

ORDINANCE 901  
DEFINITIONS APPLICABLE TO THE ORDINANCES OF DELAWARE TOWNSHIP

SECTION 100 - APPLICATION and INTERPRETATION

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout all Township Ordinances to have the meanings indicated below:

- A. The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed" or "arranged"; the word "occupied" includes the words "designed, or intended to be occupied"; the word "shall" is always mandatory; and the word "may" is always permissive. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map, includes replacements, supplements or restatements thereof; and reference to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Sections or Subsections referred to.
- B. The word "Township" means Delaware Township, Pike County, Pennsylvania; the term "Board of Supervisors" means the Board of Supervisors of Delaware Township; the term "Planning Commission" means the Planning Commission of Delaware Township; and the term "Zoning Hearing Board" means the Zoning Hearing Board of Delaware Township.
- C. The terms "such as", "including" and "the like" are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.

SECTION 101 DEFINITION OF TERMS

For the purpose of the Township Ordinances, the following words, terms and phrases have the meaning indicated herein:

**ABANDONMENT** - The relinquishment of property or a cessation of the use of the property for a period of twelve (12) months or more by the owner or lessee without signifying to the Township in writing any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ABUTTING OWNER** - The owner of record of a lot which is contiguous at any point to the lot in question or which is contiguous to that section of street on which the subject lot has frontage, i.e., a lot across from the subject lot.

**ACCELERATED EROSION** - Removal of the surface of the land through

the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

**ACCELERATION LANE** - An added street lane that permits integration and merging of slower moving vehicles into lanes of the main vehicular flow.

**ACCESS** - A way or means of approach to provide physical ingress to and egress from a lot.

**ACCESSORY BUILDING** - A building detached from a principal building that is located on the same lot and is of a nature customarily incidental and subordinate to the principal permitted building or use on that lot.

**ACCESSORY USE** - A use of land or of a building or portion thereof that is located on the same lot and is of a nature customarily incidental and subordinate to the principal permitted use of the land or building.

**ACCESSORY STRUCTURE** - A structure detached from a principal building that is located on the same lot and is of a nature customarily incidental and subordinate to the principal permitted building or use on that lot.

**ADAPTIVE REUSE** - The development of a new use for a building originally designed or used for another purpose.

**ADULT COMMERCIAL USE** - Adult commercial uses shall include the following:

- A. A store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs, films, or other depictions or printed matter and paraphernalia which, if sold knowingly to an individual under the age of eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof.
- B. Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars or similar establishments providing live or media entertainment depicting, describing, relating to, or displaying sexual or erotic activities.
- C. 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.

**ADVERSE EFFECTS** - Results contributing to a harmful or degraded condition and/or producing an unfavorable outcome.

**AGENT** - Any person or entity, other than the landowner or developer, who, acting upon written authority from the landowner or developer, files subdivision and/or land development plans with the Township for the purpose of obtaining approval thereof.

**AGE RESTRICTED DEVELOPMENT** - A residential development in which residents must meet a minimum age requirement, typically 55 years of age.

**AGRICULTURE** - The cultivating of soil, the raising of livestock or poultry, and the harvesting of products of the soil including but not limited to nurseries, horticulture, and forestry.

**AGRICULTURE, INTENSIVE** - Agricultural uses involving the processing or production of agricultural products which are likely to emit frequent, reoccurring odors or noises considered obnoxious to a residential environment including but not limited to, mushroom production, feedlots, mink farms, commercial piggeries, and poultry houses.

**AGRICULTURE, NON-INTENSIVE** - The cultivation of soil and the raising and harvesting of products of the soil, including nurseries, horticulture, commercial greenhouses, forestry, and the raising of animals and poultry not to exceed a combined total of one thousand (1,000) pounds per acre, but excluding intensive agriculture.

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

**AGRICULTURAL SOILS** - Soils classified as agricultural or prime agricultural soils by the United States Department of Agriculture Natural Resources Conservation Service. The term, unless otherwise specified, refers to land capability classes I, II and III.

**AGRICULTURAL USE** - A principal use involving the cultivating of the soil, the raising and keeping of livestock and poultry and the harvesting of the products of the soil, including horticulture and forestry. The withdrawal, extraction, treatment, bottling or exportation of water for sale or distribution off-site is not an agricultural use.

**ALLEY** - A service roadway providing secondary vehicular access to the side or rear of two (2) or more properties and not intended for through traffic circulation. See Appendix E of the Subdivision and Land Development Ordinance for alley design specifications.

**ALTERATION OF BUILDING OR STRUCTURE** - Any change in or addition to the supporting members of a structure, such as the bearing walls, partitions, columns, beams or girders; or any enlargement to or

diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

**ALTERNATIVES** - Choices between or among two or more plans, layouts, approaches, solutions and/or outcomes.

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

**ANIMAL HOSPITAL** - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL KENNEL** - See Kennel.

**ANIMAL SHELTER** - The keeping of more than ten (10) dogs or more than (20) cats, or a combination of dogs and cats equaling more than fifteen (15) animals, which are lost, strays, unwanted, unlicensed or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or non-profit operation.

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

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

**ANTENNA SUPPORT STRUCTURE** - Any pole, telescoping mast, monopole, tower, or other structure which supports or has attached to it one or more antennae.

**ANTENNA SITE** - A tract or parcel of land that contains the wireless, cellular or personal communications services antenna, its support structure, accessory structure(s), and parking, and may include other uses associated with an ancillary to providing wireless communications, cellular communications or personal communications services.

**APARTMENT** - See Dwelling, Multi-Family-Apartment

**APPLICANT** - A landowner or developer, including heirs, successors, assigns and grantees, who has filed a complete application for a permitted use or activity, development, or a complete application for a special exception, variance or conditional use.

**APPLICATION FORM** - A form available from the Township Secretary that is to be used to provide information to aid in the review of

a permitted use, activity, or development and for general administrative purposes.

**APPLICATION FOR SUBDIVISION AND/OR LAND DEVELOPMENT** - The action taken to complete, sign and file the application form as required by Township Ordinances, which shall also include the filing of the number and type of plans, documents and other submissions required by Township Ordinances for the review and/or approval of a Preliminary Plan and thereafter a Final Plan, together with the necessary fees; an application, whether preliminary or final, required to be filed and approved prior to the conveyance or other transfer of lots and/or the commencement of construction and development, including an application for the approval of a subdivision plan and an application for the approval of a land development plan.

**ARCHITECT** - A person duly registered by the Commonwealth of Pennsylvania to practice architecture.

**ASSISTED LIVING FACILITY** - A residential facility for the housing and care of elderly and/or frail persons.

**AUTOMOTIVE SALES** - The use of any building, land area or other premise for the display and sale of new or used automobiles, motorcycles, light trucks or vans, light trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**AUTOMOTIVE REPAIR FACILITIES** - Establishments engaged in furnishing automotive repair services to the general public and which might include painting or body repairs. Any such facility offering paint or body repair services shall demonstrate compliance with all applicable environmental and occupational safety standards.

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

**BASEMENT** - Any area of a building having its floor below ground level on all sides. A basement shall be considered as a floor for the purpose of gross floor area measurement if the basement ceiling is five (5) feet or more above the average ground level around the building and the floor to ceiling height is seven (7) feet or greater.

**BED AND BREAKFAST INN** - A building occupied by a resident innkeeper containing six (6) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast.

**BENEFICIAL EFFECTS** - Results contributing to an improvement in condition and/or producing a favorable outcome.

**BERM** - An earthen embankment that serves purposes such as: retaining/detaining the flow of surface water runoff, preventing soil erosion or supporting plant materials to aid in screening.

**BEST MANAGEMENT PRACTICES (BMPs)** - State of the art practices, techniques and structures for stormwater management, surface runoff control, and related measures, as described in Section 810, and the manual entitled "Pennsylvania Handbook of Best Management Practices for Developing Areas," dated Spring 1998, as may be amended from time to time.

**BIOLOGICAL RESOURCES** - Characteristics of the natural environment manifest in its flora and fauna. The disposition of these characteristics is typically expressed in vegetation and/or wildlife units such as: tree, woodland or forest stands, and related understory and ground cover growth; and aquatic and terrestrial wildlife and/or their habitats.

**BUFFER** - An area that provides a year-round visual and/or sound attenuation between uses, through the application of such means as plantings, earthen berms, fences, and walls.

**BUFFER AREA** - An area with natural groundcover adjacent to a property boundary which does not contain any structures, except for those permitted in Township Ordinances, and which is landscaped and maintained as required by Township Ordinances.

**BUFFER PLANTING STRIP** - A strip of land within the required Buffer Area that is landscaped with trees and shrubs and maintained as required by Township Ordinances.

**BUILDING** - A combination of materials that forms a permanent structure having a roof supported by walls or columns. Included shall be all mobile homes, manufactured homes, and trailers to be used for human habitation.

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

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

**BUILDING AND STRUCTURE HEIGHT** - See Height

**BUILDING LINE** - The line parallel to the street line at a distance therefrom equal to the depth of the required front yard.

**BUILDING, MULTI-FAMILY, APARTMENT** - A building where individual dwelling units share a common outside access and share a common yard area. Multi-family apartment buildings contain three (3) or more dwelling units in a single structure separated by party walls.

**BUILDING PERMIT** - A document issued by the Township granting permission for the construction, repair, alteration of, or addition to a structure.

**BUILDING, PRINCIPAL** - A building in which is conducted the principal permitted use of the lot on which it is situated.

**BUILDING SETBACK LINE** - The line bounding that portion of a lot contained within the required front, side and rear yards and within which the principal building must be located.

**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.

**BULK FUEL STORAGE** - The storage of chemicals, petroleum products, and other fuel products in structures for subsequent transfer or resale to distributors or retail dealers or outlets.

**CALIPER** - The diameter of a tree trunk measured at a point six (6) inches from the ground surface at the center of the base of the tree.

**CAMPER** - Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

**CAMPGROUND** - A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

**CAMPING UNIT** - Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CAMPSITE** - Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

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

**CAR WASH** - A building or portion thereof where automobiles are cleaned.

**CATCH BASIN** - An inlet that has a sump below the pipe to collect debris and is designed to intercept and redirect surface waters.

**CELLULAR COMMUNICATIONS** - Communications for voice, fax, or data using wireless, handheld devices and a system of antennas and towers. This also includes digital wireless, personal communications services, and other services.

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

**CERTIFICATE OF OCCUPANCY** - A permit issued upon completion of the construction of a structure or change in the use of a structure or parcel of land, indicating that the premises complies with all

applicable ordinances and may be used for the purposes set forth in the permit.

**CHANNEL** - An area that conveys the normal continuous or intermittent flow of water.

**CHARITABLE USE** - A use conducted by a non-profit 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.

**CIVIC USE** - A noncommercial use dedicated to government, educational, religious, cultural, and/or community purposes.

**CHURCH** - A building or group of buildings including customary accessory buildings designed or intended for organized religious services.

**CLINIC** - An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers.

**CLEAR SIGHT DISTANCE** -

- a. For local and minor collector streets - The longest line of unobstructed vision along a street cartway from a point three and one-half (3.5) feet above the centerline of the street to the top of an object six (6) inches high on the same centerline (object sight distance).
- b. For all other streets - The longest line of unobstructed vision along a street cartway from a point three and one-half (3.5) feet above the centerline to an object four and one-quarter (4.25) above the pavement (vehicle sight distance).
- c. The American Association of State Highway and Transportation Officials' "A Policy on Geometric Design of Highways and Streets" - Latest edition, shall govern all sight distance situations, unless the Township requires more stringent control to improve known or potentially hazardous conditions.

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

**CLUB OR LODGE** - A non-profit social, professional or philanthropic organization characterized by the payment of dues, regular meetings and a constitution and by-laws. A building is used for club or lodge purposes when it serves as a meeting place for such organization and is not an adjunct to, or operated by, or in connection with a public tavern, cafe or other public place, although it may be used for recreational and/or dining facilities for the membership and their guests.

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

**COMMERCIAL CAMP** - A campground operated by a nongovernmental entity for profit.

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

**COMMUNICATIONS TOWER** - A structure that is intended to support equipment used to transmit and/or receive cellular and other telecommunications signals.

**COMMUNITY ASSOCIATION** - See Homeowners Association.

**COMMUNITY CENTER**- a facility used for recreational, social, educational, and cultural activities.

**COMMUNITY FACILITY** - A building or property developed to provide for various community health, education, safety, leisure, and similar needs. Typical community facilities include: schools, parks and recreation areas, libraries, hospitals.

**COMMUNITY ON-LOT SEWAGE DISPOSAL SYSTEM** - A system of piping, septic tanks or other facilities serving more than one (1) lot, or more than one (1) building, collecting and disposing of sewage in whole or in part into the soil through septic tank filter fields which is administered and maintained by such organizations as a homeowners association, community association, or other like organization of the people using the system, and is in compliance with the prevailing federal, state, county and municipal regulations.

**COMMUNITY UTILITY** - Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**COMMUNITY WATER SUPPLY SYSTEM** - An individual well or series thereof serving more than one (1) lot or more than one (1) building which along with its appurtenant facilities is administered and maintained by such organizations as a homeowners association, community association, or other like organization of the people using the system, and in compliance with the prevailing federal, state and county regulations, as well as those of a water company or any other entity which may have a permitted franchise within the Township.

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

**COMPREHENSIVE PLAN** - The Delaware Township Comprehensive Plan, as may be amended from time to time, including maps, tables and text, which constitute a policy guide for decisions regarding land use, circulation, housing, natural resources, historic resources, and utilities within the Township.

**CONDITIONAL USE** - A use which is generally not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within Township Ordinances are present. Conditional uses are approved or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

**CONSERVATION** - The planned management of a natural resource to prevent its exploitation, destruction, neglect, alteration or degradation.

**CONSERVATION PLAN** - A Plan for the conservation of natural resources in accordance with Township Ordinances.

**CONSTRUCTION OPERATION OR ACTIVITY** - The erection, repair, renovation, demolition or removal, rehabilitation or other work performed for, to, on or with regard to any building or structure, including the excavation, filling and grading of lots in connection therewith or in preparation thereof.

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

**CONTINUOUS VISUAL BUFFER** - A visually impenetrable screen created through the effective use of plant materials, fencing, walls and/or earthen berms.

**CONTOUR** - A line on the surface of the earth along which all points are at the same elevation above sea level.

**CONVENIENCE STORE** - A retail establishment of up to 4,500 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption. These uses may also be accompanied by the sale of automotive fuels, subject to the applicable zoning district ordinance provisions.

**CONVENTIONAL SUBDIVISION PLAN** - The standard lot-by-lot development where the lots consume all of the land of the tract, and Open Space Development is not proposed or utilized.

**CUL-DE-SAC STREET** - A street that intersects another street at one end only.

**CULTURAL, RELIGIOUS OR CHARITABLE USE** - See Cultural Use, Religious Use and/or Charitable Use

**CULTURAL USE** - A use which promotes art, drama, music, science and/or history in the form of a museum, theatre, botanical garden or like facility.

**CURATIVE AMENDMENT** - A zoning amendment proposed by a landowner based on a substantive challenge to the validity of an ordinance.

**CURB** - A stone, concrete or other boundary approved by the Township Engineer marking the edge of the cartway or paved area.

**CUT** - A portion of land or other area from which earth has been removed or will be removed by excavation; or, the depth below the original ground surface or excavated surface.

**DATE OF FILING** - The date on which a complete application for subdivision and/or land development has been submitted and accepted by the Township in accordance with Article 3.

**DATUM** - A reference point from which elevations are measured. The standard datum is sea level as established by the U.S. Geological Survey (USGS).

**DAY CARE CENTER, COMMERCIAL ADULT** - A commercial facility where daytime supervision is provided for adults who are not related to the caregiver.

**DAY CARE CENTER, COMMERCIAL CHILD** - A commercial facility which exclusively provides daytime supplemental parental care and/or instruction to children who are not related to the caregiver or operator and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.

**DAY CARE, HOME** - A major home occupation in which a private residence is used for the care and supervision of between four (4) to six (6) children or adults, not related to the caregiver.

**DBH** - The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

**DECELERATION LANE** - An added street lane that permits vehicles to slow down and leave the main vehicular flow.

**DECIBEL dBA** - A standard unit for the measurement of sound.

**DEDICATION** - The transfer of property by the owner to another party.

**DEED** - A legal document conveying an estate or other right, title or interest in real property.

**DEED RESTRICTION** - See Restrictive Covenant

**DEMOGRAPHIC CHARACTERISTICS** - Characteristics related to the distribution, density and vital statistics of populations.

**DEMOLITION** - The dismantling or tearing down of all or part of a building or structure.

**DENSITY** - A measure of the number of dwelling units per acre calculated by dividing the total number of dwelling units on a site by the net lot area.

**DESIGNATED OPEN SPACE** - Areas allocated to meet the requirements for open space in the TC- Town Center, R-Residential and RR-Rural Residential Districts.

**DESIGN PROFESSIONAL** - An Engineer, Architect, Surveyor or Landscape Architect who is registered to prepare plans and other submissions which are required by Township Ordinances.

**DETENTION BASIN** - A structure designed, built and used for the temporary storage of stormwater runoff.

**DETERMINATION OF ELIGIBILITY (DOE)** - The process wherein an historic resource is determined by the Pennsylvania Historical and Museum Commission as meeting National Register criteria, but not listed on the National Register.

**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 of land or a land development.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of mobile homes or 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.

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

**DIAMETER AT BREAST HEIGHT (DBH)** - The diameter of a tree trunk measured at a point four and one-half (4-1/2) feet from the ground surface at the center of the base of the tree. This measurement is used for existing trees to determine compliance with tree conservation or compensatory planting requirements.

**DITCH** - A small drainage channel.

**DRAINAGE** - A system for conveying surface water or groundwater from the land by facilities or structures which serve to control or otherwise manage runoff and minimize sedimentation and soil erosion during and after construction or development.

**DRAINAGE EASEMENT** - A right-of-way granted to use private land to facilitate the flow of water within which the owner shall erect no permanent structures but may use the land in any other way not inconsistent with the grantee's rights.

**DRAINAGE FACILITY OR DRAINAGEWAY** - Any trench, ditch, swale, watercourse, gutter, pipe, culvert, storm sewer or other similar depression or structure designed, intended or constructed for the purpose of diverting surface water or conveying surface water or groundwater from a subdivision, land development or contiguous areas.

**DRAINAGE PLAN** - A plan which depicts existing and proposed drainage as required by Township Ordinance.

**DRIP LINE** - A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

**DRIVEWAY** - An access way for vehicles that connects a street to a parking space, garage, dwelling or other structure.

**DRIVEWAY, SHARED** - A driveway providing access to no more than two (2) lots and used in common by the owners or occupants of the lots to which it provides access.

**DRYWELL** - A covered pit with open jointed lining through which water from roofs, basement floors or areaways may seep or leech into the surrounding soil.

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

**DWELLING, MULTI-FAMILY** - A building containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY ATTACHED** - A dwelling with party walls separating two (2) or more dwelling units and having independent and separate exterior access including a duplex, twin, townhouse, and/or other like units.

**DWELLING, SINGLE-FAMILY ATTACHED -- DUPLEX** - A building designed for and occupied exclusively as a residence, containing two (2) dwelling units, in an "over and under" arrangement, separated by a horizontal common or party wall and having yards on all sides

**DWELLING, SINGLE-FAMILY ATTACHED -- TOWNHOUSE** - A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, and each unit is separated from the other by an unpierced party wall extending from basement to roof.

**DWELLING, SINGLE-FAMILY ATTACHED -- TWIN** - A building having two (2) individual dwelling units separated from each other by an unpierced party wall extending from basement to roof.

**DWELLING, SINGLE-FAMILY DETACHED** - A building designed for and occupied exclusively as a residence, containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. Where a private garage

is structurally attached to such building, it shall be considered a part of the dwelling.

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

**EARTH DISTURBANCE** - Any grading, cut, fill, earthmoving, vegetative removal or other interference of the natural landscape, except for the removal of a hazard or the removal of invasive or noxious plant species.

**EARTHMOVING** - A land disturbance activity involving the movement of earth and typically resulting in the stripping of vegetative cover from land.

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

**EASEMENT, CONSERVATION** - A legal agreement between a property owner and a conservation organization or governmental entity, through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes, and which is duly recorded at the office of the Recorder of Deeds of Pike County.

**EATING ESTABLISHMENT** - A retail establishment selling food and drink for consumption on the premises.

**ECONOMIC AND FISCAL CHARACTERISTICS** - Characteristics related to the expenditures and revenues in conjunction with the management of income of a household, private business, community, association and/or government.

**EDUCATION, COMMERCIAL** - A for profit teaching establishment.

**EDUCATIONAL INSTITUTION** - A use whereby instruction is offered by a public or private institution that is certified to do so by the State.

**EMERGENCY** - Any occurrence or set of circumstances involving actual or imminent physical or mental trauma to persons or significant property damage, typically unforeseen and sudden in nature.

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

**ENGINEER** - A person duly registered by the Commonwealth of Pennsylvania to practice professional engineering.

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

**ENVIRONMENT** - The conditions, resources and/or characteristics which exist within and surround the area to be affected by a proposed subdivision and/or land development including: natural elements such as land, water, air, minerals, natural flora and natural fauna; and man-made components such as objects of historic or aesthetic significance, infrastructure, and man-related attributes of social and economic nature.

**ENVIRONMENTAL CONTROLS** - The performance standards set forth in Article 19 pertaining to environmental quality and environmental degradation.

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

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

**FAMILY** - One or more individuals living together in a dwelling unit as a single, non-profit housekeeping unit, and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption; or, no more than four (4) unrelated individuals living together and doing their cooking on the premises in a dwelling unit as a single non-profit housekeeping unit; provided, however, that one bedroom shall be for two persons, two bedrooms shall be for three persons, three bedrooms shall be for four persons, etc. This definition excludes occupants of a club, fraternity house, lodge, or rooming house, or group quarters not owned or leased by the individual.

**FEE SIMPLE** - Ownership of land with unrestricted rights of disposition.

**FILED OR DULY FILED** - The complete submission of a Preliminary or Final Plan with the proper forms, plans, documents and other submissions, and fees as required by Township Ordinances, according to the timetable set forth herein.

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

**FILTER STRIP** - A vegetated boundary characterized by uniform mild slopes. Filter strips may be provided down gradient of developed tracts to trap sediment and sediment-borne pollutants and to reduce imperviousness. Filter strips may be forested or vegetated turf. Filter strips located adjacent to water bodies are called buffers. The primary function of buffers is to protect the receiving water from sediment and pollutants derived from upstream areas. Ancillary benefits may include infiltration

of rainfall and habitat enhancement. Forested riparian buffers are one example of a best management practice related to the use of buffers.

**FLAG LOT** - A lot which has street frontage connected to the major portion of the lot by means of a narrow strip of land. A lot whose configuration resembles a flag and a connecting pole or post.

**FLOOD** - A temporary inundation by water of normally dry land areas.

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

**FLOODPLAIN** - A relatively flat or low land area, adjoining a creek, stream, watercourse or other natural body of water, which is periodically subject to partial or complete flooding; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPLAIN AREA** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPLAIN, ONE HUNDRED YEAR** - A floodplain which is subject to a one hundred (100) year flood.

**FLOODPROOFED** - Watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydraulic and hydrodynamic loads and effects of buoyancy.

**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 designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of Township Ordinances, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**FLOOR AREA** - See Gross Floor Area and Net Floor Area

**FOOT PATH** - A cleared way for pedestrian usage that may be constructed of gravel or paved material depending on the volume of use.

**FOREST** - See Woodland

**FORESTED AREAS** - Those areas of extensive vegetation in which the dominant plants are trees that are indigenous to the area.

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

**FUNCTIONAL CLASSIFICATION OF STREETS, ROADS & HIGHWAYS** - The categorization of streets, roads and highways according to a hierarchy of service characteristics for which various design standards have been established.

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

**GARAGE** - An accessory building or part of a principal permitted building used for the storage of motor vehicles owned and used by the owner or tenant of such principal permitted building.

**GAS STATION** - Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of motor vehicle fuel, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs, or the storage for sale of new or used motor vehicles.

**GOOD MEADOW** - An area of natural or planted vegetation dominated by grasses and grass like plant materials that cover 75% or more of the area as a minimum hydrologic condition as commonly used in the Soil-Cover Complex method for calculating stormwater runoff.

**GRADE** - The slope of land, a street or other structure, expressed as a percent.

**GRADE, EXISTING** - The elevation, relative to a given datum, of the ground surface prior to any structure, excavation, cut or fill.

**GRADE, FINISHED** - The elevation, relative to a given datum, of the ground surface after completion of any structure, excavation, cut or fill.

**GRADE, PROPOSED** - The elevation, relative to a given datum, of the ground surface proposed to be achieved by any structure, excavation, cut or fill.

**GRADING** - The changing of the surface of the ground by cutting, filling or excavation, including land in its cut or filled condition.

**GREENWAY** - (1) A linear open space established along either a natural corridor, such as a riverfront, stream, or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated

areas; (4) locally, certain strip or linear parks designated a parkway or greenbelt.

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

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

**GROSS USABLE FLOOR AREA** - That floor area within a building, on all floors of such building which are used for or related to the business or use conducted within the building, including all lavatory areas, corridors, storage areas and other areas used to keep stock and inventory, but exclusive of the following areas: elevator shafts, stairwells, first floor lobby, storage area in the basement, and any room or area dedicated to the heating plant, air conditioning equipment or other utility areas necessary for the operation of the building.

**GROSS TRACT AREA** - The total amount of land contained within the limits of the legally described property lines bounding the tract.

**GROUNDWATER** - The supply of fresh water under the surface of the land in an aquifer or geologic formation that forms the natural reservoir for potable water; the water contained within the interconnected pores, cracks, and/or fractures located below the water table of a confined or unconfined aquifer.

**GROUNDWATER RECHARGE** - The natural process of infiltration and percolation of water from rainwater, streams, lakes or other water sources, through permeable soils into water-holding strata or soils that provide underground water storage.

**GUARANTEE, COMPLETION** - The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development are completed to the satisfaction of the Township.

**GUARANTEE, MAINTENANCE** - The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development will be in first-class condition, state of repair and working order for a specific period of time. Such financial security shall be similar to that accepted for a completion guarantee.

**GUTTER** - That portion within a street right-of-way, outside the cartway, designed for surface drainage, whether paved or otherwise.

**HAULER** - A person licensed by the Township to collect and dispose of refuse.

**HEALTH CLUB** - An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, and lockers.

**HEDGEROW** - A row of plants that may occur naturally where seeds collect and are left undisturbed, such as along fence lines, property lines, along road edges or between fields; or plants that are specially planted to act as a windbreak or natural boundary.

**HEIGHT** - The height of a structure shall be the vertical distance between the lowest level of the ground surrounding the structure and highest point of the roof.

**HELIPORT** - An area of land or a structural surface which is designed, used, or intended to be used for the landing and take-off of helicopters, and which includes appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling, and hangars.

**HERBACEOUS** - Plants that have no woody parts, with stems and branches that are green and soft, and die down to the ground in winter.

**HISTORIC BUILDING, STRUCTURE, SITE** - Any building, structure or site that is recognized for its historic, architectural or archeological significance by the Pennsylvania Historical and Museum Commission, the Delaware Township Historical Commission, or designated as contributing to a National Register Historic District.

**HISTORIC RESOURCE** - All buildings, sites, structures, and districts shown on the Delaware Township Historic Resources Map; and sites, areas, settings, landscapes, structures, trails and/or routes which are valued due to their significance as examples and/or locations of places, events, customs, skills and/or arts of the past, or for their archeological or pre-historic archeological value.

**HISTORIC RESOURCES INVENTORY** - An official list of historic resources in Delaware Township; the list shall be maintained by the Township.

**HISTORIC STRUCTURE, REGISTERED** - See Registered Historic Structure.

**HOME OCCUPATION** - An activity conducted for profit by persons residing on the premises, which is clearly subordinate to the residential use of the property.

**HOME OCCUPATION, MAJOR** - A home occupation that requires additional review and regulation because of its potential impact on the area in which it is located. A major home occupation is specifically defined as a home occupation that does not meet one (1) or more of the criteria of a no-impact home based business as defined below.

**HOMEOWNERS ASSOCIATION** - An association of homeowners which is organized to administer, maintain and operate areas, structures,

open spaces, land or water within a residential development in accordance with by-laws, covenants, restrictions and easements approved by the Township.

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

**HOSPITAL** - An institution providing primary health services and medical or surgical care to persons, (some of whom are inpatients) 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 facilities, training facilities, or offices for doctors and other medical personnel affiliated with the hospital, may be an accessory use to the hospital.

**HOTEL OR MOTEL** - A building or group of buildings containing six (6) or more rooms, without cooking facilities of any kind, especially designed for the temporary lodging of transient persons. Such establishment shall provide customary hotel services such as maid service and the furnishing and laundering of linen. Eating and drinking facilities may be an accessory use to the hotel or motel.

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

**HYDRIC SOIL** - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of Township Ordinances, hydric soils shall include any soil inventoried or described as hydric or as a soil with hydric inclusions according to the Soil Survey Geographic Database (SSURGO) of Pike County, Pennsylvania, or other information provided by the USDA Natural Resource Conservation Service (NRCS).

**IDENTIFIED FLOODPLAIN AREA** - The floodplain area specifically identified in Township Ordinances as being inundated by the one hundred (100) year flood.

**IMPACT** - The power of an event to produce changes in a condition. In the context of impact exerted on the environment, changes which effect the existing conditions and/or quality are of greatest concern.

**IMPERVIOUS SURFACE** - Areas or materials, such as buildings, structures, and paved areas, which are impenetrable by liquid and that are incapable of allowing groundwater recharge or absorbing precipitation and liquids.

**IMPOUNDMENT** - A body of water, such as a pond, detention or retention basin, confined by a headwall, dike, floodgate or other barrier, in the nature of a dam.

**IMPROVEMENTS** - Physical additions and changes to structures or land such as grading, paving, curbing, fire hydrants, water mains,

sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, wells, sewage disposal systems, street trees and other plantings, and other structures that may be necessary to produce usable and desirable land development.

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

**INDUSTRIAL PARK** - A grouping of two (2) or more industrial establishments which are subdivided and developed according to a unified plan that includes the common use of streets and utilities.

**INFILTRATION STRUCTURE** - A structure designed to direct the flow of rain into storage in soil or geologic formation.

**INFRASTRUCTURE** - The basic installations and facilities on which the continuance and growth of a community depend such as roads, schools, electrical transmission facilities, transportation and communication systems.

**INN** - A building or group of buildings containing less than six (6) guest rooms, especially designed for the temporary lodging of transient guests. Such establishment shall provide guests with maid service and the furnishing and laundering of linen, and dining facilities accessory to the inn.

**INVASIVE PLANT** - Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species.

**INVERT** - The lowest surface of a drainage conduit or channel.

**JUNKYARD** - Any area or structure used for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, or salvaging of machinery or wrecked, disabled, or unregistered vehicles. The collecting, dismantling, deposit, storage and/or salvaging of two (2) or more vehicles which are wrecked, disabled, currently unregistered or without a current inspection sticker, shall constitute a junkyard. Toxic wastes, radioactive materials, poisons, and other substances which are potentially harmful to man are excluded from this definition.

**KENNEL** - The keeping of three (3) or more dogs for the purpose of breeding, training, renting, buying, boarding, sale, show or any similar purpose, or the keeping of six (6) or more dogs or cats for hunting or domestic and similar purposes.

**KENNEL RUN** - An outdoor fenced enclosure within which dogs are kept.

**LABORATORY** - A building or group of buildings in which are located facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

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

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

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (i) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- b. A subdivision of land.

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

**LAND DISTURBANCE** - See Site Disturbance.

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

**LAND PLANNER, CERTIFIED** - A person who is certified as a Planner by the American Institute of Certified Planners, an Institute of the American Planning Association.

**LANDSCAPE ARCHITECT** - A design professional who is licensed by the Commonwealth of Pennsylvania to practice as a Landscape Architect.

**LANDSCAPED AREA** - That portion of a lot in which plantings have

been installed in accordance with the provisions for landscaping in Township Ordinances. The landscaped area includes the buffer planting strip, and plantings which serve a functional and/or aesthetic purpose when located around and between: buildings, streets, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and the like.

**LANDSCAPE IMPROVEMENT** - The addition of a feature or features to the land which enhance a particular site from the standpoint of, e.g., noise abatement, recreational enjoyment, wildlife preservation, visual amenity, and the like. Such improvements might include plantings, pathways, fences, and the like.

**LANDSCAPE NURSERY OR GREENHOUSE** - The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

**LANDSCAPED AREA** - That portion of a tract or lot in which plantings have been installed in accordance with the provisions for landscaping in Township Ordinances. The landscaped area includes the buffer planting strip and those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like.

**LANDSCAPING PLAN** - A plan for the installation and maintenance of plantings.

**LAND USE** - The manner in which land is or may be used typically expressed in terms of the type of activity or development such as: agricultural, residential, commercial, industrial, institutional, recreational, municipal and the like, whether such use is principal or accessory.

**LAUNDROMAT** - An establishment providing washing and drying machines or dry cleaning services on the premises for rental use to the general public for laundering of clothing or dry cleaning purposes.

**LIVESTOCK** - Animals of any kind, raised for sale or agricultural production, excluding Kennels. The keeping of one (1) or more horses or ponies for non-commercial recreational purposes or for pleasure, or the keeping of common household pets such as dogs, cats, and the like for non-commercial purposes, shall not be considered as the keeping of livestock.

**LOAD BEARING FILL** - Any earthwork or fill placed in a controlled manner and compacted to safely support structural foundations and the buildings and other structures thereon, vehicular traffic or improvements.

**LOADING AREA** - An off-street space on a lot for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

**LOADING DOCK** - An elevated platform for the loading and unloading of freight from trucks.

**LOT** - A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

**LOT AREA** - the area contained within the property lines of the individual parcels of land as shown on a subdivision plan, land development plan or building plan after deducting the following:

<u>Feature</u>	<u>Percent of area deduction</u>
Rights of way	100%
Surface water	100%
100 Year Floodplain	100%
Wetlands	100%

**LOT CONSOLIDATION, MINOR** - The combining of three (3) or fewer individual recorded lots to form a single lot in single ownership.

**LOT, CORNER** - A lot abutting upon two (2) or more streets or upon two (2) parts of the same street, forming an interior angle at the corner of less than one hundred thirty-five (135) degrees. A corner lot shall have two (2) front yards and two (2) side yards.

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

**LOT IMPROVEMENT** - Modification of a lot involving earthmoving or grading of more than 5,000 square feet of land area, except for Agricultural Uses.

**LOT, INTERIOR** - Any lot which has limited frontage to a street; a flag lot.

**LOT LINE** - A property boundary line shown on a recorded plan or described in a recorded deed. The lot line for any portion of the lot crossed by any part of a street right-of-way shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street right-of-way.

**LOT LINE -- FRONT** - The front lot line shall be that boundary line of the lot most nearly parallel to the street line which has no other portion of the lot between it and the street; provided that any portion of the lot which crosses the street line will have the street line as its front lot line. In the case of a corner lot, both street lines shall be deemed the front lot line.

**LOT LINE -- REAR** - A lot line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot

line shall be deemed to be a line ten (10) feet in length within the lot, between the side lot lines, parallel to and at the maximum distance from the front lot line. For a corner lot, of the two (2) lot lines opposite the front lot lines, that which is most distant will be the rear lot line.

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

**LOT WIDTH** - The distance measured between the side lot lines at the required building setback line, except in the case of a corner lot, the minimum lot width shall be measured between the side lot line and the front lot line opposite.

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

**LUMBERYARD** - An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**MANUFACTURED HOME** - A structure, transportable in one of more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles which are placed on a site for more than one hundred and eighty (180) consecutive days.

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

**MATURE TREE** - Any tree that has a DBH of twelve (12) inches or greater.

**METES AND BOUNDS** - A method of describing the boundaries of land by directions or bearings and distances from a known point of reference.

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

**MINIMIZE** - To reduce to the smallest amount possible using best management practices. "Minimize" shall mean that the most substantial efforts possible have been undertaken to reduce an adverse effect of an action which is required to be minimized. With respect to activities which are adverse to the conservation of trees and other vegetation, the requirement to "minimize" shall include but not be limited to the requirement that the placement

of dwellings and other structures and the location of roads, sedimentation and soil erosion control devices, earthmoving activities, site preparation activities and land disturbance activities shall be planned, designed, and carefully conducted, so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible consistent with the permitted development.

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

**MITIGATION** - Any action taken to lessen the impacts of a proposed land use, site preparation activity or site disturbance activity, including those which would adversely affect the health or longevity of a natural resource, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties as determined by the Board of Supervisors.

**MIXED-USE BUILDING** - A building that includes two (2) or more Permitted Uses.

**MOBILE HOME** - A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks or additional rooms. The term includes park trailers, travel trailers, recreational, and other similar vehicles which are placed on a site for more than one hundred and eighty (180) consecutive days.

**MOBILE HOME LOT** - A parcel of land in a mobile home park or subdivision, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MONUMENT AND MARKERS** - A structure that marks and identifies lot lines and street lines or corners of lots and streets in accordance with Article 8 of the Delaware Township Subdivision and Land Development Ordinance.

**MOTEL** - See Hotel or Motel.

**MOTOR VEHICLE** - A car, truck, bus, motorcycle, or similar powered conveyance that is licensed or could be licensed for use on public roads.

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

**MUNICIPAL USE** - Any building, structure, facility, complex, area or use, provided, constructed, or maintained by the municipal government of Delaware Township.

**NATIONAL REGISTER CRITERIA** - Standards promulgated by the Secretary of the U.S. Department of Interior against which historic resources nominated to the National Register are evaluated.

**NATIONAL REGISTER HISTORIC DISTRICT** - Any area or district listed on the National Register of Historic Places, as maintained by the U.S. Department of the Interior, National Park Service.

**NATIONAL REGISTER OF HISTORIC PLACES** - A list maintained by the Secretary of the U.S. Department of Interior composed of buildings, sites, structures, and districts of national, state or local significance in American history, architecture, archeology, engineering and culture.

**NATIVE VEGETATION** - Existing vegetation which exists or, in the absence of site disturbances, could exist and thrive at a property as a result of natural succession of plant growth.

**NATURAL ENVIRONMENT** - A composition of land, water and/or air represented by its inherent physical and biological resources.

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

**NATURAL RESOURCE** - A component of a landscape existing or maintained as a part of the natural environment and having ecological value in contributing beneficially to tree conservation water quality, soil erosion control, groundwater recharge, visual amenities, wildlife habitat, outdoor recreation and other open spaces, and the like. Such features include those, which, if disturbed, may cause hazards or stress to life, property and the natural environment.

**NATURAL SUCCESSION** - The process by which landscapes are transformed over time from open, seasonal cover to woodland.

**NET FLOOR AREA** - The gross floor area, excluding stairwells and elevator shafts, equipment rooms and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**NET LOT AREA** - The area of a lot excluding the features listed in the Lot Area definition.

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of first floodplain ordinance enacted by the Township, and includes any subsequent improvements thereto.

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

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.
- (9) The use does not involve any customer, client, or patient visits to the dwelling, whether pedestrian or vehicular.

(10) Commercial delivery and pick-up of goods and supplies or removal function shall not be in excess of postal and parcel service normally associated with a residential area.

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

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

**NONCONFORMING** - A condition or characteristic of a building, structure, lot, use, or other activity, or a property which does not conform or comply with the provisions and requirements of Township Ordinances, where such condition or characteristic legally existed prior to the enactment or amendment of a Township Ordinance.

**NONCONFORMING LOT** - A lot, the area or dimension of which was lawful prior to the adoption of, or amendment to, this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING SIGN** - A sign which does not comply with the Sign Regulations of the district in which it is located, either at the time or enactment of Township Ordinances, or as a result of subsequent amendments thereto.

**NONCONFORMING STRUCTURE** - A structure, or part of a structure, which does not comply with the applicable use or extent of use provisions in Township Ordinances or amendments thereto, where such structure lawfully existed prior to the enactment of Township Ordinances or amendments thereto. Such structures include, but are not limited to, fences, swimming pools, etc.

**NONCONFORMING USE** - A use, whether of land or of a structure, which does not comply with the applicable use provisions of Township Ordinances or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of Township Ordinances or amendments, or prior to the application of Township Ordinances or amendment to its location by reasons of annexation.

**NONPOINT SOURCE POLLUTION** - Pollution that enters a watercourse from diffuse origins in the watershed and does not result from discernable, confined, or discrete conveyances.

**NOTABLE TREES** - Trees of twelve (12) inch caliper or greater which are indigenous to the Township.

**NURSING HOME OR CONVALESCENT HOME** - A building or series of buildings for the housing and care of persons in need of specialized care and attention, but which does not necessarily meet hospital level of services.

**OCCUPANCY PERMIT** - A document issued by the Township Zoning Officer allowing the occupancy or other use of a permitted building or other structure and certifying that the building or other structure and the use thereof has been constructed and will be used in compliance with all applicable Township ordinances, codes, regulations, plans and maps, existing at the time of issuance.

**OFFICIAL MAP** - A map adopted by ordinance that conclusively shows the location of existing and proposed public streets, watercourses and public grounds.

**OFFICIAL SEWAGE FACILITIES PLAN** - The plan adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, which sets forth recommendations for the provision of adequate sewage systems in the Township in accordance with Act 537, the Pennsylvania Sewage Facilities Act.

**OFFICE PARK** - A grouping of two (2) or more office buildings which are subdivided and developed according to a unified plan involving the layout of several lots, buildings, access streets, landscaping, and other improvements typically in a campus-like setting.

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

**ON-LOT WATER SUPPLY** - An individual well on the lot where the well services one (1) lot and/or a water supply on a lot occupied or to be occupied serving a permitted building, and in compliance with the prevailing federal, state and county regulations.

**OPEN SPACE** - Natural or landscaped areas restricted in perpetuity for natural resource protection, conservation, education and/or recreation. Open space shall be substantially free of structures, but may contain such improvements as are in the finally approved development plan, and shall not include individually owned private yards, streets, and off-street parking areas unless provided in conjunction with a recreational facility.

**OPEN SPACE DEVELOPMENT** - A form of residential development involving the arrangement of lots with particular consideration of and sensitivity toward environmental resources, and the allocation of open space for various conservation purposes.

**OUTDOOR DISPLAY** - The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for the purpose of display.

**OUTDOOR STORAGE**- The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**PARKING, SHARED** - Joint utilization of a parking area for more than one use.

**PARKING SPACE** - A reasonably level space, available for the parking of one (1) 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. The size of parking spaces shall be as required in Township Ordinances.

**PEAK DISCHARGE** - The maximum rate of flow of water at a given point and time resulting from a predetermined storm.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** - Pennsylvania Act 247 of 1968(P.L.80S) as amended by Act 170 of 1988, also cited as 53 P.S. 10101 et seq., or any subsequent act of the Commonwealth of Pennsylvania which replaces, supplements, amends or repeals any or all of the provisions of Act 247.

**PERMEABLE** - Porous or pervious to water or to other liquids.

**PERSON** - Any individual, public or private association or corporation, trust, partnership, firm, estate, municipality, government unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL SERVICE ESTABLISHMENT** - A retail establishment engaged in the providing services involving the care of a person or his or her personal goods or apparel. Examples of such services include, but are not limited to: barber and beauty shops, pharmacies, dry cleaning and tailoring shops, , travel agencies, or photocopy shops.

**PHYSICAL RESOURCES** - Characteristics of the natural environment manifest in its: landforms, soils, geological structure of surface and/or subsurface rock, minerals, natural bodies of water and/or man-made impoundments, watercourses, groundwater and the like. The disposition of these characteristics is typically expressed in physiographic, topographic and/or hydrologic units such as: rock formations, slopes, elevations, soil types, watersheds, surface water types, wetlands, flood plains, aquifers or aquifer recharge areas and the like.

**PIKE COUNTY NATURAL AREAS** - Those areas identified in the publication entitled "A Natural Areas Inventory of Pike County, Pennsylvania," 1994, updated 2000, Pennsylvania Science Office of The Nature Conservancy.

**PLAN** - A draft, diagram or drawing or set thereof showing the present and proposed physical features or improvement to and development of land; see also Article 3 of the Delaware Township Subdivision and Land Development Ordinance for classification and requirements of plans. The term "plan" includes profiles, cross-sections and the like.

**PLAN, AS BUILT** - A plan prepared by a Surveyor or Engineer showing locations, dimensions and elevations of all improvements as actually constructed.

**PLAN, FINAL** - A subdivision plan and/or land development plan prepared for official recording purposes depicting all features required in Articles 6 and 7 of the Delaware Township Subdivision and Land Development Ordinance and all plans, documents and submissions required therein.

**PLAN, IMPROVEMENTS CONSTRUCTION** - A plan prepared by an Engineer, showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by Township Ordinances, including horizontal plans, profiles and cross-sections.

**PLAN, PRELIMINARY** - A subdivision and/or land development plan filed as a basis for consideration and approval prior to preparation of a Final Plan, including all plans, documents and submissions required in Article 5 of the Delaware Township Subdivision and Land Development Ordinance.

**PLAN, PROFILE** - A plan prepared by an Engineer showing the vertical section of the existing grade and proposed grade: along the centerline of any proposed street, storm sewer line and sanitary sewer line.

**PLAN, RECORD** - A Final Plan approved by the Township and prepared for recording by a Surveyor, showing the ultimate right-of-way width of streets, the lot lines, easements and any other relevant information pertaining to a subdivision and/or land development as required by the Delaware Township Subdivision and Land Development Ordinance.

**PLAN, SKETCH** - A schematic plan, not necessarily to exact scale, indicating topographic, vegetative and other existing features of a tract and its surroundings and the general layout of the proposed subdivision and/ or land development in sufficient detail to allow for disclosure of all significant review matters prior to the filing of a Preliminary Plan for a proposed subdivision and/or land development.

**PLANNED OFFICE PARK** -

**PLANNED SHOPPING CENTER** - A group of two (2) or more commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided onsite, and with provision for goods delivery separated from customer access.

**PLANTING STRIP** - A strip of land lying between the curb line or edge of a cartway, and a sidewalk or walkway; any area requiring screen planting as specified the any of the Delaware Township ordinances, codes, regulations, plans and maps.

**POND** - See Lakes and Ponds.

**PRIMARY EFFECTS** - Results of a direct nature which have a principal influence on a particular condition or state.

**PRIME AGRICULTURAL SOILS** - The Class I, II, and III soils of Delaware Township, as defined by the United States Department of Agriculture Natural Resources Conservation Service.

**PRIVATE SEWAGE DISPOSAL SYSTEM** - A system, other than an on-lot sewage disposal system or a community on-lot sewage disposal system, which is owned, administered and operated by a non-governmental organization, and involves the collection, conveyance, treatment at a sewage treatment plant, and disposal of wastes from customers, in compliance with prevailing federal, state and municipal regulations.

**PRIVATE WATER SUPPLY SYSTEM** - A system for water distribution and water supply, other than an on-lot water supply system or a community water supply system, which is owned, administered and operated by a non-governmental organization, such as a community association, homeowners association, developer or like entity which is regulated by a governmental agency, authority or commission.

**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, chiropractors, attorneys, and accountants.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the governing body, intended to inform and obtain public comment prior to taking action.

**PUBLIC LAND** - Includes parks, playgrounds and other areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC MEETING** - A meeting of the Planning Commission at regular, scheduled intervals throughout the year, which is open to the public and is advertised, and during which various items of business are reviewed and discussed.

**PUBLIC NOTICE** - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

**PUBLIC SERVICE FACILITIES** - Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUBLIC SEWAGE DISPOSAL SYSTEM** - A system, other than an on-lot sewage disposal system, a community on-lot sewage disposal system, or a private sewage disposal system which is administered and operated by a governmental agency, authority, or commission, and involves the collection, conveyance, treatment at a sewage treatment plant, and disposal of wastes from customers, in compliance with prevailing federal, state, and municipal regulations.

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

**PUBLIC TRANSPORTATION FACILITY** - An area of land or a structure accessory to a transportation system owned, operated, or regulated by a government agency used for the mass transport of people.

**PUBLIC WATER SUPPLY SYSTEM** - A system for water distribution and water supply, other than an on-lot water supply system, or a community water supply system, or a private water supply system which is administered and operated by a governmental agency, authority or commission in compliance with prevailing federal, state and municipal regulations.

**PUBLIC WAY** - A paved accessway which is manifest in one or more of the following: all State roads and highways; all dedicated roads maintained by the Township; all roads for which the offer of a deed of dedication has been made; and all private roads over which the general public has the right of access.

**RECREATION, ACTIVE** - Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, INDOOR COMMERCIAL** - The use of a building or part thereof for profit for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents.

**RECREATION, PASSIVE** - Recreation that is relatively inactive or involves less energetic activities, such as walking, picnicking, and fishing.

**RECREATIONAL VEHICLE** - A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use. Recreational vehicles include, but are not limited to, travel trailers, truck-mounted campers, motor homes, folding tent campers and autos, buses or trucks adapted for vacation use and other vehicles not suitable for daily conventional family transportation. Snowmobiles, mini-bikes, all-terrain vehicles, go-carts and boat trailers are also deemed recreational vehicles.

**RECYCLING CENTER** - A business that accumulates material such as paper, glass, aluminum, and plastic that is no longer useful for

its original purpose. The materials are then transported off the premises to be manufactured into a new product. A place for the collection and storage of materials suitable for recycling into usable products of the like, kind and quality of the materials collected.

**REGISTERED HISTORIC STRUCTURE** - A building or structure listed on the National Register of Historic Places or located within a registered historic district and approved by the Secretary of the Interior as being of historical significance to the district, or listed as a National Historic Landmark.

**REGULATORY FLOOD ELEVATION** - The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 ½) feet.

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

**REPETITIVE LOSS** - Flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

**RESTAURANT** - A place of business serving food and beverages prepared for consumption on the premises, and providing table or sit-down service, but not including outdoor curb service.

**RESTAURANT, DRIVE-THRU SERVICE** - A fast food restaurant which also allows for the serving and pick-up of food to customers who remain seated in their automobiles for off-premise consumption.

**RESTAURANT, FAST FOOD** - An restaurant where customers place their orders at a service area located indoors, separate from any seating facilities, but where food is either consumed at seating facilities or is taken out for consumption.

**RESTORATION** - The act of restoring a building or structure to the condition that existed prior to its damage or deterioration.

**RESTRICTION** - A limitation on property which may be created in a deed, lease, mortgage, through certain provisions of Township Ordinances or other Township codes, ordinances, regulations, plans or maps or conditions of approval of an application for subdivision and/or land development.

**RESTRICTIVE COVENANT** - A restriction on the use of land, usually set forth in the deed.

**RESUBDIVISION** - The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded; or, the alteration of any streets or the establishment of any new streets within any such subdivision. Resubdivision does not include conveyances made so as to combine entire existing lots by deed or other instrument.

**RETAIL REPAIR SERVICE** - A retail establishment engaged in the providing services involving the repair of personal and/or household goods. Examples of such services include, but are not limited to: tailoring shops, shoe repair, and home appliance repair.

**RETAIL STORE** - An establishment 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, book store, florist, or clothing store.

**RETENTION BASIN** - A reservoir, formed from soil or other material, which is designed to retain permanently a certain amount of stormwater from a catchment area and which also may be designed to detain temporarily additional stormwater runoff from the catchment area. Retention basins also may receive fresh water from year-round streams. Retention basins always contain water and thus shall be considered man-made lakes or ponds.

**REUSE** - A use for an existing structure or lot of land other than the use for which it was originally intended or made.

**REVIEW** - An examination of the Sketch, Preliminary and/or Final Plan by the Township Planning Commission, Township Engineer, other Township officials, representatives and bodies and the Board of Supervisors to determine compliance with Township Ordinances and its regulations, design standards and all other Township ordinances, codes, regulations, plans or maps.

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

**RIPARIAN BUFFERS** - Natural areas along watercourses, ponds, or other waterbodies established for the protection and/or regeneration of vegetation.

**ROAD** - See Street.

**ROUTINE TREE MAINTENANCE** - Maintenance involving the removal of trees or parts thereof that are: dead; diseased or infested; damaged by storm or other natural cause; or growing so as to interfere with permitted improvements or utilities; or likely to cause damage to property or persons.

**SCALE** - The relationship between distances on a map and the actual ground distances.

**SCENIC VIEWSHED** - A natural and/or historic landscape that is visible from a designated public road.

**SCREEN PLANTING** - A planting strip at least five (5) feet in width having an initial height of not less than six (6) feet which shall provide a continuous visual buffer.

**SEASONALLY HIGH WATERTABLE SOILS** - Those soils in which the groundwater surface is eighteen (18) inches or less from the

ground surface at certain times of the year as specified by the USDA, NRCS "Soil Survey", or as determined by field investigation.

**SECONDARY EFFECTS** - Results of an indirect nature which have an influence on a particular condition or state derived from a primary effect.

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

**SEDIMENT** - Deposited silt or other matter that is being or has been moved from its site of origin by water or other means of erosion.

**SEDIMENT BASIN** - A structure designed and built to retain sediment during construction.

**SELF STORAGE WAREHOUSE** - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

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

**SEPTIC TANK FILTER FIELD** - A system of open jointed pipes intended to distribute septic tank effluent into the ground for absorption and evaporation.

**SEPTIC SYSTEM** - An underground system with a septic tank and filter field used for the decomposition of domestic wastes and its safe disposal.

**SETBACK** - The distance between a building and any lot line.

**SETBACK AREA** - The area to be designated, delineated, depicted and otherwise noted on any plan as separating buildings or groups of buildings, or the area separating parking areas and loading zones from buildings and groups of buildings or the areas separating lines of the buildable areas and the lot lines. Setback areas also include the area separating a building or a group of buildings or their parking areas from the street line and other lines.

**SETBACK LINE** - That line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which any principal structure must be erected or placed (see Building Setback Line).

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

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

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

**SEWER - COMMUNITY SEWER SERVICE** - A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection.

**SEWER - PUBLIC SEWER SERVICE** - An off-site system for collection, treatment, and disposal of sewage in which sewage is conveyed to a treatment facility administered and operated by a governmental agency, authority, or commission, and disposed of through means and approved by the Pennsylvania Department of Environmental Protection.

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

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

**SHADE TREE** - A woody plant, usually deciduous, which normally grows with one (1) main trunk to a height in excess of forty (40) feet and has a canopy which screens, and filters, the sun in the summer and winter, respectively.

**SHED** - An accessory structure or building used primarily for storage purposes. To receive a zoning permit for a shed, a shed may be no more than two hundred (200) square feet in area and no more than twelve (12) feet in height, and shall not be used for storage or repair of a motor vehicle. A shed shall be permitted only in the rear yard of a lot, and shall be limited to a maximum of one (1) shed per acre, and not to exceed three (3) sheds per lot.

**SHORT-TERM EFFECTS** - Results which occur immediately or within a short period of time, such as a week.

**SIDEWALK** - A paved, surfaced or level area, paralleling and separated from the cartway of the street, used as a pedestrian walkway.

**SIGN** - Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag, or representation used as or which is 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 shall not be construed to be signs. (See Article 15 for definitions of specific types of signs).

**SILT** - Finely divided particles of soil or rock, often carried in cloudy suspension in water and eventually deposited as sediment.

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

**SITE** - A lot or contiguous combination of lots.

**SITE DISTURBANCE OF TREES** - Any activity that involves the removal of vegetation through clearing, grading, filling, and other types of earthmoving.

**SITE PREPARATION ACTIVITIES** - Any activities involving earthmoving or site disturbance in preparation for the construction or installation of improvements or utilities or a change to the land cover characteristics of a property.

**SLOPE, EXTREMELY STEEP** - The areas characterized by slopes equivalent to a change in elevation greater than 35 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey

**SLOPE, MODERATELY STEEP** - Areas characterized by slopes equivalent to a change in elevation from 15 to 25 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey.

**SLOPE, VERY STEEP** - Areas characterized by slopes equivalent to a change in elevation from 25 to 35 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey.

**SOIL EROSION** - The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind and ice.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** - A plan and related narrative report required in accordance as required by Township Ordinances.

**SOIL PERCOLATION TEST** - A field test in accordance with criteria of the Pennsylvania Department of Environmental Protection conducted to determine the suitability of the soil for on-site sewage disposal facilities and infiltration structures by measuring the absorptive capacity of the soil at a given location and depth.

**SOIL SURVEY** - The Soil Survey Geographic Database (SSURGO) for Pike County, Pennsylvania, published by the U.S. Department of

Agriculture, Natural Resources Conservation Service, and as may be updated from time to time.

**SOLID WASTE** - Garbage, refuse or other discarded materials including, but not limited to, non-liquid waste materials resulting from industrial, commercial, institutional, agricultural and residential activities.

**SOLID WASTE DISPOSAL FACILITY** - A facility used for the disposal of solid waste materials.

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

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

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

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

**SPECIMEN TREE** - A tree considered worthy of conservation by the Township because of its species, age, size, shape, form, historical importance, or any other significant characteristic which epitomizes the character of the species; particularly as applied to trees over eight (8) inches DBH, either as a free-standing tree or within a woodland.

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

**STAGE** - A section of development to be undertaken at one time as part of a timetable for development over a period of years.

**STANDARDS FOR REHABILITATION** - Standards promulgated by the Secretary of the Interior to guide and evaluate the rehabilitation of historic buildings.

**STORM SEWER** - A sewer that carries storm surface and groundwater drainage but excludes sewage and residential, commercial and industrial wastes.

**STORMWATER** - That water which accumulates from precipitation and is manifest in surface runoff.

**STORMWATER DETENTION** - Any storm drainage technique that retards or detains runoff, in rate, volume, or otherwise, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

**STORMWATER MANAGEMENT PLAN** - A plan for controlling surface water runoff so that it will preclude erosion or flooding and/or the adverse effects of impervious areas on surface water runoff as required by the Township ordinances, codes, regulations, plans and maps.

**STORMWATER RETENTION SYSTEM** - A system designed for the permanent storage of water runoff.

**STREET** - A public or privately owned right-of-way approved pursuant to law, abutting and furnishing access to more than one (1) lot, and serving primarily as a means of motor vehicle travel; also used to provide space for installation of improvements such as sewers, other utilities, street trees and sidewalks.

**STREET, COLLECTOR-MAJOR** - A street intended to serve a principal role in collecting traffic from minor collectors and local streets, and used primarily as the means of access for through traffic within the Township and to areas adjacent thereto, and from minor arterial streets.

**STREET, COLLECTOR-MINOR** - A street intended to serve a principal role in collecting traffic from local streets, and used primarily as the means of access for through traffic between residential neighborhoods and other areas within the Township and to areas adjacent thereto, and from major collectors and minor arterials.

**STREET, CUL-DE-SAC** - A street having vehicular access to and from a street at one end and terminating in a circular vehicular turn-around at the other end, within which no lot shall be permitted.

**STREET, LOCAL** - A street intended to serve a principal role in providing access to lots abutting thereon, and as a means of gaining access to streets of a higher functional classification such as a collector street. A cul-de-sac street shall be considered as a local street.

**STREET, MINOR ARTERIAL** - A street intended to serve a principal role in accommodating traffic from collector streets and in carrying relatively large volumes of long distance traffic between other minor arterials.

**STREET, PRIVATE** - A local street not duly accepted by the Board of Supervisors as a public street.

**STREET LINE** - The right-of-way line of a street where it crosses a lot.

**STREET TREE** - A shade tree within a street right-of-way.

**STREETSCAPE** - the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, signs, and lighting.

**STRIPPING** - Cutting or any other activity which removes the vegetative surface cover such as tree removal, clearing, grubbing and removal of top soil.

**STRUCTURAL ALTERATION** - See Alteration of Structure.

**STRUCTURE** - A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water, whether or not affixed to the land, including but not limited to buildings, sheds, manufactured homes, mobile homes, and other similar items.

**STUDIO** - A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts including, but not limited to, drawing, choral or instrumental music, dance, painting, sculpture, and writing.

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

**SUBDIVISION, MAJOR** - All subdivisions not classified as Minor Subdivisions.

**SUBDIVISION, MINOR** - A subdivision containing not more than three (3) lots, and conforming to other conditions of eligibility in accordance with Section 301 of the Delaware Township Subdivision and Land Development Ordinance.

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

**SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME AND MOBILEHOME PARKS** - Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, or mobile

home park or mobile home subdivision, where such repair, reconstruction or improvement of the streets, utilities, and pads will equal or exceed fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

**SUBSTANTIAL DAMAGE** - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would exceed fifty (50) percent of the market values of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include either: any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**SUBSTANTIALLY COMPLETED** - Where in the judgment of the Township Engineer, at least 90% of those improvements required as a condition of Final Plan approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. (Ninety percent (90%) shall be determined based on the cost of the required improvements for which financial security is posted pursuant to Article 9 of the Delaware Township Subdivision and Land Development Ordinance).

**SURVEYOR** - A person duly registered by the Commonwealth of Pennsylvania to practice surveying.

**SWALE** - An elongated depression in the ground which collects and channels surface water runoff.

**SWIMMING POOL** - Any permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. Swimming pool regulations are set forth in Article 19.

**TAVERN** - An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

**TIMBER HARVESTING** - The removal of more than four (4) trees per acre from any lot for the purpose of allowing or encouraging the natural regeneration or preservation of a tree stand, on a lot which has a gross area prior to any subdivision or land

development of more than three (3) acres and which is undertaken in compliance with a Township approved timber harvesting plan.

**TIMBER HARVESTING PLAN** - A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a forester with demonstrable expertise in forest management, and shall document measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads and the tree removal process; minimize destruction of habitat; and ensure site restoration. The timber harvesting plan shall include the minimum contents requirements (Section 5) and be consistent with the minimum forest practices (Section 6) of the Pennsylvania Model Forestry Regulations published by the Penn State School of Forest Resources.

**TOPSOIL** - Natural and friable loam containing sufficient nitrogen, phosphorus, and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses

**TOWER** - Any pole, telescoping mast, monopole or any other similar structure.

**TOWNSHIP ENGINEER** - A Professional Engineer (P.E.) licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township; or, a firm of such engineers employed by the Township or retained as a consultant thereto.

**TRACT** - An area, parcel, site, piece of land, or property that is the subject of a development application.

**TRANSFERABLE DEVELOPMENT RIGHTS** - The removal of the right to develop or build, expressed in dwelling units or floor area, from one property, and the transfer of that right(s) to another property.

**TRAVEL TRAILER** - A portable vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term.

**TREE MASS** - A contiguous grouping of trees.

**UNIFORM CONSTRUCTION CODE (UCC)** - The statewide building code adopted by 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 International Building Code (IBC) by reference as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**USE** - An activity or the specific purpose for which land, a building or other structure is designed, arranged, intended, or improved, or for which it is or may be occupied or used.

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

**VEHICLE -- JUNK** - Any vehicle, which is so disabled, disassembled, dismantled or damaged as to be incapable of being used safely for its intended purposes and is left in such condition for thirty (30) days or more; vehicles stored for their parts or scrap value; vehicles required by the State of Pennsylvania to be inspected or licensed which have no current inspection or which are not currently licensed.

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

- A. UNOBSTRUCTED - The ability to see most or all of the object; specifically, where more than eighty (80) percent of the object is visible.
- B. FILTERED - The ability to see some of the object; specifically, where twenty (20) percent to eighty (80) percent of the object is visible.
- C. HIDDEN - The ability to see little or none of the object; specifically, where less than twenty (20) percent of the object is visible.

**VISUAL RESOURCES** - Characteristics of the natural and/or cultural environment which are visible. The visual resources of a particular area are typically expressed in terms of their visibility, character and/or attractiveness relative to their amenity value and/or quality, or lack of it.

**VILLAGE GREEN**, - An open space area around which dwelling units are placed in a clustered arrangement. A village green, typically in the range of 4,000 to 10,000 square feet, serves as an organizing element for homes in a village.

**WAREHOUSE** - A building used primarily for the indoor storage of goods and materials.

**WASTEWATER** - Water carrying waste from homes, businesses, and industries that is a mixture of water and dissolved or suspended solids.

**WASTEWATER DISPOSAL FACILITY** - Any device or system in public or private ownership used in the storage, treatment, recycling, or reclamation of sewage.

**WATERBODY** - A stream, pond, lake, reservoir or other surface water feature.

**WATERCOURSE** - A channel of surface water having a defined bed and banks with perennial or intermittent flow such as a river, stream, creek, run, or other natural body of running water.

**WATER SUPPLY - COMMUNITY** - A system for supplying water from a common source or sources to more than one dwelling and other buildings within a development. The water source may be located onsite or off-site and may be publicly or privately owned.

**WATER SUPPLY - ON-LOT** - A supply of water to a single use or dwelling from a private well located on the lot in which the use is located.

**WATER SUPPLY - PUBLIC** - A system for supplying water in sufficient quantities to more than one dwelling or other buildings of a development, which is administered by a municipal authority or by a municipality or public utility as defined and regulated by the Pennsylvania Public Utility Commission.

**WATER SURVEY** - An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

**WATERTABLE** - The upper surface of a zone of saturation, except where that surface is formed by an impermeable material.

**WETLAND** - As defined by the Pennsylvania Department of Environmental Protection, those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are identified and delineated according to the criteria set forth in the Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1, 1987) as may be amended from time to time and as adopted by the Pennsylvania Department of Environmental Protection.

**WETLAND BUFFER** - Natural areas adjoining wetlands, established for the protection and/or regeneration of vegetation.

**WIND POWER FACILITY** -

**WOODED LOT** - Any lot having more than one (1) viable tree of a DBH of eight (8) inches or greater, per one thousand five hundred (1,500) square feet of lot area.

**WOODLAND** - A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of trees larger than six inches DBH covering an area of one-quarter acre or more, or consisting of ten (10) individual trees larger than six (6) inches DBH, shall be considered a woodland. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in the community. Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years, which would

have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

**WOODLAND, PRIME** - A vegetative community with canopy trees, sub-canopy trees, shrubs, and ground layer plants, with a majority of canopy trees of 12 inches or greater diameter at breast height, that is undergoing healthy natural succession, and provides habitat for forest interior animal species.

**YARD** - An open area around the inner periphery of a lot that lies between the principal building or buildings and the nearest street and/or lot line. It is measured as a distance perpendicular to the lot and street lines.

**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 front building setback line.

**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 rear building setback line.

**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 side building setback line.

Words not defined above shall have the meaning given in the Municipalities Planning Code, Delaware Township Subdivision and Land Development Ordinance or other Delaware Township Codes and Ordinances, and if not defined in the aforementioned documents, the most recent edition of Webster's Unabridged Dictionary.