

**EAST NOTTINGHAM, TOWNSHIP
ZONING ORDINANCE**

**ARTICLE II
DEFINITIONS**

SECTION 201 GENERAL INTERPRETATION

Unless otherwise expressly stated, the words and phrases listed in this article shall be construed throughout this ordinance to have the meanings indicated herein. Words in the present tense include the future tense, words in the masculine gender include the feminine, words in the singular include the plural, and those in the plural include the singular. The words "person," "developer," "subdivider," and "owner" include a corporation, unincorporated association, and a partnership or other legal entity, as well as an individual. The words "should" and "may" are permissive. The words "shall" and "will" are mandatory and directive and are not discretionary. The word "Township" means East Nottingham Township, Chester County, Pennsylvania; the term "Board of Supervisors" or "Board" means the Board of Supervisors of East Nottingham Township unless specifically indicated otherwise or in Article XXII, where the term "Board" means "Zoning Hearing Board"; the term "Zoning Hearing Board" means the Zoning Hearing Board of East Nottingham Township; and the term "Planning Commission" means the Planning Commission of East Nottingham Township. Where terms or words are not specifically defined, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 202 SPECIFIC TERMS

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings.

ACCESSORY BUILDING: A building with less than 2,000 square feet of ground floor area, subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

AGRICULTURAL USE. The use of a property for agriculture, as defined herein.

AGRICULTURE: The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nurserying, horticulture, mushroom-growing, and the breeding and raising of customary domestic animals.

ANIMAL UNIT (AU): One thousand (1,000) pounds live weight of livestock or other animals, regardless of the actual number of individual animals comprising the unit.

ANTENNA, COMMERCIAL COMMUNICATIONS: A device used to collect and/or transmit wireless communications, radio, and television signals, including panels, microwave dishes, wires, and single poles known as "whips." This definition shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment, including without limitation ham and or citizen band radio antennae.

ANTENNA, COMMERCIAL COMMUNICATIONS, SUPPORT STRUCTURE HEIGHT: The vertical distance measured from the base of a commercial communications antenna support structure at the undisturbed grade to the highest point of the structure. If the commercial communications antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the commercial communications antenna support structure height.

ANTENNA, COMMERCIAL COMMUNICATIONS, SUPPORT STRUCTURE (TOWER): A monopole or a lattice-construction steel structure designed and intended solely for the support of and attachment to it of one or more commercial communications antennas and appurtenant communications equipment; a tower.

ANTENNA, SATELLITE or SATELLITE DISH: A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

ANTENNA, STANDARD: A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae.

ANTENNA, STANDARD, HEIGHT OF: The height of a standard antenna and/or standard antenna support structure shall be measured as follows:

- (1) The height of a standard antenna and/or standard antenna support structure unsupported by a separate foundation which is attached to a building shall be measured from the average level of the finished grade along the exterior of the building to which the antenna is attached to the top of the highest point of the antenna.
- (2) The height of a standard antenna and/or standard antenna support structure which has a separate foundation and is also attached to a building (not on the roof) shall be measured from the ground level at the point where the antenna is anchored to the ground to the top of the highest point of the antenna.
- (3) The height of a standard antenna and/or standard antenna support structure which has a separate foundation and is detached from any building shall be measured from the average ground level of a circle with a center where the antenna is anchored to the ground and extending a radius of ten feet to the top of the highest point of the antenna.

ANTENNA, STANDARD, SUPPORT STRUCTURE: Any pole, mono pole, telescoping mast, tower, tripod, lattice construction steel structure or similar structure which supports or has attached to it a standard antenna(s).

BASAL AREA: The cross-sectional area of all stems of a species or all stems in a stand, measured at breast height (4.5 feet above the ground) and expressed on a per acre basis.

BASEMENT: An enclosed area partly or completely below grade. A basement shall be considered a building story if more than 33.3% of the perimeter walls are five (5) feet or more above grade and if the net area of the door or window openings in the exterior walls is equal to not less than 10% of the enclosed floor area.

BED-AND-BREAKFAST ESTABLISHMENT: A residential accessory use located wholly within an owner-occupied single-family detached residential dwelling providing public lodging rooms not meeting the definition of "dwelling unit" and facilities for serving food prepared within the building to registered transient guests

BILLBOARD: A type of off-premises advertising sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located.

BOARD: The Board of Supervisors of East Nottingham Township.

BUILDING COVERAGE: The total ground floor area of all buildings on a lot, expressed as a percentage of the net area of the lot on which they are located.

BUILDING HEIGHT. A building's vertical measurement from the mean level of the ground surrounding the building to the highest point of the roof, provided that chimneys, spires, towers, elevator and other unoccupied utility penthouses, tanks, and similar projections shall not be included in calculating the height.

BUILDING SETBACK LINE: An established line within a lot defining the minimum required distance between any principal building and an adjacent street right-of-way line or other front, side, or rear lot line, and which is sufficient to provide for the minimum lot width or to provide for the minimum yard requirements for the particular district as specified by this ordinance.

CELLAR: A story partly underground but having at least one-half of its height (measured from finished floor to finished ceiling) below the average height of the finished grade where such grade abuts the exterior walls of the building. A cellar shall not be counted as one story in determining the permissible number of stories.

CEMETERY: A burial place or graveyard, including a mausoleum, crematory, or columbarium, in which human or animal remains are buried. A cemetery may be

operated, in accordance with the terms of this ordinance, as a principal use or as a use accessory to agriculture, a church, or a dwelling. The interment or scattering of remains of properly cremated humans is not regulated by this ordinance.

CLEAR-CUTTING: A logging method that removes all trees, or the vast majority of all trees, from a tract of land or a portion thereof. Clear cutting shall be deemed to occur when a lot has been cleared to less than thirty (30) basal feet/acre.

CLUB, FRATERNAL ORGANIZATION: An establishment operated for social, athletic, recreational, or educational purposes, generally open to members only and not to the public.

COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING: A building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed

COMMERCIAL COMPOSTING PROCESSING OPERATION: Any mixing, combining, processing, aerating, packaging, shipping, or similar use of any composting materials or storing processed compost for the purpose of sale or distribution. The term commercial composting operations shall include all manure storage operations and land application of any composting materials, but shall not include the manure resulting from an on-site agricultural operation, nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as material being processed to be used as “fresh” mushroom compost.

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.

COMPOSTING MATERIALS: Any organic waste material, including, but not limited to, the manure of any animal, organic material produced or reclaimed from cleaning any barn or other building used for raising of agricultural products, livestock, poultry or horse stable or similar structure, or any other organic material which is stored, combined, processed, aerated, packaged, shipped for reuse or application on any property or any additional processing.

COMPOSTING, RESIDENTIAL

- A. Normal waste materials of a residential property, generated on same property and contained in some manner.
- B. Containment of residential compost materials must meet setback regulations for accessory buildings within district.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.

CONVENIENCE STORE: A retail use structure and associated facilities providing convenience items and services to the general public, including but not limited to the sale of food, beverages, personal care items, automotive fuel and lubricants, and similar items, and automatic teller machine banking facility.

DAY CARE FACILITY: A facility providing supervision of minors or special needs adults by individuals other than family members for which a fee may or may not be charged. A day care facility shall not provide overnight accommodations. A day care facility shall not be a school as defined by this ordinance, except as noted herein.

- A. ADULT DAY CARE:** A use providing supervised care and assistance primarily to persons who are mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent.
- B. CHILD DAY CARE:** A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. Such use shall comply with all applicable federal and state laws. The care of children by their own relatives is permitted without regulation by this ordinance.
- C. FAMILY DAY CARE:** A type of day-care use that provides care for six or fewer children at one time, in addition to children who are relatives of the caregiver, when permitted by special exception as a home occupation.
- D. DAY CARE AS A PRINCIPAL USE:** A type of day-care use that provides care for seven or more persons at any one time, in addition to persons who are relatives of the primary operator; such facility shall constitute the principal use of the property.
- E. DAY CARE AS AN ACCESSORY USE:** A type of day-care use where the provision of day-care service is incidental and secondary to the principal use of a lot. (e.g., a church nursery or employee day care facility).

DIAMETER BREAST HEIGHT (DBH): The diameter of a tree at breast height, usually measured three and one-half (3 1/2) feet from the ground surface.

DEMOLITION: The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of any building, structure, or object from its site, or the removal or destruction of the facade or surface.

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

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

DWELLING, DWELLING UNIT: A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit. Dwellings may be classified as follows:

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

1. The term "single-family detached dwelling" shall be deemed to include a "sectional or modular home" which is designed for transportation after fabrication in one or more units and constructed so that it must be assembled on a permanent perimeter foundation and which complies with this ordinance and the Uniform Construction Code (UCC), which is the Township Building Code.
2. A "group home," as defined by this ordinance, shall be deemed a single-family detached dwelling.
3. A mobile home or manufactured home, as defined below, shall be deemed a single-family detached dwelling.

B. Mobile (Manufactured) Home:

A transportable dwelling intended for permanent occupancy by one family, contained in one unit or in more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so as to be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. A mobile home shall meet the construction standards set by the U.S. Dept. of Housing and Urban Development, but is not required to meet the Uniform Construction Code (UCC), which is the Township Building Code. The term includes park trailers, travel trailers, and recreational and other similar vehicles that are placed on a site for more than 180 consecutive days. The terms "mobile home" and "manufactured home" have the same meaning.

C. Two-family: A building containing two dwelling units (detached or semi-detached) including but not limited to twin or duplex:

1. Twin: A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.
2. Duplex: A building containing two dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

D. Multi-family: A building containing three or more dwelling units, including but not limited to quadraplex (fourplex, four-family), townhouse (single-family attached), and apartment buildings:

1. Quadraplex: A building containing four dwelling units, each of which has independent outside access, two non-parallel walls in common with adjacent dwelling units, and open space on two non-parallel sides.
2. Townhouse: A building containing dwelling units separated by parallel party walls, each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with

adjoining units, and open space to the front and rear (internal units) or front, rear, and one side (end units).

3. **Apartment:** A building, not exceeding two and one-half stories in height, containing three or more dwelling units separated by party walls, which may have more than one dwelling unit from ground to roof, common outside accesses, and in which no more than six dwelling units have common hallways and entrances.

EASEMENT: A permanent right-of-way granted for limited use of private land, for a private, public or quasi-public purpose (e.g., utility, drainage, public access, conservation). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

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

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.

EVEN-AGED STAND: A stand of trees composed of a single age class in which the range of ages is usually +/- twenty percent (20%) of the total stand rotation.

FAMILY:

- A. A single person occupying a dwelling unit and maintaining a household;
- B. Two (2) or more persons related by blood, marriage, formal foster relationship, or adoption occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders, roomers, or lodgers; or
- C. Not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

FARM BUILDING: A building constructed and used specifically as part of, or in support of, an agricultural use, as defined herein. Farm buildings shall include, but need not be limited to, a barn, silo, mushroom house, greenhouse, or run-in shed.

FILL: Material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FLAG POLE: A flagstaff designed and solely intended for the patriotic display of the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof, or the flag of a group or organization, or combination thereof, and for no other purpose. A flag pole shall not include a standard antenna, a standard antenna support structure, a commercial communications antenna support structure, tower, antenna, or any other structure designed, intended, or capable of supporting any other use or purpose.

FLOOD: A general and temporary inundation of normally dry land from the overflow of streams, rivers, or other waters of the Commonwealth of Pennsylvania.

FLOOD HAZARD: The highest level of flooding that, on the average, is likely to occur every one hundred (100) years, i.e., that has a one percent (1%) chance of occurring each year, as delineated by maps and related materials developed by the Federal Emergency Management Agency for the National Flood Insurance Program.

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

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduces or eliminates flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For purposes of the ordinance, the floodway shall be capable of carrying and discharging the waters of the one hundred (100) year flood.

FLOOR AREA: The sum of the area of the several floors of a building or buildings, measured from the face of the exterior walls or from center lines of walls separating two buildings. In particular, floor area includes but is not limited to the following:

- A. Basement space if it meets the requirements of a building story.
- B. Elevator shafts, stairwells, and attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more.
- C. Roofed terraces, exterior balconies, breezeways or porches, provided that over 50% of the perimeter of these is enclosed.
- D. Any other floor space used for dwelling purposes, no matter where located within the building.
- E. The area of accessory buildings.

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.

FRESH MUSHROOM COMPOST: Composting materials as herein defined being prepared and processed for the purpose of creating a medium in which to grow mushrooms.

FUNERAL HOME: An establishment approved by the Pennsylvania Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing, including the preparation, care, viewing, and funeral services for deceased

humans. A funeral home shall not include a cemetery, columbarium, mausoleum, or entombment.

GOLF COURSE: Either a publicly or privately owned and operated course which shall have a minimum of nine holes of golf. Neither a commercial driving range nor a commercial miniature golf area shall be considered a golf course for purposes of this ordinance.

GROUP HOME: A dwelling unit occupied by a maximum of four (4) unrelated individuals, suffering a medically recognized mental or physical impairment or disability not currently requiring hospitalization, residing together as a single housekeeping unit and using cooking facilities and certain household rooms in common as though they were a family unit.

- A. The term "group home" shall not include any use meeting the definition of a "treatment center" or "personal care home."
- B. The term "group home" shall not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.
- C. The term "group home" shall not involve the housing or treatment of people whose residence at the home is transient in nature.
- D. The term "group home" shall not apply to a facility where profit motive of the operator is the basis of the relationship among the residents.
- E. A group home shall be subject to the regulations applicable to a single-family detached dwelling in the zoning district in which it is located.

HABITABLE SPACE: A space in or attached to a building for living, sleeping, eating, or cooking. Decks, porches, and garages shall be considered habitable space.

HAZARDOUS WASTE: Garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above; which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may do one of the following:

- (1) Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HISTORICALLY SIGNIFICANT STRUCTURE OR SITE: A building, structure, or site located within East Nottingham Township that is:

- A. listed in the National Register of Historic Places; or
- B. recipient of a Determination of Eligibility (DoE) for the National Register; or
- C. deemed by the East Nottingham Township Historical Commission to meet substantially the National Register criteria.

HOME OCCUPATION, NO-IMPACT: A use that is customarily accessory to, and carried on within, a dwelling unit by one (1) or more residents of such dwelling unit in accordance with the standards of this ordinance. Such use shall be clearly secondary to the principal residential use,

and shall meet the standards for a “no-impact home business” contained in the Pennsylvania Municipalities Planning Code.

HOME OCCUPATION, MAJOR: A use that is customarily accessory to a principal residential use, but that does not meet the criteria for a No-Impact Home Occupation and requires review and approval as a special exception by the Zoning Hearing Board in accordance with the standards of this ordinance.

HOTEL, MOTEL, INN: A building or group of two or more buildings located on a lot held in single and separate ownership, designed, intended, and used principally for providing sleeping accommodations to the transient public in rooms or suites which may include a kitchen facility, and which are provided with a daily maid service. The following ancillary facilities may be provided as an integral part of a hotel, motel, or inn, provided, however, that no gambling or electronic gambling devices shall be permitted: restaurant, meeting rooms, banquet facilities, and shops for the sale of books, papers, magazines, clothing and sundries to guests; recreation facilities for use only by registered guests, such as a swimming pool, exercise area or room; and similar ancillary facilities commonly accessory to a hotel, motel, or inn.

HYDRIC SOILS: Those soils identified as hydric soils or soils with hydric inclusions in the Soil Survey of Chester and Delaware Counties.

IDENTIFIED FLOODPLAIN AREA: The flood plain area specifically identified in this ordinance as being inundated by the one hundred (100) year flood.

IMPERVIOUS SURFACE. A surface which prevents the penetration of water into the ground, including roofs, concrete, asphalt, composed shale, sidewalks, etc. Any area which may be designed initially to be semi-pervious (e.g., gravel, crushed stone, porous pavement, etc.) shall be impervious surface for the purpose of calculations.

IMPROVEMENT: An appurtenance developed by human design, including but not limited to buildings, structures, objects, landscape features, and manufactured units, including by way of example mobile homes, boats, docks, carports, storage buildings, utilities, and driveways.

INVASIVE SPECIES: Any plant species, native or exotic, that disrupts the natural diversity of an ecosystem by aggressively outcompeting native species. Such species, shall include, but not be limited to, those regulated under the Pennsylvania Noxious Vegetation Act.

JUNKYARD: An area and/or structure used for the collection, storage, and/or sale of used and discarded materials, including but not limited to house furnishings, wastepaper, scrap metal, building materials, machinery, or wrecked, disabled, or unregistered vehicles or parts thereof, with or without the dismantling, processing, salvaging, or other use or disposition of same. Two (2) or more wrecked, disabled, currently unregistered vehicles or vehicles without a current inspection sticker, or the major parts thereof, excluding farm vehicles or vehicles contained in a towing service impoundment area, shall constitute a

junkyard and shall only be stored in a licensed junkyard. Toxic wastes, radioactive materials, poisons and other substances that are potentially harmful to man, as well as the collection, storage, and/or disposal of tires unattached to a vehicle, are excluded from this definition and prohibited as part of a junkyard operation.

KENNEL: A place for the keeping, breeding, and/or boarding of more than four (4) dogs or similar domestic animals for commercial purposes.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503 (1.1) (i) and (iii) of the Municipalities Planning Code. The addition of an accessory building or construction of any farm building on a lot or lots subordinate to an existing principal building shall not be considered a land development for purposes of this ordinance.
- D. The addition or expansion of access driveways and parking lots less than 2,000 square feet shall not be considered land development for purpose of this ordinance.
- E. The addition of features to an existing development in order to conform to the requirements of Article XVII of this ordinance (i.e., lighting, screening, landscaping, etc.) shall not be considered land development.

LANDOWNER: The legal or beneficial owner or owners of land, including for purposes of this ordinance the 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 under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LOGGING: A forestry activity involving the cutting down and removal of trees and logs to be converted to any forest product or for sale to others. Logging shall not include the cutting and removal of trees as part of a Christmas tree farm operation or when part of site preparation in association with an approved subdivision or land development plan.”

LOT: A parcel of land held in single and separate ownership, undivided by any street or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Chester County.

LOT AREA, GROSS: The area of land contained within the property lines of a lot as defined in the deed or as shown on an approved subdivision plan.

LOT AREA, NET: The gross area of the lot, but excluding the following conditions or features:

- A. Any area within an existing or proposed right-of-way or easement for above-ground or underground utilities, including water supply and wastewater facilities, other than for local service;
- B. Any area comprising a stormwater management basin, lake, or pond;, but not including on-lot berms
- C. Any area delineated as a wetland;
- D. Any area which has existing natural slope exceeding 25% . .
- E. Any area designated by the Township as flood plain.
- F. Any portion of an access strip connecting an interior lot to a street.
- G. Any area within the first twenty-five (25) of the Riparian Corridor Conservation District

Where a lot contains land with more than one of the above features, such area shall be excluded once in calculating the net lot area.

LOT, CORNER: A lot bounded on at least two sides by streets whenever the lines of such streets extended form an interior angle of 135 degrees or less. All yards adjacent to streets shall be considered front yards. The remaining yards shall be side yards.

LOT, INTERIOR (FLAG) A lot which does not adjoin a street but is connected thereto by an access strip of required minimum width. Minimum lot area and other dimensional requirements shall be those of the applicable zoning district, and shall be met on that portion of the lot exclusive of the access strip. The access strip must be a fee simple portion of the lot, but shall not be counted as part of the minimum lot area required by applicable zoning provisions.

LOT LINE: A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the center-line of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT: The lot line abutting any street and coinciding with any street line. In the case of a corner lot, each of the two (2) (or more) street-abutting lot lines shall be considered a front lot line. In the case of an interior lot, the front lot line shall be the line most parallel and closest to the street line at the end of the access strip; all other lines shall be side or rear lot lines.

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, parallel to and at the

maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

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

LOT, NONCONFORMING: A lot which does not conform to the minimum width, depth, or area dimensions specified for the district where such lot is situated but was lawfully in existence at the time of enactment of this ordinance or a prior zoning ordinance, or is legally established through the granting of a variance by the Zoning Hearing Board.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on an arterial or collector street and a local street, with vehicular access solely from the local street.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth.

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 HOME: See "Mobile Home" within the definition of "Dwelling Unit."

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

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MOBILE HOME LOT: The area upon which an individual mobile home shall be placed in a mobile home park.

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

MUNICIPALITIES PLANNING CODE: Pennsylvania Act 247-1968 (53 P.S. 10101 et seq.).

NOXIOUS VEGETATION: Plant material that is undesirable or offensive due to unsightliness, threats to health, or prolific and uncontrollable growth. For purposes of this ordinance, noxious vegetation shall include, but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, and other such vegetation as shall be determined by the Pennsylvania Department of Agriculture.

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

PARKING SPACE: A parking space consists of:

- A. Space with a dustless, approved all-weather surface; or
- B. Space in a private garage or similar structure; and
- C. Space for one vehicle that is a minimum of ten (10) feet by twenty (20) feet in size; and
- D. Space that has safe and convenient access, in all seasons, to a public way.

PAVED SURFACE. The total area of impervious surface, exclusive of building coverage, on a lot, expressed as a percentage of the net area of the lot on which such surface is located.

PERSON: Includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual. When used in a penalty provision, "person" shall include the members of such partnership, the officers of such organization, association, or corporation, and the trustees of such trust.

PERSONAL CARE HOME: A residential use providing residential and support services primarily to persons who are over age sixty (60), physically handicapped and/or developmentally disabled, and that is licensed as a personal care home by the Commonwealth of Pennsylvania. Not more than eight (8) residents, together with the operator and any required support staff, shall occupy a personal care home.

PLACE OF RELIGIOUS WORSHIP: An institution or structure that people use primarily to participate in or hold religious services, meetings, and other religious related activities. The term shall include any building, other than a principal residence, in which the religious services of any denomination or faith are held.

PLANNED COMMERCIAL VILLAGE: A type of shopping center, designed for three (3) or more commercial uses, in which the scale, design and type of uses are intended to maximize compatibility with traditional village and neighborhood commercial settings, and which can be accessed by pedestrians and vehicles.

PLANNING COMMISSION: The Planning Commission of East Nottingham Township.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT: A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner because any trees cut are of poor quality or are too small or otherwise of limited marketability or value.

PROFESSIONAL FORESTER: A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

PROTECTED OPEN SPACE: A parcel or parcels of land, an area of water, or a combination of land and water which, regardless of ownership, is restricted from further subdivision or development for other than open space purposes permitted in accordance with this ordinance.

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

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

RESIDENTIAL CONVERSION: The creation of two or more dwelling units within an existing single-family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities.

RESTAURANT: The following types of restaurants are addressed by this ordinance:

- A. **RESTAURANT:** An establishment that sells ready-to-eat meals to the public which are clearly primarily consumed within the building or the place of business, and where waiters and/or waitresses serve the clear majority of non-buffet food and beverages to patrons while the customers are seated. Unless otherwise stated, such restaurant shall not include a drive-through lane.
- B. **FAST-FOOD RESTAURANT:** A restaurant that sells ready-to-eat meals to the public and which does not meet the definition of a "restaurant" in Subsection A, above. This use typically involves customers making orders at an inside window or service area or cafeteria line, with the food consumed either at seating areas within the building or off the premises, and which typically involves customers eating the food outside of the building relatively frequently.
- C. **RESTAURANT WITH DRIVE-THROUGH SERVICE:** A restaurant that includes service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked automobiles.

RETAINED OPEN SPACE DEVELOPMENT: A tract or tracts of land, controlled by one applicant, to be developed as a single entity for residential purposes, in which the otherwise applicable lot sizes and densities for the zoning district are modified in exchange for the retention and permanent protection of open space.

RIPARIAN CORRIDOR: Areas surrounding surface water bodies, including creeks, lakes, intermittent watercourses, and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. These areas may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. These corridor areas may or may not contain trees and other native vegetation.

RUNNING-AT-LARGE: Any instance in which an animal is running about loose on a street, or upon the property of a person other than the owner of such animal, unleashed and unaccompanied by the owner or custodian or any member of the owner's family or by any servant or agent of the owner of such animal.

SANITARY LANDFILL: A lot or portion of a lot used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill shall be permitted only in compliance with the terms of this ordinance; it shall normally consist of:

- A. Depositing discarded material in a planned, controlled manner;
- B. Compacting the discarded material in thin layers to reduce its volume;
- C. Covering the discarded material with a layer of earth; and
- D. Compacting the earth cover.

A sanitary landfill shall comply fully with all aspects of the definition for such a facility contained in the applicable regulations of the Pennsylvania Department of Environmental Protection.

SCHOOL, FARM-RELATED: A private, non-profit educational facility for academic instruction, located as an accessory use on a property of at least twenty (20) acres that is actively involved in agriculture.

SCHOOL, PRIVATE: An educational use properly certified by the Commonwealth of Pennsylvania, including: pre-school, elementary/middle, or secondary school; college; or similar non-public educational facility for academic instruction, but excluding: (i) private vocational or similar adult trade school or training center; (ii) therapeutic, rehabilitative, or correctional institution; and (iii) any principal residential use.

SCHOOL, PUBLIC: An educational use operated and/or administered by the Oxford Area School District or its lawful successors, including: public pre-school, elementary/middle, or secondary school; charter school when in accordance with the regulations of the Commonwealth of Pennsylvania; or similar educational facility for academic instruction.

SCHOOL, TRADE: A facility that is primarily intended for education of a work-related skill or craft or a hobby, and that does not primarily provide state-required education to persons under age 18; may include, e.g., dancing school, martial arts school, or ceramics school, or private vocational school.

SELECTIVE CUTTING: The felling of certain, but not all, trees in an area for purposes of:

- A. Removing dead, diseased, damaged, mature, or marketable timber;
- B. Improving the quality of a tree stand or species; or
- C. Meeting personal domestic needs."

SELF-SERVICE STORAGE WAREHOUSE: A building or group of buildings divided into individual, separately accessed units that are rented or leased for the storage of personal and small business property.

SEWAGE FACILITIES:

- A. Individual system. The disposal of sewage by use of septic tanks or other safe and healthful means, approved by the Chester County Health Department and generally within the confines of the lot on which the use is located.
- B. Community system. A sanitary sewage system in which sewage is carried from individual dischargers by a system of pipes to one or more common treatment and disposal facilities. Treatment and disposal may occur either on-site or off-site, and shall be approved by the Pennsylvania Department of Environmental Protection.
- C. Public system. Any system designed and operated by the Oxford Area Sewer Authority for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly-operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SIGN: Any device for visual communication which is used or intended to attract the attention of the public with a purpose of identifying, when display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Chester County, East Nottingham Township, or official historic plaques of any governmental jurisdiction or agency.

SINGLE AND SEPARATE OWNERSHIP: The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any adjoining property.

SLASH: Unusable woody material such as large limbs, tops, cull logs, and stumps that remain after a logging operation.

SLUDGE: Digested sewage treatment plant sludge or other commercial waste materials which any person seeks to spread or place on the land, other than commercially prepared and sold agricultural fertilizers and agriculturally-produced animal wastes.

SMALL-SCALE KEEPING OF LIVESTOCK: Any activity involving the breeding, raising, caring for, housing, and principally the hobby/personal use of domestic animals and/or products derived from those animals for use by the occupant, owner, or lessee of the lot on which such use is located. Such animals may include, but need not be limited

to, equine species such as horses and ponies, camelids such as llamas and alpacas, and other species not defined as household pets or regulated elsewhere in this chapter; the term shall not include poultry, fowl, or the operation of a kennel. Incidental sales of animals or animal products directly associated with the use may be permitted; however, no stock-in-trade sales, mail order business, sales building or sales area shall be permitted. A small-scale livestock use shall be considered accessory to single-family detached dwelling or other permitted principal use located on the same lot; otherwise, the livestock use shall be considered the principal use for all regulatory purposes.

SOIL SURVEY: A scientific survey of soil conditions and characteristics prepared by the former United States Soil Conservation Service or current Natural Resources Conservation Service; in particular, the *Soil Survey of Chester and Delaware Counties* (1963), as it may be updated or amended.

SPENT MUSHROOM GROWING SUBSTRATE (also “Spent Mushroom Compost”): Any material or substance remaining, which is no longer used for growing mushrooms, after the mushroom growing cycle is complete, and the crop harvested. The material generally consists of organic material such as straw, manure, hay, cobs, peat moss, and/or soil as remains after crop harvest. This definition shall be deemed to include “Aged Spent Mushroom Compost” which is the material remaining after the spent mushroom compost has been subjected to natural elements for a period of time, after which the fibrous constituents thereof have been naturally conditioned by the elements, leaving a primarily humus-type material suitable for potting soil or topsoil.

STAND: Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STANDARD ANIMAL WEIGHT: The given weight of a particular animal, whether mature or immature, used to determine how many animals comprise an Animal Unit as defined by this chapter. For example, the standard weight for a mature horse for nondraft breeds shall be 1,000 pounds and for draft breeds shall be 1,700 pounds. Standard animal weights shall be as listed in Table A of 25 Code Chapter 83, Section 83.262 of the Pa. Nutrient Management Rules and Regulations.

START OF CONSTRUCTION (including "Substantial Improvement"): The date of issuance of a building permit, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STEEPLE: A tall tapering structure narrowing to a point at the top that is located on the roof of or is a part of the superstructure of a church or other place of worship.

STORY: That portion of a building located between the surface of any floor and the ceiling or roof next above it.

STREAM BANK: The boundary of a stream channel within which is contained the volume of surface water of the stream under normal flow conditions.

STREAM CENTERLINE: A surveyed line established in the middle of the surface water of a stream, running parallel to and equidistant from each bank under normal flow conditions.

STREET: A way intended for general public use to provide a means of approach for vehicles and pedestrians. The word "street" includes the words "road," "highway," "thoroughfare," and "way."

STREET RIGHT-OF-WAY LINE: The line dividing a lot from the full street right-of-way, not just the cartway. The word "street" shall include, but not be limited to the words "road", "highway", and "thoroughfare".

STRUCTURE: Any material or combination of materials which are constructed or erected, the use of which requires location on or in the ground or water, or attached to something located on or in the ground or water.

STRUCTURE, NONCONFORMING: A structure which does not comply with the applicable area/bulk, floor area, and/or design standards of this ordinance, but which was lawfully in existence prior to the enactment of this ordinance or a prior zoning ordinance.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more 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 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:

- A. 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 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
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

SWIMMING POOL: A temporary or permanent structure containing a pool of water with a depth of more than two feet, which is used or intended to be used for swimming or bathing.

TOWNSHIP: The Township of East Nottingham.

TRACT: One or more lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA, GROSS: The total acreage of a tract lying within existing property lines, as defined by the deed, prior to the initiation of subdivision or land development.

TRACT AREA, NET: The gross area of a tract, but excluding the following conditions and features:

- A. Any area within an existing right-of-way or easement for: [i] a public or private street; or [ii] above-ground or underground utilities, including water supply and wastewater facilities, other than for local service;
- B. Any area comprising an existing lake or pond;
- C. Any area delineated as a wetland;
- D. Any area which has existing natural slopes exceeding 25%.
- E. Any area designated by the Township as flood plain.
- F. Any area within the first twenty-five (25) of the Riparian Corridor Conservation District

Where a tract contains land with more than one of the above features, such area shall be excluded once in calculating the net tract area."

TRANSFERABLE DEVELOPMENT RIGHTS (TDR): The attaching of development rights to specified lands which the Township desires to be kept undeveloped, but permitting those rights to be severed from those lands and held by the purchaser or transferred so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate

- (1) **TDR SENDING AREA:** The zoning district in which development rights may be severed from a lot and subsequently reserved, donated, or sold for use in the TDR receiving area.
- (2) **TDR RECEIVING AREA:** The zoning districts in which an interested party may apply development rights, upon approval under the provisions of this ordinance, to a subdivision or land development proposal.

TREATMENT CENTER: A use (other than a correctional facility) providing housing facilities for more than five (5) persons who need specialized housing, treatment, and/or counseling for stays that are routinely less than one (1) year and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol;
- B. Addiction to alcohol and/or a controlled substance; or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.
- D. A medically recognized mental or physical impairment or disability not currently requiring hospitalization

TRUCK FREIGHT TERMINAL: A building used for the temporary storage of goods and materials, generally for subsequent distribution to other locations and not involving retail activities.

UCC: The Uniform Construction Code, which is the East Nottingham Township Building Code.

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

USE, ACCESSORY: A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

USE AND OCCUPANCY PERMIT: A permit issued by the Zoning Officer prior to the lawfully permitted use or change in use of any structure, building, or the land thereon, in accordance with the terms of this ordinance.

USE, CONDITIONAL: Certain specified uses which may be suitable in certain areas of a district and are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to express standards and criteria set forth in this ordinance.

USE, MUNICIPAL: A use conducted by East Nottingham Township or an authority of which the Township is a member; this use does not include a school.

USE, NONCONFORMING: A use which does not comply with the applicable use provisions of this ordinance, but which was lawfully in existence prior to the enactment of this ordinance or a prior zoning ordinance.

USE, PERMITTED BY-RIGHT: A use that does not require zoning approval as a use by the Zoning Hearing Board or the Board of Supervisors, but may require plan approval under the terms of the Township Subdivision and Land Development Ordinance.

USE, PRINCIPAL: The single dominant use or single main use on a lot.

USE, SPECIAL EXCEPTION: A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this ordinance, and provided the Zoning Hearing Board finds that the use complies with the conditions and standards required by this ordinance.

VARIANCE: Relief granted from the terms of this ordinance, pursuant to the provisions of Article XX of the Ordinance and Articles VI and IX of the Municipalities Planning Code.

WATER SUPPLY, CENTRAL: A system for supplying water from a common groundwater source or sources to multiple users. A Water Supply, Central system must either be a Public Water Supply System or a Community Water Supply System.

WATER SUPPLY, INDIVIDUAL: A system for supplying water to a single user from a private groundwater source located on the same lot as the use.

WATER SUPPLY SYSTEM, COMMUNITY: A system which (1) is owned and/or operated by the Township, a municipal authority organized by the Township, a public utility or a bona fide association of lot or building owners, (2) serves only one community, residential subdivision, or commercial or industrial development and (3) is not interconnected with other water supply systems.

WATER SUPPLY SYSTEM, PUBLIC: A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under such control which are used in connection with the system. The term also includes a system, which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing, and showering, cooking, dish washing or maintaining oral hygiene.

WETLAND: An area of land and/or water meeting one or more definitions of a "wetland" under federal and/or Pennsylvania law and/or regulations, whichever is more inclusive.

YARD: An open space on the same lot with a building or group of buildings measured from specified lot lines which restricts the locations of buildings and structures and which is required to be unoccupied and unobstructed from the ground upward, except as herein permitted.

YARD, FRONT: A yard extending the full width of the lot parallel to the front lot line and extending in depth from the front lot line to the nearest point of any part of a structure on the lot; the front yard shall contain no buildings. The minimum depth of a front yard shall be as measured from the ultimate right-of-way of any existing or proposed street.

YARD, REAR: A yard extending the full width of the lot parallel to the rear lot line and extending in depth from the rear lot line to the nearest point of any part of a structure on the lot.

YARD, SIDE: A yard extending from the front yard to the rear yard measured parallel to each side lot line, and contained entirely within the lot.

ZONING MAP: A map of East Nottingham Township indicating the location of boundaries for each zoning district.

ZONING OFFICER: The Township officer charged with enforcing the literal terms of the ordinance, and the representative agent of the Zoning Hearing Board.

ZONING HEARING BOARD: The Zoning Hearing Board of East Nottingham Township.