

Part 2

Definitions

§27-201 Interpretation.

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this Chapter so that:

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.

B. The word “person” includes any individual, estate trust, fiduciary, partnership, firm; association, corporation or any other organization or entity, including the principal officers thereof or any other individual or entity acting directly or indirectly by, through or under any of the following.

C. The word “shall” is always mandatory; the word “will” is always directory; and the word “may” is always permissive.

D. The word “use” shall include the words “arranged,” “designed,” or “intended to be used.”

E. The word “structure” shall include the word “building.”

F. The word “built” shall include the words “constructed,” “erected,” or “altered”.

G. 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.

H. The words “as amended” as applied to any statute, ordinance, code, regulation, plan or map, include replacements, supplements or

restatements thereof; and reference to a particular Par, Section or subsection which inherently refers to other Pars, Sections or subsections, includes all Parts, Sections and subsections referred to.

I. The word “Township” means London Grove Township, Chester County, Pennsylvania; the term “Township Officials” means the Township officials of London Grove Township, the term “Planning Commission” means the Planning Commission of London Grove Township; the term “Board” means Board of Supervisors of London Grove Township; and the term “Zoning Hearing Board” means the Zoning Hearing Board of London Grove Township.

J. Where a word appears in this document and also appears in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et. seq.*, the definition or the implied definition based on its use in context within this Chapter shall apply.

K. When terms, phrases or words are not hereafter defined, they shall have first mentioned relevant definition given in the most recent edition of *Webster’s Unabridged Dictionary*. If not found in the aforementioned dictionary their meaning shall have the ordinarily accepted meaning or such as the context may imply.

L. Where any activity is regulated by any act of the Commonwealth of Pennsylvania and specific definitions are set forth in such act, the definition set forth in the act shall apply if not specifically defined otherwise in this Chapter.

§27-202. Definition of Terms.

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

Abandonment—the cessation of a use of a property, land, and/or structure by the owner, with intention of neither resuming the use nor transferring the use of the property to another who will so use the property.

Abutting/adjacent owner—the owner of record of a parcel of land which is contiguous at any point to the parcel in question or which is

contiguous to a section of road or street (public or private) on which the subject parcel has frontage, i.e., a lot across from the subject parcel.

Accessory use or structure—a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Act 170—the Pennsylvania Municipalities Planning Code, *Act 170* of 1988, 53 P.S. §10101 *et. seq.*, as the same may be from time to time amended.

Adaptive re-use—the development of a new use for an older building or for a building originally designed for a special or specific purpose.

Adult Entertainment – Live or non-live entertainment containing “specified sexual activities” or displaying or presenting “specified anatomical areas.”

Adult Entertainment Use – Adult entertainment uses shall include the following:

1. A store or shop where the principal use is devoted to the display and selling of pornographic materials. These materials can be identified as pictures, drawings, photographs, films or other depictions or printed matter and paraphernalia.
2. Adult entertainment such as cabarets, nightclubs, movie theaters, bars or similar establishments providing live or media entertainment.
3. Any other business, establishment or club which offers its patrons services, entertainment or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.

Age qualified community—a community comprised of any combination of permitted residential uses that conforms to the occupancy requirements of the Fair Housing Act, 42 U.S.C. §3601 *et seq.*, as amended by the Housing for Older Persons Act, Public Law 104-76, 109 Stat. 787, approved December 28, 1995.

Age qualified unit—a residential unit within a community comprised of any combination of permitted residential uses, so long as the community conforms to the occupancy requirements of the Fair Housing Act, 42 U.S.C. §3601 *et seq.*, as amended by the Housing for Older Persons Act, Public Law 104-76, 109 Stat. 787, approved December 28, 1995. “Age qualified unit” shall include units within a life care retirement community with independent, assisted living and/or skilled nursing components, in any combination.

Agriculture, extensive—extensive agriculture shall be deemed to include the customary growing of crops and raising of livestock for production of meat, dairy products, skins and like activities such as horticulture and viticulture, excluding intensive agriculture as hereinafter defined. Extensive agriculture envisions a demand for substantial areas of land and, by reason of disbursed activity it generally will present few unusual environmental problems, such as runoff, animal waste concentrations and the like.

Agriculture, intensive—intensive agriculture is intended to include, but not be limited to, the following activities: raising of poultry, mushroom houses, fattening pens, enclosed feed lots and pig farms. The hallmarks of intensive agriculture may include one or more of the following: relatively small lot areas, strong offensive odors, substantial runoff, large concentrations of animal waste, noise, extensive use of chemical, and compost and manure piles. In addition to all of the foregoing, the land application of sewage sludge shall not be deemed an accessory use to extensive agriculture but shall be deemed intensive agriculture, subject to all of the terms, conditions and limitations of the engaging in intensive agriculture under the terms of this Chapter. Intensive and extensive agriculture may coexist upon the same tract of land and those portions of a farm dedicated to intensive agriculture shall be separately addressed and deemed as separate and distinct use.

Agricultural employee housing—a dwelling unit intended to be occupied exclusively by employees and their immediate family members, who are engaged in the conduct of a principal agricultural related use carried out on the premises on which the dwelling unit is situated. Provided, that agricultural employee housing shall be limited to an accessory use to an agricultural related principal use being conducted on the parcel on which the dwelling is constructed.

Agricultural soils—agricultural soils are those soils designated in the Soil Survey of Chester and Delaware Counties, Pennsylvania, United States Department of Agriculture Soil Conservation Service, May 1963, Series 1959, No. 19, Pages 4 and 5, as falling within the soil capability groups Class I, Class II, Class III and Class IV.

All weather surface—porous pavers or porous pavement or a pavement constructed of graded stone or slag, with or without a surface of penetration macadam, bituminous concrete or Portland cement concrete.

Alteration, historical—as applied to a historical building or structure, means any change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. Also included in the definition is a change in use classification, a rehabilitation, restoration, or adaptive reuse as per the U.S. Secretary of the Interior’s *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

Alteration, structural—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, girders or means of egress, or any change to adapt a structure to a different use.

Amendment—a change in use in any district which includes revisions to the zoning text and/or the official Zoning Map. The authority for any “amendment” lies solely with the Board of Supervisors.

Apartment—a dwelling contained within a building that includes other such dwelling units or another type of use and provided with either independent or shared access to the exterior of the building. The tenants of such building have no ownership rights to said building or lands.

Applicant—a landowner or developer, including heirs, successors, assigns and grantees, who has filed an application for subdivision and/or land development, as hereinafter defined, or an application for a special exception, variance or conditional use.

Application for development—every application, whether preliminary or final, which is required to be filed and approved prior to start of construction of development including, but not limited to an application for a building permit, for the approval of a subdivision plan or for the approval of a land development plan.

Archeological resource—a below ground historic resource which is registered with the Pennsylvania Historical and Museum Commission’s Bureau for Historic Preservation or listed on the National Register of Historic Places or may have potential for registration or listing with these agencies. It may contain potential for further investigation and research.

Automobile service station—a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline and/or other motor vehicle fuel, which may or may not include facilities for lubrication, service, washing or minor repair of motor vehicles, but not for body repair or painting or the sale of used vehicles (three vehicles) displayed at any given time. Any use dispensing motor fuel for its own vehicles will not be deemed to be an automobile service station.

Automotive/mechanical repair shop—a structure, building or area of land or any portion thereof that is used principally for mechanical or body repair of motor vehicles and which may or may not be used for the sale of motor fuel, lubricants, parts and accessories.

Base flood—a flood which has a one percent chance of being equal or exceeded in any given year (also called the “100-year flood” or one-percent (1%) annual chance flood).

Base flood discharge—the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base flood elevation (BFE)—the elevation shown on the Flood Insurance Rate Map (FIRM) FOR Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equalled or exceeded in any given year.

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 basement ceiling is 5 feet or more above the average ground level around the building. Any area of the building having its floor below ground level on all sides is a basement.

Bed and breakfast establishment—an accessory use to an owner occupied, single-family detached dwelling that has been adapted to provide overnight lodging and breakfast to guests or travelers. Such lodging is for a short term, less than 14 consecutive days and the only meal provided is breakfast in a dining room.

Bikeway—a type of trail corridor designed primarily for bicycle traffic as part of the London Grove Township Comprehensive Trail System or as otherwise authorized by the Township. Bikeways may serve transportation and/or recreational functions. Except where a designated bikeway route is contained within a road cartway or road shoulder, bikeways shall exclude all motorized vehicles except motorized wheel chairs or as authorized by the Township for maintenance, management, and emergency purposes.

Block—a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boarding stable—a stable with stalls for hire and usable pasture areas of not less than 1 acre per horse and a total area of not less than 5 acres.

Buffer area—Land area used to visually separate one use from another or to shield or block noise, lights, or other nuisances. Buffers may incorporate fences, berms, shrubs and trees, as specified by this Chapter.

Buffer planting strip—a strip of land within the required Buffer Area which is landscaped with trees and shrubs of sufficient height and density to conceal from the view of abutting property owners the structures and uses on the premises on which the screening is located. The buffer strip shall be installed and maintained as required by this Chapter in the manner as required within the applicable district provisions.

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

Building area—the aggregate of the maximum horizontal cross-sectional areas of the buildings on a lot, excluding: cornices, eaves, gutters, or chimneys projecting not more than 18 inches; steps, balconies and bay windows not extending through more than one story and not projecting more than 5 feet; and one story open porches projecting not more than 10 feet, (“projecting” means extending from the building wall).

Building coverage ratio—the ratio of the building area to the net lot area and expressed as a percent or decimal, i.e. 30 percent or 0.30.

Building footprint—the perimeter of a principal permitted building, which may be the basis for conveyance of real estate. As an alternative to a conventional lot with yard areas, if a building footprint area is conveyed through a deed, the area outside the building footprint would be some form of open space.

Building, principal—a building in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located.

Building setback line, front yard—the line normally parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the required front yard. All yards adjacent to a public or private street right-of-way normally shall be considered front yards. However, in the case of an interior flag lot, such setback line shall commence measurement from the front lot line or from the points of convergence between the side lot lines and the access to the private or public street.

Building setback line, side yard—the line normally perpendicular to the front lot line and equal to the minimum depth of a required side yard.

Building setback line, rear yard—the line normally parallel to the front lot line and equal to the required minimum depth of the rear yard.

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.

Carport—a structure used for the storage of motor vehicles and ancillary household storage materials .

Cartway—the paved area of a public or private street, within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.

Car wash—any building or premises or portion thereof used for the commercial washing of automobiles, whether by automatic, semi-automatic or manual means.

Center line, street—a line in the center of a street which is equidistant from and parallel to the street line.

Charitable use—a use, conducted by a nonprofit organization, as a service to the general public or to a significant portion of the public, for no fee or at a fee which is less than would be charged by a profit-making organization.

Church—a building or group of buildings primarily including customary accessory buildings, designed or intended for organized religious use. The word “church” includes: meeting houses, chapels, cathedrals, temples and other places of worship.

Clear sight triangle—the triangular area formed by two intersecting street center lines and a line interconnecting points established on each center line, 75 feet from their point of intersection. This entire area is to remain clear of obstructions to vision between a plane established 2 ½ feet and one of 15 feet in elevation from grade level at the intersection of the street center lines.

Cluster—a type and form of land development in which single-family detached dwellings and a limited number of single-family attached dwellings in the form of townhouses are grouped together on a tract of land, and open space is designated and maintained to protect natural resources and to provide recreational and civic amenities in accordance with applicable regulations found herein. Cluster developments are designed around open space, which serves as the central organizing element of the neighborhood. (Also referenced as “clustering”, “cluster development”, “clustered housing”).

Cluster development—see “cluster.”

Cluster housing—see “cluster.”

Clustering—see “cluster.”

Combustible fibers—readily ignitable free-burning fibers such as, but not limited to, jute, hemp, cotton, sisal, henequen, istle, tow, cocoa fiber, oakum, bailed waste paper, kapok, hay, straw, Spanish moss, excelsior, synthetic fibers and similar materials in fiber form.

Commercial—a use of land, or improvements thereto, for the purpose of engaging in retail, wholesale or service activities.

Common driveway—a private driveway serving more than one (1) but less than three (3) lots or properties, the use and maintenance of which is shared between or among the property owners.

Common house—a structure for the use of residents and facilities in an ecovillage, which is owned by homeowners or condominium association created for an ecovillage and which may include, but is not limited to:

- (1) A kitchen.
- (2) A meeting room.
- (3) Guest rooms for resident use.
- (4) A workshop.
- (5) A playroom for resident children.
- (6) An exercise room.
- (7) Administrative offices.
- (8) A mail room.
- (9) A computer or business center.

- (10) Bathrooms.
- (11) Storage.
- (12) A community deck or patio.
- (13) A community pool.
- (14) A community greenhouse.

Community living arrangement—a group home consisting of five or less primary resident occupants requiring 24-hour, live-in care, specialized care, custody, or treatment by reason of mental retardation or mental illness, or physical disability, or both, provided that none of the individuals in a community living arrangement represents a risk or danger to himself or others. Specifically excluded from the definition of “community living arrangement” are disciplinary group homes or individuals who are currently engaged in the illegal use of drugs.

Compost—a mixture of organic and inorganic materials used as a medium for the growing of plants, fruits and/or vegetables.

Composting materials—any organic waste material, including, but not limited to the manure of any animal or organic material produced or reclaimed from the cleaning of any barn, building or structure used for raising, housing or retention of livestock, poultry, horses; any other organic material from all sources which is stored, combined, processed, aerated, packaged, shipped as Compost, or for reuse or application on any property or any additional packaging.

Compost processing operations—

Agricultural composting processing operations—any mixture, combining, processing, aerating, packaging, or similar use of any composting materials or stored processed compost for use permitted under the definitions of agriculture, extensive or agricultural, intensive. All of the product generated as a result of this operation must be used in the primary agricultural use on the property where the composting

processing operations occurs. The term agricultural composting operations shall include all compost and/or manure storage operations and land application of any composting of any composting materials, but shall not include the manure resulting from an on-site agricultural operation; nor manure products being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to be used as fresh mushroom compost. The term shall not include residential composting.

Commercial composting processing operations—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, excluding retail sales that take place at garden centers, home improvement centers and similar retail establishment. The term commercial composting operations shall include all compost and/or manure storage operations and land application of any composting materials, but shall not include manure resulting from an on-site agriculture use, nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to be used as fresh mushroom compost. The terms shall not include residential composting.

Comprehensive Plan—the Township 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 may be approved, after a public hearing by the Township Board of Supervisors, after recommendation by the Planning Commission when in compliance with all applicable standards and criteria set forth in this Chapter.

Condominium—a term meaning individual ownership of a real estate unit within a multi-unit structure such as, but not limited to, individual ownership of apartments, and having common ownership open areas within the structure and/or land immediately surrounding the structure and organized in accordance with the Pennsylvania Uniform Condominium Act, 68 P.S. §3101 *et seq.*

Convenience store—a retail activity designed to serve a local market which involves, but is not limited to, any of the following uses: delicatessen, small food market, sale of automotive fuel, or audio or video tape rentals.

Conventional lot development—the standard lot by lot development, where the lots consume all of the land of the tract.

Construction operation or activity—the erection, repair, renovation, demolition, removal, rehabilitation or other work performed for, to, or with regard to any building or structure; including the excavation, filling and grading of lots in connection therewith or in preparation thereof.

Contractor establishment—the business or operating location of a general contractor, heavy equipment contractor, or any contractor where large equipment and/or bulk materials are stored for use under contract or in general business.

Conversion—an alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations.

Conversion, residential—the change in density and dwelling type of an existing residence, resulting in the creation of party walls and independent working lavatory and sleeping facilities.

County—any reference to the “County” contained herein shall refer specifically to Chester County, Pennsylvania.

Covenant—an obligation defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in deeds.

Critical environmental area—those areas which, by reason of prohibitive steep slopes, erosive soils, water hazard soils, floodplain, limestone formations or other physiographic features, either prohibit or restrict development or use or require special engineering considerations in the design and placement of structures.

Cumulative substantial damage—flood related damages sustained by a structure on two or more separate occasions during a 10-year period for

which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Day care center—any premises in which care is provided for persons who are not a relative of the licensed operator, including nursery schools and adult care facilities, excluding care furnished in places of worship during religious services.

Decision—a final adjudication of any board or other body granted jurisdiction under any land use ordinance either by reason of the grant of original jurisdiction or by reason of appeals from determinations. All decision shall be appealable to the Court of Common Pleas of Chester County.

Deck—an attached accessory floor structure, typically made of wood and not enclosed by complete walls or a roof, considered as part of the principal structure for the purpose of determining minimum setbacks.

Declaration of Land Restriction (Non-Conversion Agreement)—A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

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 façade or surface and also includes natural living barriers such as stands of trees.

Density, gross—gross density is determined by dividing the total number of dwelling units by the total amount of the net lot area as hereinafter defined.

Density, net—the number of dwelling units in relation to the net lot area actually in use or proposed to be used, exclusive of sidewalks, parks, playgrounds, common open spaces.

Detention basin—a structure designed to slow and hold surface runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

Determination—a determination shall mean any final action of the Zoning Officer or the Township Engineer constituting a final approval or disapproval or approval with conditions of any application for a building or use permit. The decision of the Township Engineer in his administration of the flood hazard regulations shall be deemed a determination when and only when no further action is required on the part of the Zoning Officer, but, where the Township Engineer's decision or recommendations are submitted to the Zoning Officer for further action, whether or not such recommendation is binding upon the Zoning Officer, the decision of the Township Engineer shall not be deemed a determination, but the determination shall be made by and only by the Zoning Officer.

Developer—any landowner, equitable owner or authorized agent of such landowner or tenant with permission of the landowner who formally proposes or makes, or causes to be made, a subdivision, land development or any other 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 manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Drive, internal access—a private driveway within a tract of land and designed to serve multiple units or buildings, linking parking lots and individual driveways to adjacent streets.

Drive-through service—a restaurant, bank, drug store or other use that provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises.

Driveway—a private cartway providing vehicular access from such property to and from a public or private street, designed in accordance with the Township’s Subdivision and Land Development Ordinance [Chapter 22].

Driveway, common—a private driveway serving two or more lots or properties, the use and maintenance of which is shared between or among the property owners.

Dump—a piece of land used for deposit and storage of refuse including, but not limited to, ash, garbage, rubbish and/or discarded materials. A dump is not included in the definition of a sanitary landfill as operated in accordance with Pennsylvania DEP standards and regulations. (See also performance standards in §27-1824.)

Dwelling—any building or other structure designed for, and occupied exclusively for, residential purposes, including an apartment and mobile home, but excluding rental units in a motel, rooming house, tourist home, institutional home, dormitory and the like. It is the intention to include within the definition of dwelling, all recognized housing types, architectural types or styles or combinations thereof, whether such housing units are for lease or for sale. Dwelling types include, but are not limited to, the following:

(1) *Single-family detached.* A building designed for and occupied exclusively as a residence, containing one dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof.

(2) *Single-family attached.* A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical or horizontal common or party wall. Attached units include duplex, twin and quadruple units.

(3) *Single-family semi-detached (Twin).* A building designed for an occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall and having yards on all but one side.

(4) *Single-family attached (Townhouse)*. A building designed for and occupied exclusively as a residence, containing three but not more than six dwelling units each accommodating one family and which are attached by a vertical common party wall and which have side yards adjacent to each end unit.

(5) *Multi-family*. A building designed for and occupied exclusively as a residence, containing three or more dwelling units, but which does not meet the definition of a “townhouse.”

(6) *Manufactured home*. Homes built to US Department of Standards, Manufactured Home Construction Safety Standards (HUD). Homes must be permanently attached to a steel frame and comply with Pennsylvania Act 169.

(7) *Modular home*. Homes built off-site at a factory, assembled at the building site on a permanent foundation and not moved after the installation.

Dwelling unit—a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, but excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like.

Dwelling unit, accessory (ADU)—a separate dwelling unit on the same lot as the principal dwelling unit, housing one or more members of the family related by blood or marriage, living together as a single housekeeping unit and not sharing common eating, cooking and/or bathroom facilities. Immediately upon cessation of occupancy by a family member, the ADU use shall be removed from the premises and any structure not lawful shall be made lawful.

Easement—an interest in land owned by another that entitles the holder of the easement to a specific use or enjoyment of the land.

Easement, stormwater—an easement on detention basins, wet basins, retention basins, infiltration basins and infiltration berms.

Educational use—structures or uses specifically designed, arranged and intended for the purpose of education, limited to kindergarten, elementary and secondary schools, either private or public, including schools relating to religious organizations and vocational schools. Day care homes and day care centers are excluded from this definition.

Engineer, Township—a licensed professional engineer or engineering firm designated by the Township to perform the duties of engineer as herein specified.

Enlargement—an addition to the floor area or increase in size of an existing structure, an increase in the area of a parcel which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation or alternate sewage disposal system or other impacts on surrounding land uses, existing or zoned.

Equivalent dwelling unit (EDU)—an equivalent dwelling unit represents that amount of water needed or sewage generated by a particular use that is not residential. The Department of Environmental Protection equivalent EDU ratings shall be used for any proposed EDU use requirements.

Existing manufactured home park or subdivision—a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing utility easements (EUE)—a term used in the formula for determining maximum allowed dwelling unit density when utilizing either of the cluster development options. It refers to any existing utility easements for communications transmission, electricity, pipe transmission lines and sewer and water, at the time of development plan submission.

Expansion to an existing manufactured home park or subdivision—the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family—a “family” is one or more individuals living together as a single non-profit housekeeping unit, sharing kitchen and other common facilities, and meeting one of the three criteria listed below, together with any domestic servants and with any specialized individuals required to render assistance, aid or services necessary by reason of any mental or physical disability of one or more of said primary resident occupants:

(1) One individual.

(2) Two or more individuals related by blood, marriage or adoption, and including foster children, permanently residing in the family unit as a part thereof and placed with the family unit by consent of the natural parents or order of the court or authority of competent jurisdiction.

(3) Four or fewer individuals unrelated by blood or marriage and residing permanently on the premises as part of the family unit.

The term “family” shall not include institutional group homes, disciplinary group homes, dormitories, boarding houses, rooming houses, fraternity houses, hotels, day care facilities, or any use similar to those specifically excluded.

Fence—any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation singly or in combination with other materials, 2-1/2 feet or higher, erected to secure or divide one property from another or part of the property; freestanding masonry wall is considered a fence.

Fill—material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

Flood—a temporary inundation of normally dry land areas.

Flood Boundary and Floodway Map (FBFW)—the map prepared by the Federal Emergency Management Agency for London Grove Township denominated “Flood Boundary and Floodway Map,” dated September 27, 2017, or as updated, and made a part of the Flood Insurance Study.

Flood hazard area—those areas as described and delineated on the Floodplain Conservation District Map.

Flood Insurance Rate Map (FIRM)—the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)—the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Flood, one hundred year—a flood that, on the average is likely to occur only once every 100 years, that is, one that has a 1 percent likelihood of occurring each year, but may occur more than once in any 100-year period, as delineated by the Federal Insurance Agency Maps developed in the Flood Insurance program. For the purpose of this Chapter, a storm of 7-4/10 inches or more of rain within a 24 hour period shall be deemed a 100-year storm.

Floodplain area—A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood prone area—those areas as described and delineated on the Floodplain Conservation District Map.

Floodproofing—any combination of structural and nonstructural 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 channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Fresh mushroom compost—composting materials, which are used as a part of the process for creating a substance and/or medium in which to grow mushrooms.

Funeral home—a building used for the preparation of the remains of deceased persons for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, private—an accessory use or part of a permitted principal building used for the storage of motor vehicles owned and used by the owner, residents, employees or visitors of such permitted principal building with no commercial gain.

Garage, public—a building, not a private garage, used for the storage or repair of motor vehicles for commercial gain.

Governmental uses—buildings, facilities or activities used or conducted for administrative governmental, as opposed to a proprietary purpose.

Grade, final—the completed surfaces of, but not limited to, lawns, walks, parking areas, driveways and roads brought to grades as shown on submitted plans or designs relating thereto.

Green—an open space area around which dwelling units are placed in a clustered arrangement. A green, typically in the range of 5,000 to 10,000 square feet, serves as an organizing element for homes in an arrangement as depicted in Appendix I of the Subdivision and Land Development Ordinance [Chapter 22].

Group home—two or more persons unrelated by blood or marriage living together permanently or for an indeterminate period of time in a single housekeeping unit, where such living arrangements arises or continues by reason of a common need for specialized care, custody or treatment provided in that dwelling unit on a continuing basis. Excluded from the term “group home” are:

- (1) Apartments for housing workers, students or fraternal members, unless such primary resident occupants qualify by reason of physical or mental disability necessitating such care, custody and control.

(2) Rooming houses, boarding houses, hotels, motels, or any other arrangement substantially similar to the herein enumerated exclusion.

Group homes are of three types: community living arrangement, institutional group home and disciplinary group home.

Group home, disciplinary—a group home where the primary resident occupants are there by reason of a sentence of a court of competent jurisdiction, or an order of any administrative board or agency, or any voluntary commitment in lieu of either of the above, where such order, sentence, or commitment is (1) for the violation of the criminal statutes of the Federal government or the Commonwealth of Pennsylvania, or (2) for commitment as a juvenile offender, or (3) for treatment of drug or alcohol addiction abuse or unlawful use, or (4) for a mental illness or mental retardation where such primary resident occupant represents a risk of harm to himself or others. The term “group home, disciplinary” shall include halfway houses, probationary community living arrangements and other court supervised living facilities for prisoners, parolees or as an alternative sentencing or treatment method.

Group home, institutional—an institutional group home shall be any group home other than community living arrangement or a disciplinary group home.

Height, building—the height of a structure shall be the distance between the mean level of the ground surrounding the structure and a point mid-way between the highest and lowest points of the roof; provided, that chimneys, spires, towers or antennas; roof structures for housing stairways; air conditioning, ventilating or elevator equipment; tanks and similar projections shall not be included in calculating the height.

Helicopter—a rotocraft that depends on its engine-driven rotors to fly.

Heliport—a facility, whether private or public, containing an area of land, water, or structural surface which is designed, used or intended to be used for the landing and take-off of helicopters and similar mechanical modes of transportation and any appurtenant areas, which are designed to be used for helicopter or similar mechanical modes of transit support facilities.

Highest adjacent grade—the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic resource(s)—within the context of this Chapter, all buildings archaeological sites, structures, objects and districts shown on the London Grove Historic Resources Map.

Historic resources inventory—an official list appropriately documented, of historic resources with London Grove Township and their classification as being either Class I, II, or III.

Historic resources map—a map adopted separately from this Chapter showing the location of historic resources and their respective classifications.

Historic structures—any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary 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;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home occupation—home occupations are accessory uses to the use of the premises for dwelling purposes and second principal uses shall not be deemed home occupations solely by virtue of the fact that the owner thereof resides upon the premises. Home occupations are permitted as a use-by-right in any dwelling unit or building accessory thereto, provided the limitations and criteria set forth in the relevant Sections herein are met relating to performance standards for home occupations and are fully complied with.

- (1) Home occupations include and are limited to:
 - (a) All uses shall be limited to a maximum of 10 percent of the total residential area or 250 square feet, whichever is less.

- (b) Small office uses, such as professional offices, manufacturers' representatives, real estate brokers.
- (c) Studio uses, such as artist studios, musician studios and handicraft shops.
- (d) Retail service uses, such as barber shops, tailor shops and the like (but excluding funeral directors and undertakers establishments).
- (e) Educational uses, such as tutorial services, day care for not more than three persons at any one time, music, art or similar instruction for not more than three persons at any one time (but excluding equestrian training). Provided, however, in all such cases, the practitioner shall reside within the principal dwelling unit and the principal activity or use is that of a residence and not a business. No more than two persons not residents of the premises shall be employed in a home occupation.

Homeowners Association—a not for profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules for the maintenance of community-owned property. The term is synonymous with property owners association.

Hospital—an institution providing primary health services and medical and/or surgical care to persons, some of whom are outpatients, suffering from illness, disease, injury, deformity and other physical or mental problems. When conducted as an integral part of the hospital, related accessory facilities such as laboratories, outpatient or training facilities or offices for doctors and other medical personnel affiliated with the hospital may be an accessory use to the hospital.

Hospital, animal—a building used for the treatment, housing or boarding of small domestic animals such as, but not limited to, dogs, cats, rabbits and birds or fowl by a veterinarian.

Hotel, motel or inn—a building or group of buildings containing six or more guest rooms, especially designed for the temporary lodging of transient guests in guest rooms. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing of linen.

Eating and drinking facilities may be an accessory use to the hotel, motel or inn.

Identified floodplain area—this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See applicable sections of the Floodplain District for the specifics on what areas the community has included in the Identified Floodplain Area.

Impervious surface coverage—A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials, but excluding decks and swimming pools. For the purposes of determining compliance with this Ordinance, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Surfaces that were designed to allow Infiltration (i.e. areas of porous pavement) will be considered on a case-by-case basis by the Municipal Engineer, based on appropriate documentation and condition of the material, etc.

Improvements, site—physical additions and changes to land such as grading, paving, streets, curbs, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, street trees and other plantings and other structures that may be necessary to produce usable and desirable land development.

Improvement, substantial—any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the proven market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure had been damaged and was being restored after the damage occurred.

(3) For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or State inventory of historic places.

Indoor Shooting Range--A completely enclosed building where firearms or other projectile-type weapons (e.g. guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation, competition, skill development, training or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Industry manufacturing, heavy—the assembly, construction, fabrication, machining or processing of materials or goods that emit noxious smells, high ambient sound levels, excessive light glare, or pollutants beyond the confines of the building or structure intended for such use.

Industry manufacturing, light—any industrial type use that does not meet the criteria of heavy industry manufacturing above.

Industrial park—a group of three or more industrial establishments developed according to a unified plan on a tract held in single and separate ownership and sharing common utilities and streets.

Infrastructure—the basic installations and facilities on which the continuance and growth of a community depend such as, but not limited to, roads, schools, electrical transmission facilities, transportation, communication, sewer and water systems.

Institutional use—any formalized or structured system, whether private or public, providing care, containment, education, guidance, or training to persons of any age and requiring facilities, structures and/or housing of those

persons. Some examples of institutional uses are colleges, boarding schools, hospitals, long term care facilities and prisons or detention centers.

Junk vehicle—any vehicle stored outside, which is so disabled, disassembled, dismantled or damaged, as to be incapable of being used safely for the intended purposes, or does not have a current Pennsylvania motor vehicle registration sticker, and is left in such condition for 90 days or more; vehicles stored for their parts or scrap value.

Junkyard—a lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. Such facility shall comply with all applicable federal and state regulations and standards regarding acceptance, storage and disposal of any environmentally hazardous substance contained in accepted materials or products. (See also performance standards.)

Kennel, commercial—an establishment where household pets, more than 6 months old, are kept, boarded, raised or bred and income is derived from such services rendered.

Land development—any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) 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
 - (b) 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.
- (2) A subdivision of land.
- (3) Development in accordance with §503(1.1) of the MPC, 53 P.S., §10503(1/1).

Land development plan—a sketch, preliminary or final plan which complies with the requirements of the Township’s Subdivision and Land Development Ordinance [Chapter 22] (see also “subdivision plan”).

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

Landscaped area—the landscaped area may include a buffer planting strip and those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking area, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like. The landscaped area is both unsurfaced and water absorbent. It includes that portion of a tract or lot maintained in its natural state and is not occupied by any buildings, paved surfaces or man-made structures.

Landscaping plan—a plan for the installation and maintenance of plants, prepared according to the provisions found in other parts herein.

Lane, acceleration or deceleration—a lane adjacent to the primary cartway and attached thereto for the use only by vehicles entering, leaving or crossing a lane of forward travel without interrupting the flow of traffic.

Launderette/Laundromat—a business premises equipped with individual clothes-washing machines, dry cleaning machines and/or dryers for the use of retail customers, exclusive of laundry facilities provided as an accessory use in apartment complexes or houses.

Life care community—a land development which includes residential units within a planned retirement community and accessory uses for the continuing care of the residents.

Limited residential subdivision—the adaption of existing farm structures such as barns, stables and the like, within the AP District, to use as housing for employees of the owner of the property on which said housing occurs.

Limited winery—a facility licensed by the Pennsylvania Liquor Control Board as a “limited winery” under and pursuant to the Pennsylvania Liquor Code, 47 P.S. §1-101 *et seq.* (the “Liquor Code”)

Livestock—animals of any kind raised for sale, resale or agricultural field production. For the purposes of this Chapter, the keeping of common household pets as defined under “pets, household,” shall not be considered as the keeping of livestock.

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

Lot—a parcel of land described by metes and bounds, deed descriptions or an approved subdivision.

Lot area, buildable—the net lot area further reduced by:

- (1) Perimeter setbacks.
- (2) Total required open space.

Lot area, gross—the area of land contained within the limits of the legally described property lines bounding the lot.

Lot area, net—the area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any existing or proposed street or railroad rights-of-way, common open space in residential development, private easements, easements for the purposes of access, utility (above or on the ground) or stormwater management including infiltration areas, prohibitive steep slopes, floodplain, floodway, and wetlands as defined by this Chapter. Unless otherwise specified, where the term “lot area: is used in this Chapter, it shall be construed to mean net lot area.

Lot, corner—a lot abutting upon two or more streets or upon two parts of the same street, forming an interior angle of less than 135 degrees. A corner lot has two front yards and two side yards.

Lot coverage—the percentage of the lot area that is occupied by any required or proposed improved area, exclusive of landscaped open space areas.

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.

Lot, interior—a lot which has limited frontage on a public street and has access to a public street by a relatively thin strip of land; a “flag-shaped” lot or a lot which has access to a street only by way of a narrow strip of land which fronts on a public street and is less than 50 feet wide.

Lot line, front—the lot line abutting a street and coinciding with the street line. In the case of a corner lot, it shall be the street abutting lot line identified on the approved subdivision and/or land development plan, as the front lot line. In the case of an existing lot, it shall be the lot line designated on an approved site plan. In the case of any other lot, the front lot line shall be construed to be the lot line on the side of the main entrance.

Lot line, perimeter—a lot line that includes the front, rear and side lot lines into a common dimension.

Lot line, side—any lot line which is not a front lot line or a rear lot line.

Lot line, rear—the lot line which is opposite to the front lot line or, in the case of an interior lot, the front yard.

Lot, reverse frontage—a lot extending between and having frontage on two generally parallel streets with vehicular access limited to one street. Access shall be from a minor, i.e., local rather than a major, i.e., collector or arterial street.

Lot width—the horizontal distance measured between the side lot lines at the required or proposed front yard building setback line.

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

Mini storage/warehouse—a structure containing separate storage spaces at varying sizes leased or rented on an individual basis.

Manufactured home—Homes built to US Department of Standards, Manufactured Home Construction Safety Standards (HUD). Homes must be permanently attached to a steel frame and comply with Pennsylvania Act 169.

Manufactured home lot—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the placing thereon of a single mobile home which is leased by the mobile home park owner to the owner or occupants of the mobile home placed on the lot.

Manufactured/mobile home park or subdivision—a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Medical Marijuana Facilities – A facility for Medical Marijuana grow/process operation as well as medical marijuana dispensary shall be licensed by the Commonwealth of Pennsylvania pursuant to the Pennsylvania “Medical Marijuana Act” (Act of April 17, 2016 (P.L. 84, No.16); 35 P.S. §§1023.101 – 1023.2110), as the same may be amended from time to time), to grow and process marijuana certified for medical use as legally prescribed by the Medical Marijuana Act.

Mobile home—a manufactured home produced prior to June 15, 1975.

Mobile home lot (AKA Manufactured Home Lot)—a parcel of land in a mobile home park, improved with the necessary utility connects and other appurtenances necessary for the placing thereon of a single mobile home which is leased by the mobile home park owner to the owner or occupants of the mobile home placed on the lot.

Mobile home park (AKA Manufactured Home Park)—a parcel of land, under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use and consists of two or more mobile home lots.

Modular home—Homes built off-site at a factory, assembled at the building site on a permanent foundation and not moved after the installation.

Motel—(see “hotel, motel or inn”).

Municipal use—a use conducted by the Township or the London Grove Township Municipal Authority such as: parks, playgrounds and other recreational, cultural and conservation areas, and sites for sewage treatment or other public facilities.

Municipal waste disposal or processing facility—this term is defined by 25 Pa. Code §271.1.

Mushroom growing substrate—a specific growth medium prepared to supply the nutrients needed during the mushroom growth cycle.

Mushroom growing substrate preparation, advanced technology—the preparation of mushroom growing substrate which utilizes technology which improves upon the technology considered “state of the art,” will lessen intensity of the nuisance characteristics normally associated with production of mushroom growing substrate and will achieve air quality emissions commensurate with those obtained by limiting activities to totally enclosed areas equipped with air purification devices such as air scrubbers or biofilters.

Mushroom growing substrate preparation, state of the art—the managed aerobic, thermophilic decomposition of organic materials by the addition of water and air that accelerates the decomposition of the materials. This process refers to the highest standard technology available within the international composting industry on the date of application submission. The goal of such technology is the control of nuisance odors normally associated with the production of mushroom growing substrate.

New construction—structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after February 11, 1983 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New manufactured home park or subdivision—a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after

the effective date of floodplain management regulations adopted by a community.

Nonconforming location, dimension or standard—a nonconforming location exists where an otherwise lawful building or structure encroaches in mandated setbacks from lot lines; roads or other buildings or structures. A nonconforming dimension is a lawful nonconformity arising where an otherwise lawful building or structure or paving exceeds the lot coverage, green area requirement or other similar dimensions or percentages under this Chapter or restrictive or prohibitory amendment thereto. A nonconforming standard is a lawful nonconformity arising by reason of violation of standards created under this Chapter or any restrictive or prohibitive amendment thereto with reference to those common regulations set forth herein or otherwise established under any design or performance standards applicable to the use, activity or structure. By way of illustration and not by way of limitation, a nonconforming standard arises where a use had sufficient parking under the prior ordinance but the parking is deficient under the standards set forth in this Chapter.

Nonconforming lot—a lot of record lawfully existing at the passage of this Chapter or amendment hereto, nonconforming by reason of

(1) A deficiency in lot areas required under this Chapter or amendment thereto, or

(2) A deficiency in lot width at building or street line or where the lot by reason of its narrowness or shape would yield insufficient building envelope after deduction of the mandated lot line setbacks. Provided, however, such nonconforming lots shall not be deemed a lawful nonconformity if the owner thereof owns or controls adjacent land not held in single and separate ownership whereby, upon combining said lots, the nonconformity could be cured.

Nonconforming sign—a sign which does not conform to the sign regulations in this Chapter, as amended, but which was in existence lawfully before the regulation creating the nonconformity was enacted.

Nonconforming structure—a structure or part of a structure constituting a lawful nonconformity which is manifestly so designed as not to conform to or be usable for any applicable use provision in the district within which the structure is located and is not at a reasonable cost readily adaptable thereto.

Such structures include, but are not limited to, signs, swimming pools, and industrial-type buildings in residential areas where the same are not adaptable thereto. Provided, however, a building utilized for a conforming use shall not be granted the rights of a nonconforming structure merely by reason of unavailability on the market for a user thereof. Thus, a church authorized in a specific district where the congregation has moved to another location shall not be deemed a nonconforming structure merely because no new congregation is readily available to utilize the same.

Nonconforming use—a nonconforming use is a lawful nonconformity in that the use is a use not permitted in the zoning district in which it is located.

Nonconformity—a nonconformity is a use, dimension, location, standard, structure or lot or the development of activity thereon which does not conform to one or more of the provisions of this Chapter, the Zoning Map or any amendment to either. A nonconformity may exist or have been created by reason of it being a lawful nonconformity as hereinunder defined, by reason of variance granted by the Zoning Hearing Board, by reason of a successful challenge to this Chapter or as an illegal use, structure, lot or activity. Where the nonconformity was created by reason of a successful challenge to this Chapter, the same shall for all purposes be deemed thereafter a lawful nonconformity. Where the same was created by variance, validity variance or variance by estoppels or vested right after determination by the Zoning Hearing Board, including any appellate review thereof, any change, expansion, modification or relocation shall be only by virtue of appropriate relief if granted by the Zoning Hearing Board, including any appellate review thereof. Unlawful nonconformities shall cease and terminate forthwith and shall constitute a violation of this Chapter.

Nonconformity, lawful—all uses, structures, lots and signs the regulations of the district in which were in lawful existence prior to this Chapter shall be known and regarded as lawful nonconforming.

Nursing home—any premises in which nursing care and related medical or other health services are provided, for a period exceeding one day, for three or more individuals, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

Office building—a building used primarily for conducting the clerical and administrative affairs of a business, profession, service, industry or government or similar activity.

Open space, agricultural—open space which is designed for agricultural use and whose ownership, management and maintenance is governed by the open space provisions of regulations found in this Chapter and the Subdivision and Land Development Ordinance.

Open space, conservation (primary conservation areas)—conservation open space is that area within a residential development that falls within those critical environmental areas that are sufficiently environmentally sensitive as to preclude actual construction thereon, such as water hazard areas and prohibitive slopes.

Open space, community (secondary conservation areas)—community open space shall be those areas within a residential development that are not sufficiently environmentally sensitive as to preclude construction thereon. Such open space shall be for the conservation of land in its natural state, such as woodlands, meadows and scenic views, and useable for active and passive parks and recreation areas, in accordance with regulations found in this Chapter, and of the Subdivision and Land Development Ordinance.

Open space, common or community—common or community open space shall be those areas within the residential development dedicated to the use and enjoyment of the residents thereof or to the public generally. The common open space shall include, but is not limited to, those areas dedicated to water and sewage treatment facilities, parks and recreation areas, active or passive, sedimentation and erosion control facilities and like amenities, but shall exclude from the definition sewer lines, water lines and electrical easements not otherwise used for the purposes herein described, and shall exclude roads and sidewalks and required yard distances and spaces between structure perimeter setbacks.

Open space, minimum—the lowest amount of designated open space that is required in a cluster development, the calculation for which shall be based on the percentage of the net acreage of the tract, plus the conservation open space (primary conservation areas).

Open space, total—total open space within a residential development shall be deemed to include the extensive agricultural, common and

conservation open space in the total acreage. A portion of the open space may be both common and conservation open space or a portion may be both conservation and agricultural open space in proper circumstances. Provided, however, that where open space is both common and conservation or is both conservation and agricultural, the total open space required shall not be reduced below the sum total of required common open space, plus the required conservation open space, plus the required agricultural open space, separately computed. The total open space shall not duplicate the acreage, but the total acreage shall be deemed to include the sum total of all acreage dedicated to one or more of the open space areas defined in the paragraphs above.

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

Parking space—a reasonably level space, available for the temporary parking of one motor vehicle, exclusive of passageways, driveways or other means of circulation or access. A parking space shall include either covered garage spaces or uncovered parking lot spaces located off the street right-of-way. The size of parking spaces shall be as designated herein. Parking shall include and shall be limited to parking spaces for private passenger automobiles of:

- (1) Occupants of the premises;
- (2) Employees of the occupants; and
- (3) Customers and suppliers of the occupant.
- (4) Guests of occupants.

It shall not be deemed to include storage or parking areas for:

- (1) Trucks, tractor trailers, buses, taxicabs or other commercial vehicles;
- (2) Automotive inventories such as new or used cars; and (3) work in process such as vehicles awaiting service, repair or disposal.

Permit, building—a license or certificate issued by the Township for the construction of any building, structure, or addition to an existing building or structure.

Permit, demolition—a license or certificate issued by the Township for the dismantling or razing of any building structure, or any portion of an existing building or structure.

Permit, excavation or grading—a certificate issued by the Zoning Officer of London Grove Township for any earth moving activities that alter the existing contours of the property or cause the removal of existing top soil, even if temporarily.

Permit, occupancy—a certificate issued by the Township for the occupancy of land or any building or structure in accordance with PA UCC requirements.

Permit, zoning—a certificate issued by the Zoning Officer of London Grove Township to insure the use and area and bulk standards are in compliance with Township regulations.

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

Pets, household, outdoor—animals that may normally be considered as livestock except that they are not raised for resale, and further provided that the number and accommodations for such animals do not generate a health hazard or nuisance to adjacent residents.

Phase—an area or tract which is part of a proposed development which will be constructed according to a timetable for development over a period of years included by the applicant in the development plan.

Plat—the map or plan of a subdivision or land development; whether sketch, preliminary or final.

Porch— a permanent structure attached to a principal structure to shelter an entrance or to serve as a semi-enclosed space, which is usually covered by a roof, but which is not enclosed by complete side walls.

Post-FIRM structure—is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated February 11,

1983, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

Primary resident occupant—a person occupying and residing in a dwelling unit or institution as his primary residence where such person is there for receipt of the services, care or custody for which the institution or residence was created, and is not there for the purpose of rendering such care, custody, service or treatment.

Principal use—the dominant or main use on a lot.

Professional office—the office of a member of a recognized and lawful profession maintained for the conduct of that profession, including, but not limited to, dentists, doctors, physicians, chiropractors, attorneys, architects and accountants.

Public notice—noticed published once each week for two successive weeks in a newspaper of general circulation in the Township. When such notice is for a public hearing it shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Recorded—properly recorded at the Office of the Chester County, Pennsylvania Recorder of Deeds.

Recreation, active—recreation activities, including the facilities used for such activities that are usually rigorously athletic and not quiet, and have a noticeable impact on the surrounding neighborhood and environment. Active recreation may include, but is not limited to, individual or team sports, child's play, larger picnics, playground play, ball courts, swimming pools, and recreational events with a large number of participants and/or spectators.

Recreation, passive—recreation activities, including the facilities used for such activities that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. Passive recreation may include, but is not limited to, walking, hiking, fishing, bird watching and quiet picnicking.

Recreational use, indoor—the use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors.

Recreational use, outdoor—a recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks; go-carts, dirt bikes, or motor-cross tracks, shooting ranges and other activities which generate noise objectionable to a residential environment, to residents or property owners.

Recreational vehicle—a vehicle which is:

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

Recycling facility—this term is defined by 25 Pa. Code §271.1.

Regulatory flood elevation —the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1-1/2) feet. The freeboard safety factor also applies to utilities and ductwork.

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.

Religious use—a use involving a structure or place at which religious worship and ceremonies are held regularly by a group which practices the religion.

Research laboratory—an establishment or other facility for carrying on scientific investigation, engineering or development.

Residential composting—the collection and/or containment of normal waste materials generated on a residential property. The collection and/or containment must meet all setback regulations in that district for accessory buildings.

Restaurant—a building used for the purpose of furnishing food to the public to be primarily consumed on the premises. Such a restaurant does not include drive-through services but may include walk-in or take-out services. Outdoor dining may be permitted when specifically approved by the Board of Supervisors.

Restaurant, fast food—a building used for the purpose of furnishing food to the public for consumption on the premises. Such a restaurant may include drive-through service to allow for the serving and pick-up of food, without leaving the vehicle, for off-premises consumption.

Reserve strip—a parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties, or from another street.

Retail services—establishments providing services or entertainment, as opposed to products, to the general public, including, but not limited to, real estate and insurance, personal service establishments, motion pictures, amusement and recreation service and galleries.

Retail service establishment--Establishment providing retail services or uses.

Retail store/trade—establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, such as, but not limited to, hardware store, pharmacy, magazine or bookstore, florist, or clothing store.

Reverse subdivision—the combining of one or more contiguous lots, parcels or tracts into a property held in single ownership.

Riding academy—any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-way—any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned by a governmental entity and/or the general public. Right-of-way also includes those easements and access given to quasi-public agencies and public utilities such as railroads, communications carriers and electric/gas utilities.

Road network—the road network for the purpose of determining road capacity impact of a proposed use shall include the following:

- (1) Local streets within the proposed use,
- (2) All local and collector streets between the proposed use and the nearest intersection to an arterial street along the road,
- (3) All intersections of any streets within the road network,
- (4) All intersections of the road network with the arterial streets and exit and entrance ramps to arterial streets,
- (5) Any portion of any arterial collector streets wherein the traffic generated from the proposed use exceeds 5 percent of the traffic thereon during any 15-minute interval when the level of service of that street is below Level of Service C (hereinafter called “undiluted traffic”). Excluded from the road network are those portions thereof wherein undiluted traffic is less than five percent of total traffic and also those portions of the road network beyond the municipal boundaries of the Township.

Sediment—solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Setback—the distance that a building, structure, or any site improvement must be separated from a lot boundary, road or other right-of-way, or other specified reference within this Chapter.

Sewage—the total of organic waste and waste water generated by residential, industrial, commercial, institutional or other establishments.

Sewage, sanitary—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.

Sewer—any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or to a receiving stream or other drainage-way.

Sewage system, community—a system for the collection, treatment and disposal of sewage from two or more lots or equivalent dwelling units within a single development, neighborhood, or area. The system is subject to the approval of the London Grove Township Municipal Authority, the Chester County Health Department, the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utilities Commission, where applicable.

Sewage system, individual on-site—a sewage system which serves a single lot and less than two equivalent dwelling units, and uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage within the lot of origin. The system is subject to the approval of the Chester County Health Department and the Pennsylvania Department of Environmental Protection.

Sewage system, public—a system for the collection, treatment and disposal of sewage serving multiple lots and more than a single development, neighborhood, or area, owned and operated by a municipality, governmental agency or public utility. The system is subject to the approval of the Chester County Health Department, the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utilities Commission, where applicable.

Shed—an accessory structure no greater than 200 square feet for the storage of garden or lawn equipment, household items, or used as a work shop only permitted in a side or rear yard behind the rear wall of the primary structure and no closer than 10 feet to any property line.

Shopping center—a group of commercial establishments planned, constructed and managed as a total entity.

Sight distance—the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic, as defined by applicable PennDOT regulations.

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 displays or includes any letter, work, insignia, flag or representation which is in 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—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 area—the area of a sign shall be construed to include all lettering, working 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 acts 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 considered to be that of the smallest rectangle or other shape, including the sign background which encompasses all of the letters and symbols.

Sign, directional—a sign for the sole purpose of providing directional information to a specific site location or activity.

Sign, flashing—a sign, the illumination of which, when in use, is not kept constant in intensity at all times, 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, ground—any sign supported by uprights or braces placed upon the ground and not attached to any building.

Sign, illuminated—a sign 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 so arranged that no direct rays of light are projected from such artificial source to areas other than the sign being illuminated.

Sign, menu board or menu sign—a free-standing sign which depicts the menu of food for sale at the drive-through section of a fast food restaurant. Such sign shall not exceed 25 square feet.

Sign, on-premises—a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities available on the premises.

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.

Sign, parallel—a sign which is mounted parallel to a wall or other vertical building surface not extending beyond the edge of any wall or other surface to which it is mounted and not projecting more than 15 inches from the wall surface.

Sign, pole—a sign that is mounted on a freestanding pole or other single support.

Sign, projecting—a sign which is attached directly to the wall of a building or other structure which extends more than 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—any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support of the sign on the roof structure.

Sign, temporary—any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for one (1) year or less.

Sign, wall—a sign inset into a freestanding wall or fences which are not connected to any structure.

Sign, window signs—a 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.

Site, historic—the place where a significant event or pattern of events occurred.

Site restoration—measures taken following completion of land disturbance activities which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

Slope, precautionary—the area of land which is characterized by a change in elevation of 15 percent or more but not exceeding 25 percent over a specified distance as set forth within this Code.

Slope, prohibitive—the area of land which is characterized by a change in elevation of 25 percent or more over a specified distance as set forth in within this Code.

Small streams—a small stream is any watercourse lying outside of the mapped Flood Hazard District having a drainage basin in excess of ½ square mile.

Soil percolation test—a field test conducted to determine the suitability of the soil for sanitary sewage disposal facilities, or stormwater infiltration facilities, performed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

Soil survey—the Soil Survey of Chester County, as prepared by the UDSA Soil Conservation Service.

Solar energy system—an energy collection and conservation system that takes solar energy and converts it into useable electrical energy, heats water, and/or provides other lawful benefit; such a system shall include all panels, wiring, and other equipment, so that the entire set-up is defined as a solar energy system. Solar energy systems do not include small self-contained units that produce less than 50 watts of electricity.

Solar farms—large collections of interconnected solar panels that work together to capture sunlight and turn it into electricity on a grand scale. They can be government-owned or privately-owned.

Solar mechanical equipment—any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar panel—that part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Special exception—a use which may be authorized by the Zoning Hearing Board, in accordance with the applicable Chapters herein, when the applicant establishes that this Chapter allows the proposed use by special exception and that the use complies with all applicable specific standards and criteria.

Special event—a special event shall constitute an activity lasting more than 12 hours and open to the general public or a specialized segment thereof wherein admission thereto is by advertisement or invitation (whether or not a fee is charged therefore). No lot shall be used for special events more than four times in any calendar year. Special events include, but are not limited to, the sale of items or services such as carnivals, the conduct of flea markets, the providing of lawful games of chance and activities constituting competition with awards of prizes. Excluded from the definition of “special event” are private parties by invitation at which no admission charge is made, liquidation sales or events at institutions having permanent facilities designed for such events, such as stadiums, auditoriums, etc.

Special flood hazard area (SFHA)—means an area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

Spent mushroom growing substrate (commonly referred to as “spent mushroom compost”—any material or substrate, which remains, or is no longer required in the mushroom growing process, after the production and/or mushroom growing cycle is complete, which means that no fresh mushrooms remain ready for harvest. The material generally consists of organic material, such as straw, manure, hay, cobs, peat moss, and/or soil used in the facility/structure for the production or growing of mushrooms. This definition shall be deemed to include “aged spent mushroom compost,” which is the material remaining after the spent mushroom facility is exposed

to natural elements and the fibrous constituents of it are naturally conditioned by the weather and elements, and the remaining substrate is primarily a humus-type of material.

Stable—any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses or cattle, either permanently or transiently.

Stable, commercial—any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses or cattle, either permanently or transiently and where fees are charged for such services rendered.

Standards for rehabilitation—standards promulgated by the Secretary of the Interior to guide and evaluate the rehabilitation of historic buildings.

Start of construction—includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. 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 stage of excavation; or the placement of a manufacture home on a foundation. Permanent stage 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 walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; 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. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stoop—a covered or uncovered impervious surface area at the exterior of a front, side or rear door not exceeding 4 feet by 5 feet or 20 square feet in area used for gaining ingress or egress to or from such door.

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 basement if the floor thereof is more than 5 feet below the average ground level around the structure.

Street—a public or privately owned right-of-way, serving as a means of vehicular travel, furnishing access to three or more abutting lots. Streets shall be included within the definition hereof whether called streets, ways, lanes, drives, boulevards or however denominated. Also, the same are included whether they be public or private streets. Private streets shall contain rights-of-way beyond the cartway to Township specifications, notwithstanding the fact that the same are not then presently intended to be dedicated. Streets shall include the following classifications: local, collector and arterial.

Street line—the dividing line between a lot and the outside boundary or right-of-way line of an opened or officially platted public street, or between a lot and a privately owned street easement line. Also known as “right-of-way line.”

Street, expressway or by-pass—this class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function and is generally characterized by some degree of access-control. Normally, this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.

Street, arterial or through—this class brings traffic to and from the expressway and serves major movements of traffic within or through the areas not served by the expressways. An arterial street serves primarily to move traffic but also performs a secondary function of land service. The average length of a trip normally exceeds 3 miles.

Street, collector or feeder—this class of road serves the internal traffic movement within the Township and connects developed areas within the arterial system. A collector street does not accommodate long, through trips and is not continuous for any appreciable length. The principal difference between collector and arterial roads is the length accommodated. The collector system, both primary and secondary, is intended to simultaneously supply abutting property with the same degree of land service as a local street and accommodate local internal traffic movements.

Streets, cul-de-sac—a local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround, with a radius subject to the applicable district.

Street, local—its sole function is to provide access to immediately adjacent land and does not connect with other streets in such manner as to encourage through traffic. This class normally represents a fairly large percentage of the total street miles but carries a small percentage of the vehicle miles traveled daily.

Street, marginal access—a local street parallel and adjacent to an arterial street, (but separated from it by a reserve strip) which provides access to abutting properties.

Street, private—a local street, serving only abutting lots, that is not offered for or required to be offered for dedication.

Street, rural—rural streets or roads are roads carrying through traffic into and through communities and includes, but is not limited to, roads not arterial that are part of the State or Federal highway systems. Generally, these roads are typified by low density development and agricultural uses along them, and by the absence of dividers, curbs and other extensive highway construction and facilities.

Street, single access—a local street, including but not limited to cul-de-sac and loop designs, which has only one point of intersection with an existing or proposed street.

Structure—a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home or any man-made object or improvement having an ascertained stationary location on land or in the water, whether or not affixed to the land (this term includes signs).

Storage—the deposit of goods, materials or products intended for future disposition.

Subdivision—the division or re-division 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. Provided, however,

that 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, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “cumulative substantial damage” regardless of the actual repair work performed. The term does not, however, include 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.

Surface runoff—that part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface.

Surveyor—a licensed surveyor registered within the State.

Swimming pool, private—a constructed receptacle for water containment, whether indoors or outdoors, in or above ground, even if portable or temporary, having a depth at any point of 24 inches or more, which is used, or intended to be used, for swimming or bathing by the owner, resident or occupant and their guests. A private swimming pool is considered an accessory use to a residence under this Chapter.

Total height—the vertical distance above grade level to the top of a wind generator blade when the tip is at its highest point.

Tower height—the height above grade level of the fixed portion of the tower excluding the wind turbine itself.

Tract—all adjacent lands, whether or not separately described in deeds, under single ownership and control, whether or not bisected by roads or other right-of-way. Thus, by way of illustration and not limitation, a tract

severed by a general access road such as PA Route 41 would constitute a single tract, while a tract severed by the Route 1 Bypass would constitute two tracts. Except for legal limitations of access across rights-of-way, physical barriers, such as steep slopes or streams, whether natural or man-made, shall not constitute a severance of the tract. Lands within the legal rights-of-way of roads abutting the tract perimeter shall be excluded from the tract, as herein defined, and all mandated setbacks shall be measured from the right-of-way line of perimeter roads.

Tract area, gross—the area of land contained within the limits of the legally described property lines bounding the tract.

Tract area, net—the area of land contained within the limits of the legally described property lines bounding the tract, exclusive of the constrained lands described in other parts of this Chapter. Unless otherwise specified, where the term “tract area” is used in this Chapter, it shall be construed to mean net tract area, as described elsewhere in this Code.

Tract, effective date tract area—the area of a tract within the Agricultural Preservation Residential District (AP), as herein defined, as March 30, 1995 [Ord. 74]

Trail—a corridor through which passes, or will pass, a pedestrian or equestrian accessway or a bikeway as part of the London Grove Township Comprehensive Trail System or as otherwise authorized or designated by the Township. A trail is to serve transportation commuting, and/or recreational functions as part of an intermodal transportation system. Trails shall exclude all motorized vehicles except motorized wheel chairs or as authorized by the Township for maintenance, management and emergency purposes.

Trail cartpath—an area within a trail right-of-way that is designed and constructed for regular use by the intended trail users and provided with an appropriate surface for that purpose.

Tree mass—areas, groves, or stands of mature trees (i.e., greater than six (6) inches caliper, at a height of five (5) feet from the ground) covering an area greater than ¼ acre; or groves of mature trees (i.e., greater than twelve (12) inch caliper at a height of five (5) feet from the ground) consisting of more than ten (10) individual trees.

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

Use—an activity or the specific purpose for which land or a building is designed, arranged, intended or improved or for which it is or may be occupied or used. Unless otherwise stated therein to the contrary, where a use would fall within a generic use permitted by right, specially or conditionally, in one or more districts but is specifically permitted by right, specially or conditionally, in the same district on a more restricted basis or permitted by right specially or conditionally, in another district, the generic use shall not be construed to include the use specifically permitted. By way of example and not by way of limitation, an indoor retail use would not be construed to include within its definition a commercial kennel.

Use, accessory—an accessory use is a use or activity conducted on the same lot as a principal use having all of the following definitional attributes:

- (1) It is clearly subordinate to the principal use;
- (2) It is customarily associated therewith; and,
- (3) It complies with all special and general requirements set forth herein applicable generally or by special application to that accessory use.

Use, indoor—an indoor use is a use in which no operations other than parking driveways or drive-in facilities are conducted outside of an enclosed building. Outdoor storage or display, in particular, is prohibited. Thus, an automobile agency with both a display room and outdoor lot does not qualify as an indoor use.

Use, retail products—retail product uses shall be deemed to include the provision of all goods to ultimate consumers where the ultimate consumer is served upon the premises. It includes, but is not limited to, grocery, craft

shops, clothing, furniture, jewelry, appliance and similar stores and gasoline service stations. It does not include facilities whose principal activity or use is sales to industrial users or wholesale establishments or any use elsewhere specifically provided as a principal use.

Use, retail service—services or uses, as opposed to products, to the general public, including eating and drinking places, motels and hotels, finance, real estate, and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries (excluding veterinary offices, clinics, or hospitals and also excluding institutions).

Variance—permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the provisions of this Chapter, as applied to a specific property, in accordance with the provisions of §910(2)(a) of the Municipalities Planning Code, 53 P.S. §10910(2)(a). This term includes a grant of relief by a community from the terms of a floodplain management regulation.

Violation—means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)10,(d)(3).(e)(2),€(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Viticulture—the cultivation of culture of grapes especially for wine making.

Wagering and gambling facilities—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 pari-mutual wagering on thoroughbred and/or harness horse races remote from any 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. s§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 facility solely on account of the installation of facilities and devices pursuant to the State Lottery, the Act of August 26, 1971, P.L. §3761-1 *et seq.*

Warehouse storage facility—a structure for the storage of merchandise or commodities. Normally these operations store goods and equipment for other businesses but may also house articles for private individuals.

Watercourse—a stream with year-round or substantially year-round flow such as a creek, run or other body of running water, whether natural or man-made.

Water hazard soils—water hazard soils are those soils with high water tables, either continuous or seasonal, whereby the soil, by reason of its instability or high water table, requires special consideration be given to the structural aspect of footings or foundations of buildings or that special flood-proofing or waterproofing considerations be given to basement or other subsurface structures to protect against infiltration of water or damage or instability of structure. Water hazard soils shall be deemed to include the following soils as described in the Soil Survey of Chester and Delaware Counties, Pennsylvania, prepared by the United States Department of Agriculture, Soil Conservation Service, issued May, 1963 as series 1959, No. 19. All soils listed as lying within the building groups 11, 12 and 13 and within London Grove include Glenville silt loam, Guthrie silt loam, Worsham silt loam, Worsham very stony silt loam, and Wehadkee silt loam.

Water supply—

(1) *Individual On-Site.* A system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot. The system shall be approved by the Chester County Health Department.

(2) *Community.* A centralized system for supplying and distributing water from a common source or sources to two or more dwellings or structures within a single development, neighborhood or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission and the London Grove

Municipal Authority. The water source may be located on-site or off-site.

(3) *Public*. A system owned and operated by a municipality, governmental agency or public utility for supplying and distributing water from a common source or sources to dwelling and other structures generally not confined to a single development, neighborhood or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Public Utility Commission, where applicable.

Water table—the upper surface of a zone of saturation except where that surface is formed by an impermeable body.

Wetlands—the definition of what constitutes wetlands shall be the current definition as provided by the Pennsylvania DER, the US EPA, or U.S. Corps of Engineers.

Wharf—any area upon which mushroom growing substrate and/or mushroom compost is prepared, processed or turned. A wharf includes, but is not limited to, a concrete or asphalt pad or other low permeability surface that is used for composting activities, whether located outdoors or enclosed in a building. Any area upon which mushroom growing substrate and/or mushroom compost is prepared, processed or turned shall have a maximum permeability rate of 1 times 10^6 centimeters per second.

Wholesale—distribution, sales and storage—the distribution, sale or storage of commodities in large quantities by a middleman or business. These goods or services are usually sold to a retail merchant. These types of operations are generally not open to the public and have limited counter sales. They do require large storage facilities with access for truck delivery and pick-up.

Wind turbine—a device that converts kinetic energy from the wind into mechanical energy.

Winery-related events or activities—functions taking place at a limited winery as a part of normal business operations including, but not limited to, the following: social or business gatherings, wine dinners, weddings and wedding receptions, musical performances, wine festivals and other similar events or activities.

Yard—an open area with no buildings 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 herein.

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 on the lot where a building is permitted. In the case of corner lots or reverse frontage lots, front yards of the required depth shall be provided along all streets.

Yard, perimeter—A yard extending completely around the lot (all sides) extending an equidistance from the lot line to the nearest point where building is perimeter.

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 on the lot where a building is permitted.

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 on the lot where a building is permitted.

Yard waste composting facility—this term is defined by 25 Pa. Code §271.1.

Zero lot line—the location of a building on a lot in such a manner that one or more of the building's sides rest directly on the lot line.

Zoning Map—the official Land Use Zoning Map of the Township, as amended.

Zoning Officer—the municipal officer charged with enforcing the literal terms of this Chapter.

Zoning Ordinance—the official Township Zoning Ordinance, as amended.