs in this Ordinance for the district in which it is located, but which was in existence at the time they were established.

**NON-CONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of the provisions of this Ordinance or amendment or prior to the application of the provisions of this Ordinance or amendment to its location by reasons of annexation.

**NON-CONFORMING USE** - A use, whether of land or of a

structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of the provisions of this Ordinance or amendment or prior to the application of the provisions of this Ordinance or amendment to its location by reason of annexation.

**NON-TRANSIENT USE** - A use which manifests itself for a period of not less than six (6) consecutive months.

**NOTABLE TREES** - Trees of eight (8) inch DBH or greater which are within a woodland or forest area, or are freestanding.

**NURSING HOME** - A facility providing nursing services on a continuing basis which admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services, provides physicians' services or supervision, and maintains medical records, also including provisions for similar medical or nursing services. Facilities for the care of the acutely ill, or surgical or obstetrical services shall not be considered similar services under this definition, nor shall hospitals be construed to be included in this definition.

**OBSTRUCTION, WATER** - Any wall, dam, wharf, embankment, levee, dike, abutment, projection, excavation, channel, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water is.

**ON-LOT SEWAGE DISPOSAL** - A single system of piping, septic tanks or other facilities serving a single lot, collecting and disposing of sewage in whole or in part into the soil through septic tank filter fields, and in compliance with the prevailing federal, state, county and municipal regulations.

**ON-LOT WATER SUPPLY** - An individual well serving one (1) lot and/or a water supply on a lot occupied or to

be occupied serving a permitted building, and in compliance with the prevailing federal, state and county regulations.

**OPEN SPACE** - Lands characterized by Areas of Environmental Concern and other related resources, or used for noise and/or visual buffers or for other purposes as required in the Open Space Provisions of Article 20.

**OPEN SPACE, COMMON** - See Common Open Space

**OPEN SPACE DEVELOPMENT** - The alternative to conventional lot development to arrange lots with particular consideration of and sensitivity toward environmental resources, the minimum net size requirement for which would be less than would otherwise be required in the Districts, and the density of which would be greater than would otherwise be permitted in the Districts, in exchange for allocating open space for various conservation and recreation purposes.

**OPEN SPACE OPTION** - The choice which may be exercised to arrange lots with particular consideration of and sensitivity toward environmental resources, the minimum net size requirement for which would be less than would otherwise be required in the Districts, and the relative density of which would be greater than would otherwise be permitted in the Districts, in exchange for allocating open space for various conservation and recreation purposes.

**PARCEL** - A lot or a continuous number of lots, in the possession of or owned by the same person, corporation or other legal entity. Any lot to which a tax parcel has been assigned.

**PARKING SPACE** - A reasonably level space, available for the parking of one (1) motor vehicle, exclusive of aisles, passageways, driveways or other means of circulation or access. A parking space shall include either covered garage spaces or uncovered parking lot space located off the street right-of-way. The size of parking spaces shall be as required in this Ordinance.

**PASSIVE RECREATIONAL USE** - Any leisure time activity not considered active (e.g. walking, picnicking, bird watching, fishing).

**PASTURE** - grazing lands composed of introduced or domesticated native forage species that are used primarily for the keeping, exercising or production of domestic livestock. They typically receive periodic renovation and or cultural treatments, such as tillage, fertilization, mowing, weed control and may be irrigated. They are not in rotation with crops.

**PERSON** - Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, person includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other form of entity.

**PERSONAL CARE FACILITY** - A facility licensed by the Pennsylvania Department of Health in which food, shelter and personal assistance or supervision are provided for a period of at least fourteen (14) days. Such facility shall be for four (4) or more persons who do not require the services in or of a Pennsylvania Department of Health licensed Long-Term Care Facility, but who do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of any emergency, or medication prescribed for self-administration.

**PLACE OF WORSHIP** - A building or group of buildings including customary accessory buildings designed or intended for religious services. For the purpose of this Ordinance, the word church shall include: chapels, cathedrals, temples and similar designations.

**PLANNED RESIDENTIAL DEVELOPMENT** - A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which must comply with the lot size, bulk or type of dwelling, density, lot coverage,

required open space and other provisions of Article 9.

**PLANTING SCREEN** - See Screen Planting

**PONY** - A small horse of any of a number of breeds usually not over fifty-eight (58) inches high at the withers.

**POULTRY** - Domestic fowl raised for meat or eggs, including: chickens, turkeys, ducks, geese, and the like.

**PRESERVATION OR PROTECTION** - When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**PRIMARY STREET** - The major street on which the yard of a corner lot fronts, such yard being functionally similar to a typical front yard.

**PRIME AGRICULTURAL LAND** - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture, Natural Resource and Conservation Services Soil Survey of Chester and Delaware Counties.

**PRINCIPAL PERMITTED BUILDING** - A building in which is conducted, or is intended to be conducted, the principal permitted use of the lot on which it is located.

**PRINCIPAL PERMITTED USE** - The primary building, use, or structure permitted and intended for a given lot, or parcel.

**PRIVATE CLUB OR LODGE FOR RECREATION** - Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the public and does not include religious uses. (The club shall be characterized by the payment of dues, regular meetings and a constitution and by-laws.)

**PROCESSING** - A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

**PROFESSIONAL OFFICE** - An office which is used and occupied by a professional, such as a doctor, lawyer, architect, engineer, accountant, dentist, or veterinarian.

**PROJECT** - A subdivision; a land development; or any development involving the construction of alteration of buildings or other structures, or the grading of land to accommodate a building, structure, or use.

**PUBLIC NOTICE** - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall 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.

**PUBLIC RECREATIONAL FACILITY** - A recreational facility owned or operated by the Township or other governmental agency. A municipal use.

**PUBLIC RIGHT-OF-WAY** - Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

**PUBLIC SANITARY SEWERAGE SYSTEM** - Any system providing sanitary sewerage to one (1) or more lots, principal buildings, or uses which is defined and regulated as a public utility by the Pennsylvania Public Utility Commission, and which is conducted in compliance with prevailing federal, state, county, and municipal regulations. For purposes of this definition, ownership, control, and/or operation of multiple community systems by a Pennsylvania Public Utility Commission regulated entity shall not constitute in combination a public sanitary sewerage system.

**PUBLIC SANITARY SEWERAGE SYSTEM** - Any system other than an individual or community on-lot sewage disposal

system which is administered and operated by an organization which is regulated by a governmental agency, authority, or commission for the collection, conveyance, treatment, and disposal of wastes from customers, in compliance with prevailing federal, state, and municipal regulations.

**PUBLIC SPACE** - A real property or structures thereon which are owned or controlled by a governmental entity.

**PUBLIC TRANSPORTATION SHELTER** - A small, roofed structure, usually having three (3) walls constructed of see-through materials, located near a street and designed primarily for the protection and convenience of public transportation passengers.

**PUBLIC WATER (SUPPLY) SYSTEM** - Any system providing water supply to one (1) or more lots, principal buildings, or uses which is defined and regulated as a public utility by the Pennsylvania Public Utility Commission and which is conducted in compliance with prevailing federal, state, county and municipal regulations. For purposes of this definition, ownership, control, and/or operation of multiple community systems by a Pennsylvania Public Utility Commission regulated entity shall not constitute in combination a public water supply system.

**PUBLIC WATER SYSTEM** - Any system for water distribution and water supply, other than an on-lot water supply system, which is owned, administered, and operated by an organization which is regulated by a governmental agency, authority or commission, in compliance with prevailing Federal, State, County and Municipal regulations.

**REAL PROPERTY** - All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

**RECREATIONAL VEHICLE** - A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units

including travel trailers, truck-mounted campers, motor homes, folding tent campers and autos, buses or trucks adapted for vacation use and other vehicles not suitable for daily conventional family transportation. Snowmobiles, all-terrain vehicles, go-carts, boats and boat trailers, non-commercial horse trailers, and the like, are also deemed recreational vehicles.

**REGULATORY FLOOD ELEVATION** - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

**RELIGIOUS USE** - A use involving a structure in which worship and ceremonies pertaining to a particular system of beliefs are held.

**RESTAURANT** - A building used for the purpose of furnishing food and beverage to the public to be consumed on the premises and within the building.

**RESTAURANT, DRIVE-IN SERVICE** - A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are effected principally while patrons remain in their vehicles at such a facility.

**RESTAURANT, DRIVE-THRU SERVICE** - A fast food restaurant or section thereof which is designed to allow for the serving and pick-up of food, without leaving the vehicle, for off-premise consumption.

**RESTAURANT, FAST FOOD** - A building used for the purpose of furnishing food to the public for consumption on the premises within the principal permitted building and for off-premise consumption through drive-thru service.

**RESTAURANT, ON PREMISES OUTSIDE SERVICE** - A building and adjoining outside service area used for the purpose of furnishing food and beverages to the public to be consumed in the building and/or on the premises

in an outside service area adjoining the building, provided that no liquor or alcoholic beverages may be served outside of the Restaurant Building without the approval of the Pennsylvania Liquor Control Board.

**RETIREMENT RESIDENCE** - See Dwelling, Multi-Family - Retirement Residence.

**RIDING ACADEMY** - A Conditional Use on a lot area of at least ten (10) acres where permitted, where horseback riding lessons are given, and horses are boarded. A riding academy shall not include a livery stable which primarily rents horses for trail riding whether supervised or unsupervised.

**RIGHT-OF-WAY** - A strip of land granted or reserved for public or private use. See Cartway.

**RIPARIAN FOREST BUFFER** - An area of trees, usually accompanied by shrubs and other vegetation, that is adjacent to a body of water which is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.

**ROAD** - A type of street.

**ROOMING UNIT** - Residential quarters within a facility for living or sleeping. For the purpose of calculating density, a rooming unit shall equate to a living space for every three (3) residents of a facility.

**SANITARY SEWAGE** - Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin.

**SANITARY SEWER** - A pipe that conveys sanitary sewage.

**SCHOOL** - A state licensed establishment, including

buildings and grounds, existing for the purpose of education, whether religious, sectarian or non-sectarian, denominational private, or public which has access to a Major or Minor Collector street, and to which enrolled students commute on a regularly scheduled basis. As used in this Ordinance, education is the process of training and developing knowledge, skill mind and character by formal training provided by persons licensed to do so. This use shall not include an educational institution.

**SCREEN PLANTING** - The plantings which are used in a buffer planting strip or other landscaping arrangement to create a continuous visual buffer.

**SECONDARY STREET** - The minor street on which the yard of a corner lot fronts.

**SECTION** - An area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over a period of years included by the applicant in the development plan.

**SEPTIC TANK** - A water-tight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

**SERVICE STATION** - See Automobile Service Station

**SETBACK LINE** - That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal permitted building must be erected or placed.

**SEWAGE** - The total of organic waste and waste water generated by residential, industrial, commercial, institutional or other establishments.

**SEWER** - Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source of origin to treatment plants and to a

receiving stream or other drainageway.

**SEWER -- PUBLIC SEWERAGE DISPOSAL SYSTEM/PUBLIC SEWER**  
- See Public Sanitary Sewer System

**SEWER -- PRIVATE SEWAGE DISPOSAL SYSTEMS** - See On-Lot Sewage Disposal

**SEWERAGE** - All effluent carried by sewers whether it is sanitary sewage, residential, commercial or industrial wastes or storm water runoff; or, the entire system of sewage collection, conveyance, treatment and disposal.

**SEWERED AREA** - That portion of the Township designated in the Official Sewage Facilities Plan (Act 537 Plan) in which there is or may be constructed a public sewer system, or in which a public sewer system is proposed.

**SHORT-TERM EFFECTS** - Results which are manifest for, or extending over, a short period of time.

**SHOPPING CENTER OR SHOPPING MART** - A group of commercial establishments planned, constructed and managed as integrated facility, with customer and employee parking provided on site, provisions for the delivery of goods separated from customer access, and in accordance with the requirements of the C-3, Planned Commercial/Light Industrial District.

**SIDEWALK SALE** - A seasonal or occasional sale held on the sidewalk or other structure along the front or side of a particular store or establishment where goods are offered for sale to the public, typically at a discounted price.

**SIGHT DISTANCE** - The length of street or roadway clearly visible to the driver of a vehicle at any given point on the street or roadway when the view is unobstructed by traffic.

**SIGHT DISTANCE, CLEAR** - The Sight Distance from a point three and three quarters (3.75) feet above the center line of the proposed street surface to a point six (6) inches above the center line of the approach lane of the existing street surface, measured from a

point ten (10) feet back from the edge of the existing cartway and meeting the minimum standards of PA DOT and the Township, whichever is greater.

**SIGHT TRIANGLE, CLEAR** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**SIGN** - Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag, or representation used, as, or which is the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye, or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building are excluded.

**SIGN -- ACCESSORY SIGN** - Any sign which specifically relates to the permitted use of the premises on which said sign is erected and which serves as a further description of products available to or services provided for the general public.

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

**SIGN - - ANNOUNCEMENT** - A temporary sign announcing the grand opening, new name, relocation, going out of business or similar one-time event message for a commercial establishment or business.

**SIGN AREA** - The area of a sign shall be construed 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. Where the

sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.

**SIGN -- AWNING** - Any nonilluminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

**SIGN - - BANNER** - A sign which is permitted to promote special events, including community events of educational, charitable, philanthropic, service, fraternal, or civic purposes and the like, for a temporary period of time. Banner signs are typically made of nylon, canvas or like material which is durable and weather resistant.

**SIGN -- BILLBOARD** - An off-premises sign, under Article 12 and Article 18, commercially erected, operated, and maintained as the principal use of a lot, for the purpose of advertising or otherwise conveying communications for charge or fee.

**SIGN -- BUSINESS** - A sign which directs attention to a business, profession, industry or similar activity conducted upon the property on which the sign is located.

**SIGN -- CHANGEABLE COPY --** A sign on which message copy is changed through use of attachable letters, numerals, or graphics, or by switching of lamps. A changeable copy sign shall not be considered to be an animated sign.

**SIGN -- CIVIC EVENT --** A sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the township, school district, church, public agency, civic or charitable organization or other similar noncommercial organization.

**SIGN -- DEVELOPMENT --** A sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential uses.

**SIGN -- DIRECTIONAL --** An informational sign containing no advertising, indicating only direction, entry or exit, loading or service area, fire lanes, parking, no parking, no trespassing or similar information incidental to the principal permitted use, and which is located on the lot to which the information pertains.

**SIGN -- ERECTION OF A SIGN -** The installation, construction, placement, relocation, enlargement, alteration, attachment, suspension, painting, posting or displaying of a sign, including the replacement or substitution of face panels on or within a permanent frame, or a change in the copy of a sign (except for a change in the letters of an approved changeable copy sign). Normal maintenance of existing conforming signs is not included in this definition.

**SIGN -- FLASHING -** A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature, or date information shall not be considered a flashing sign.

**SIGN -- FREESTANDING -** A sign supported by, or suspended from, a freestanding column or other support(s) located in or upon the ground surface.

**SIGN -- GROUND -** Any sign, other than a pole sign, placed upon or supported by the ground independent of any structure.

**SIGN HEIGHT -** The height of a sign measured from its highest to its lowest parts.

**SIGN -- ILLUMINATED -** A sign, whether free-standing, affixed to a building, or vending machine, gasoline dispensing device, or other mechanical device designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign or a sign with illumination

derived from an external artificial source, the purpose and/or effect of which is to light the sign.

**SIGN -- ILLUMINATED, DIRECT** - A sign which is designed to give forth artificial light directly or through transparent or translucent material from a source of light within or upon said sign.

**SIGN -- ILLUMINATED, INDIRECT** - A sign which is designed to be illuminated by artificial light from a source adjacent to, or outside of, the sign in such a manner that the source of the light is not directly visible from the street or any other intended vantage point of the sign.

**SIGN -- MARQUEE** - Any sign attached to or other roofed structure attached to a building, which sign may include a changeable copy sign.

**SIGN -- MEMORIAL** - A memorial plaque or tablet, to include signs in public parks, grave markers, or other remembrances of persons or events, which is not for commercial or advertising purposes.

**SIGN -- MONUMENT** - A structure having a dual purpose of providing an architectural identification monument for a Tract Area consisting of twenty-five (25) acres or more in a C-3 Planned Commercial/Limited Industrial District and providing limited Sign Areas on the structure.

**SIGN -- NAMEPLATE** - A sign indicating only the name, occupation, and/or address of persons or person residing on or legally occupying the premises.

**SIGN -- OFFICIAL** - A sign erected by the State, County, Township, or other legally constituted government body.

**SIGN -- ON-PREMISES** - A sign relating in its subject matter to the same premises on which it is located, or to products, accommodations, services or activities on the same premises. On-premises signs do not include billboards.

**SIGN -- OFF-PREMISES** - A sign which directs attention

to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Off-premises signs shall not include billboards, except as permitted under Article 12 and Article 18.

**SIGN -- PERMANENT** - A sign which is constructed of durable, weather resistant material and which is intended to be displayed for an extended period of time, normally at least one year or more in duration.

**SIGN -- POLE** - A sign that is mounted on a freestanding pole or other single support.

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

**SIGN -- PROJECTING** - A sign which is attached directly to the structure wall and which extends more than fifteen (15) inches from the face of such wall.

**SIGN -- REAL ESTATE** - A sign pertaining to the sale or lease of the premises on which the sign is located.

**SIGN -- ROOF** - A sign erected and maintained on, above, or projecting above the eaves, roof or parapet of any building, with the principal support on the roof.

**SIGN -- SIDEWALK OR "A" FRAME** - A portable or movable sign which is not secured or attached permanently to the ground.

**SIGN - - TEMPORARY** - Any sign erected for a limited period of time as set forth in Article 18, or otherwise generally not exceeding thirty (30) consecutive days.

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

**SIGN -- VEHICLE** - A sign affixed or painted on a vehicle, trailer, or similar device.

**SIGN -- WALL** - A sign posted on, suspended from, or otherwise affixed to a wall or vertical surface of a building which does not project more than fifteen (15) inches from the wall or vertical surface to which it is attached.

**SIGN -- WINDOW SIGN** - A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

**SINGLE AND SEPARATE OWNERSHIP** - The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

**SITE** - A tract, lot, or combination of contiguous lots on a tract which form an area for a development project.

**SITE DISTURBANCE** - Any activity which causes land on a given site to be exposed to the danger of soil erosion by the removal of vegetation and/or the alteration of the landform or soil.

**SKILLED NURSING FACILITY** - A long-term facility which provides for personal health care or a distinct part of another facility that is licensed or approved as a nursing home, infirmary, unit of a home for the elderly or a governmental medical institution.

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

**SOUND LEVEL** - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1974, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting

shall apply.

**SOUND LEVEL METER** - An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels which meets or exceeds the requirement for a Type I or Type II sound level meter as specified in ANSI Specification S1.4-1974 or the latest revision thereof. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

**SPECIAL EXCEPTION** - A function of the Zoning Hearing Board in accordance with the provisions of Article 22, whereby the Zoning Hearing Board hears and decides requests for uses, stipulated as uses by special exception in this Ordinance, in accordance with explicit standards and criteria. The Zoning Hearing Board may grant or deny such requests based on such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

**STABLE** - Any building, structure or portion thereof which is used in whole or in part for the shelter or care of sheep, goats, horses, cattle or other livestock.

**STAGE** - A section or sections of which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

**STEEP SLOPE** - Those areas of land which are characterized by a change in elevation of fifteen percent (15%) or more but not exceeding twenty-five percent (25%) over a distance or contour specified in Article 16.

**STORM SEWER** - A pipe or conduit that carries and transports intercepted surface water runoff, street wash and other wash waters or drainage, but excludes domestic sewage and industrial wastes.

**STORY** - That part of a structure included between any floor and the floor or roof next above. When applied to the permissible height of buildings, the term "story" shall not include a basement if the basement is not designated for living quarters and if the floor thereof is more than five (5) feet below the average ground level.

**STREET** - A public or privately owned right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting lots and used to provide space for installation of improvements such as sewers, other utilities, street trees and sidewalks.

**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 (such as a shared driveway) or road over which the owners or tenants of two (2) or more lots, each held in single and separate ownership, have the right of access.

**STRUCTURAL ALTERATION** - Any change in or addition to the supporting or 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. (See, also, Alteration.)

**STRUCTURE** - Any man-made object or improvement having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** - The division or revision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, conveyance or other transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or

residential dwellings, shall be exempted.

**SUBDIVISION PLAN** - A sketch, preliminary or final plan, submitted in compliance with the Edgmont Township Subdivision and Land Development Ordinance, showing the provision for the subdivision of a tract of land. See, also, Land Development Plan.

**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 (50) percent of the 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 "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," 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 an "historic structure," provided that alteration will not preclude the structure's continued designation as an "historic structure."

**SWIMMING POOL, PRIVATE** - Any reasonable permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction and is not the primary purpose for their current use.

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

**TAVERN** - An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, including the sale of food as an accessory use.

**TEMPORARY STRUCTURE** - A structure intended for limited duration, of less than ninety (90) days, renewable upon approval of the Township.

**TEMPORARY USE** - A use intended for limited duration and located in a zoning district not normally permitting such use.

**TOWER** - Any pole, telescoping mast, monopole, tower, tripod, or any other like structure to be erected within the Township.

**TOWERS, CELLULAR AND WIRELESS TOWERS, FACILITIES AND EQUIPMENT** - Includes but is not limited to Antenna, Antenna Support Structures, and Cell Sites.

**TRACT** - An area, parcel, site, lot or property which is the subject of a subdivision and/or land development application.

**TRACT AREA** - See Lot Area.

**TRACT AREA, NET** - See Lot Area

**TRAVEL TRAILER** - A portable vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

**USE** - The specific purpose for which land, a building or other structure is proposed to be subdivided and/or developed or is otherwise designed, arranged, intended, or improved, or for which it is proposed or

may be occupied or used.

**USE AND OCCUPANCY PERMIT (CERTIFICATE OF OCCUPANCY) -**

A Permit issued on a form provided by Edgmont Township which permits the use and occupancy of a building or the use of a property.

**VARIANCE** - Permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the exact provisions of this Article, as applied to a specific property, in accordance with the provisions of Article 22.

**VERY STEEP SLOPE** - The area of land which is characterized by a change in elevation of twenty-five percent (25%) or more over a distance or contour specified in Article 16.

**WAGERING AND GAMBLING ESTABLISHMENT** - A commercial use which provides facilities or at which persons assemble for the purpose of any activity which involves lawful gambling or wagering including, without limitation, those facilities and activities for para-mutual wagering or thoroughbred and/or harness horse races remote from any race track and governed by and licensed pursuant to the Race Horse Industry Reform Act, the Act of December 17, 1981, P.L. 435, as it shall be from time to time amended, 4 P.S. Section 325.101 et seq. Gambling and wagering shall include any activity, game, or device at which money or other valuable things may be played for, or staked or betted upon and in which, by the rules of the activity, game, or device a consideration is paid by the player or participant and a reward is paid to players or participants as a consequence of some element of chance. A commercial use otherwise permitted shall not constitute a gambling or wagering use solely on account of the installation of facilities and devices pursuant to the State Lottery, the Act of August 26, 1971, P.L. 351, as amended, 72 P.S. Section 3761-1 et seq.

**WASTE, CONSTRUCTION AND DEMOLITION** - All non-hazardous waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings

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and other structures and pavements, and may include certain dredging materials.

**WASTE, HAZARDOUS** - All waste material contained on the current EPA hazardous waste list.

**WASTE, MUNICIPAL** - Any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial, industrial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste (as defined by the Solid Waste Management Act), from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

**WASTE, RESIDUAL** - Any garbage, refuse, other discarded material or waste, semi-solid or contained gaseous materials resulting from industrial, mining and agricultural operations. In addition, any sludge from an industrial, mining, or agricultural operation, or a water supply treatment facility, waste water treatment plant, or air pollution control facility. None of the aforementioned shall be hazardous.

**WATER -- PRIVATE WATER SUPPLY SYSTEM** - See On-Lot Water Supply

**WATER -- PUBLIC WATER SUPPLY SYSTEM/PUBLIC WATER** - See Public Water System

**WATERCOURSE** - A stream with year-round or substantially year-round flow such as a creek, run, or other body of running water.

**WETLANDS** - Areas with hydric soils that are inundated or saturated by surface and/or groundwater which support hydrophytic vegetation such as swamps, bogs, marshes and the like, such areas being regulated by the U.S. Army Corps of Engineers and/or the PA DEP.

**WOODLAND AND FOREST** - Those areas of extensive vegetation in which the dominant plants are trees that

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are indigenous to the area, such areas being illustrated on the Areas of Environmental Concern Map in the Comprehensive Plan.

**YARD** - An open area on a lot that lies between the permitted principal or accessory building or buildings and the nearest lot line. Such yard shall be unoccupied and unobstructed from the ground upward, except as provided otherwise in Article 19.

**YARD -- FRONT** - A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of the permitted principal or accessory building or buildings on the lot. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided along the frontage which abuts the primary street and the yard along the other frontage which abuts the secondary street shall be designated as the second front yard and have the same depth as that which applies to the front yard. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of equal depth shall be provided on the other frontage.

**YARD -- REAR** - A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of the permitted principal or accessory building or buildings on the lot.

**YARD -- SIDE** - A yard extending the full depth of the lot along the side lot line and extending in width from such side lot to the nearest point of the permitted principal or accessory building or buildings on the lot.

**ZONING OFFICER** - The administrative officer designated by the Board of Supervisors to administer the Zoning Ordinance and issue Use and Occupancy Permits.