

DEFINITIONS APPLICABLE TO THE ORDINANCES OF DELAWARE TOWNSHIP

A. The following definitions are applicable, where appropriate, to all of the Ordinances of Delaware Township. To avoid repetition and to facilitate use, they are consolidated here. These definitions are part of each ordinance in which the words that they define occur.

B. As used in the Ordinances of Delaware Township, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings, where appropriate. Such words as "building," "road," and "sign" are used generally, and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive the words "shall," "will," and "must" are mandatory.

C. Any words or terms used in any of the Ordinances of Delaware Township which are not defined herein shall be defined in accordance with their ordinary or common definition and in accordance with the context in which they are placed.

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.

ACCESSORY USE OR STRUCTURE. A use or structure subordinate and incidental to that of the principal use or structure on the same property.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". An "Adult Arcade" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT BOOK STORE. A store whose major business is to sell, or charge admission for the right to view, mini-motion pictures, books, magazines, and other media that feature sexual activities involving humans.

ADULT BOOKSTORE OR ADULT VIDEO STORE. A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations, slides or other visual representations or computer representation which depict or describe "specified sexual activities" or "specified anatomical areas" or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult Bookstore" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". The term "Adult Bookstore" shall include but not be limited to an "Adult Video Store", and all such uses shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT BUSINESS. Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides, or other photographic or computer generated reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or where any "specified sexual activities" are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article:
 - 1. adult arcade
 - 2. adult bookstore or adult video store

3. adult live entertainment use or facility
4. adult motel
5. adult motion picture theater
6. adult theater
7. escort agency
8. massage parlor
9. nude model studio
10. sexual encounter center

ADULT LIVE ENTERTAINMENT USE OR FACILITY: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

1. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities" or,
3. Films, motion pictures, video cassettes, slides or other photographic or computer generated reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

An "Adult Live Entertainment Use or Facility" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic or computer reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or,
2. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An "Adult Motel" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic or computer reproduction are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An "Adult Motion Picture Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". An "Adult Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

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

ADVERTISEMENT. The outdoor display of any writing, picture, painting, emblem, drawing, sign, or similar thing intended to draw the attention of the public.

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 use of land for agricultural purposes and accessory uses, not including commercial hog farms or fur farms, fertilizer plants or the sale of fertilizer, feed stores, tanneries, or other uses not compatible with adjacent land use.

AIRPORT. A place where aircraft can land and take off, which may be equipped with hangars, facilities for refueling and repair, accommodations for passengers, and offices.

ALLEY. A public or private way affording secondary access to abutting property.

ALTERATION. Any change or rearrangement in the structural parts, or any enlargement of, a structure or the moving of any structure from one location to another.

ANIMAL HUSBANDRY. The raising and keeping of livestock and poultry for any commercial purposes. The keeping of livestock or poultry as farm pets or for domestic purposes is not animal husbandry.

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

ANIMAL SHELTER The keeping of more than ten (10) dogs or more than (20) cats, or 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.

APARTMENTS. See Dwelling, Multi-family.

APPLICANT. A landowner, developer, or other person who is required to file an application to comply with any Ordinance.

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.

AVERAGE GROSS RESIDENTIAL DENSITY. Definition repealed on December 20, 2006.

BASEMENT OR CELLAR. A portion of a building that is partially below ground and has more than one-half of its interior height, measured from floor to finished ceiling, above the average finished grade of the ground adjoining the building.

BEDROOM. Any room with a closet other than a living room, dining room, bathroom, kitchen, utility room, or entryway.

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

BLOCK. An area bounded by roads or property lines the length of one side of a street between two street intersections.

BOARD OF SUPERVISORS. The elected governing body of Delaware Township.

BOARDING OR LODGING HOUSE. A building, other than a hotel or restaurant, where meals and/or lodging are provided for compensation, for five (5) or more persons who are not transients.

BOCA PLUMBING CODE. Refers to the "BOCA Basic Plumbing Code" which sets the standards for plumbing installations. The 1987 edition or any more recent revision shall be used.

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.

BUILDING. A structure having roof or roofs supported by walls and/or columns, including a mobile home and a modular home.

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 structures separated by party walls.

BUILDING SEWER. Shall refer to that portion of the installation which extends from building formation to the property line.

BUSINESS. Any enterprise, occupation, trade, or profession engaged in for profit, either continuously or temporarily. The term "business" shall include the occupancy or use of a building for the transaction of business or the rendering or receiving of professional or personal services.

BUS SHELTER. See Shelter, Transportation.

CAMP. A business offering dormitories, cottages, cabins, tents, or similar accommodations eating facilities sanitary facilities and recreational or educational facilities to the public on other than a transient basis.

CAMPGROUND. Any land upon which space is rented for the temporary occupancy of two (2) or more tents or recreational vehicles.

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.

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

CARPORT. A building open on two (2) or more sides and used for the storage of private motor vehicles.

CART WAY. The graded portion of a street, alley, or other road, including the travelway and shoulders. SEE Street.

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

CELLAR. See Basement.

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 comply with the provisions of all applicable ordinances and may be used for the purposes set forth in the permit.

CHILD/CHILDREN. Any person under 16 years of age.

CHILD DAY CARE CENTER. Any premises in which child day care is provided at any one time for seven or more children unrelated to the operator.

CHILD DAY CARE HOME. Any home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to 4, 5, or 6 children unrelated to the operator.

CLUSTER DEVELOPMENT. A form of development for single-family residential subdivisions that permits a reduction in lot size, with common area required for recreation and/or environmental protection.

COLLECTOR STREET. A street that, in addition to giving access to abutting property, intercepts minor streets and provides routes to community facilities and to major streets.

COMBUSTIBLE REFUSE. Anything thrown away or abandoned that can be burned by fire.

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.

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.

COMMERCIAL RESORT. *See* Resort, Commercial.

COMMERCIAL VEHICLE. Any motor vehicle that is required by law to bear any license plate other than that issued for private passenger car use and any motor vehicle, including passenger cars, that by reason of a characteristic coloring or marking exceeding one (1) square foot in area, is identified or commonly associated with any business, industry, or public agency; or shipping containers and weather resistant trailers, or any motor vehicle in excess of 5,000 lbs. shall be considered a commercial vehicle.

COMMON AREA. An area of property permanently set aside for recreation and/or conservation purposes and prohibited from future development by conservation easement or deed restriction. Common area shall not include streets, off-street parking areas, private yard space, or utility rights-of-way. Further, no more than fifteen percent (15%) of the required common area shall contain community septic systems and stormwater management facilities. Common areas shall be substantially free of structures, but may contain improvements appropriate for recreational use. Common areas shall be owned by established community associations or shall be dedicated to the Township as open space. The provisions of this Ordinance Amendment shall become effective immediately upon its adoption by the Delaware Township Board of Supervisors.

COMMON PROPERTY. Excepting roads, all land and improvements in a recreational subdivision that are, or are intended to be, jointly owned and maintained by lot owners, lessees, members and/or developers for the exclusive purpose of recreation, and identified by the subdivider as such on any plan submitted to the Township for approval.

COMMUNITY ANTENNA TELEVISION (CATV). The broadcasting of television signals by means of co-axial cable, microwave, other types of cable, or other device to the television receiving sets of subscribers cable television systems of any kind whatsoever are included in this definition.

COMMUNICATION TOWER AND ANTENNA: A structure in excess of (35) thirty-five feet in height utilized for the primary purpose of transmitting radio, microwave, electronic, or other transmissions of information, images, sound, pictures, or any other matter from one source to another, but shall not include television or radio antennas erected in conjunction with private homes or public facilities, the purpose of which is to provide radio or television images inside such home or business.

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 on (1) lot, or more than on (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 or 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 WATER SUPPLY SYSTEM. An individual well or series thereof serving more than on (1) lot or more than on (1) building which along with its appurtenant facilities is administered and maintained by such organizations as a homeowners association, community association, or other like organizations 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 with the Township.

COMPREHENSIVE PLAN. The document adopted by the Board of Supervisors and entitled Plan for Development of the Township of Delaware, Pike County, Pennsylvania.

CONDITIONAL USE. A specified use that is allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to express standards and criteria set forth in Township Ordinances.

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.

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

CONTRACTING BUSINESS AND TRADES. Any commercial activity that is associated with the construction or erection of buildings or structures at a project site, including but not limited to excavators, builders, plumbers, electricians, painters, well drillers, masons, and similar trades.

CONTRACTOR YARD. Any premises used as a base of operation by any tradesman, contractor, or subcontractor for the storage of equipment and supplies, fabrication of sub-assemblies, and parking of vehicles and equipment used in any contracting business or trade.

CONVENIENCE STORE. A one-story, retail store containing less than 3000 square feet of gross floor area that is designed and stocked to sell primarily grocery and deli items, beverages, and household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

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.

CONVERSION. To change or adapt land or structures to a different use, occupancy, or purpose.

COUNTY PLANNING COMMISSION. The Pike County Planning Commission.

CUL-DE-SAC STREET. A street ending in a permanent turnaround. SEE Street.

CULTURAL CENTER. A building open to the public that contains exhibits of a cultural interest: e.g., a museum or art gallery.

CURATIVE AMENDMENT. A zoning amendment proposed by any landowner who desires to challenge on substantive grounds the validity of an ordinance that prohibits or restricts the use of land in which he or she has an interest.

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.

DEAD-END STREET. A street ending in a temporary turnaround, and designed to be continued at some future time. See Street.

DEDICATION. The setting aside of land by its owner for any public use, reserving to himself or herself no rights that are incompatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

DELAWARE WATER GAP NATIONAL RECREATION AREA. That portion of Delaware Township owned by the United States Department of the Interior for use as a national recreation area.

DEVELOPER. Any person who creates or assists in the creation of a subdivision or development for any purpose.

DEVELOPMENT.

1. The subdivision of land into two (2) or more units the construction on a lot of residential, commercial, industrial, or other buildings the division or allocation of real property among existing or prospective occupants for any purpose. When used as a noun, a development means the land subdivided, the buildings constructed, etc.

2. Floodplain development, as defined below.

DEVELOPMENT PLAN. A proposal for a Planned Residential Development, which (see), prepared in accordance with the appropriate ordinance, including a plat of subdivisions all covenants relating to use location and bulk of buildings and other structures intensity of use or density of development streets, ways, and parking facilities common area and public facilities. The phrase "provision of the development plan" means both the written and graphic materials referred to in this definition.

DIRECTIONAL SIGN. A sign intended to direct or point to a place.

DISABLED VEHICLE. Any vehicle that is disabled or inoperable to such an extent that it is impossible to avoid abandoning it temporarily.

DRAINAGE FACILITY. Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting or carrying off surface water.

DRAINAGE PLAN. A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours, and topography.

DWELLING. Any building designed for residential use and containing kitchen and sanitary facilities.

DWELLING, SINGLE-FAMILY. A dwelling designed for occupancy by one (1) family.

DWELLING, TWO-FAMILY. A dwelling designed for occupancy by two (2) families in which the two (2) dwelling areas are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

DWELLING, MULTI-FAMILY. A dwelling designed for occupancy by three (3) or more families, each dwelling area of which is entirely separated from all others includes apartments.

DWELLING UNIT. One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities used or intended to be used by one (1) or more persons living together and maintaining a common household, and accessible from the outdoors either directly, or through an entrance hall shared with other dwelling units.

DWELLING UNIT, CONTROLLED DENSITY. Restricted to use as the basis for modifying density requirements for townhouse cluster developments under the Cluster development standards of the Zoning Ordinance. For that purpose only, three (3) bedrooms (see definition above, as well as additional stipulations in the Zoning Ordinance) constitute one (1) dwelling unit whether or not the bedrooms are in the same dwelling, and more than three (3) bedrooms in one (1) dwelling constitute the appropriate fractional share of a additional dwelling unit or units.

EASEMENT. A limited right of use granted in private land for quasi-public purposes.

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.

EMERGENCY CONDITION. Any accumulation of hail, sleet, freezing rain, or ice, or the accumulation of two (2) or more inches of snow from one (1) continuous snowfall.

ENTERTAINMENT FACILITY. A building or area where an activity conducted for gain is related to the entertainment field, such as a motion picture theater, dance hall, bowling alley, roller skating rink, or golf driving range.

EQUIVALENT DWELLING. A waste water flow unit derived by dividing the projected waste water flow from an establishment by 262.5 gallons, thereby equating the projected flow with an equivalent number of single-family dwellings.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. An "Escort Agency" shall be considered an "Adult Business" for the purpose of this 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.

ESTIMATED COST. The reasonable value or rental cost of all services, labor, materials, and equipment necessary to the completion of work on a structure. The cost of any work that is merely for embellishment, or not necessary for safe and lawful use, is excluded.

FACE (of a building). The outer surface of a building that is visible from any private or public road.

FAMILY. A single person occupying a dwelling unit and maintaining a household or, two (2) or more persons related by blood or marriage, occupying a dwelling unit together and maintaining a common household, including no more than one (1) boarder, roomer, or lodger or, not more than five (5) unrelated persons occupying a dwelling unit together and maintaining a common household.

FARM. An area of land not less than five (5) acres in size, used for agricultural purposes.

FENCE. A structure that permanently or temporarily inhibits unrestricted travel between properties or between a street or public right of way and a property.

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 call buffers. The primary functions 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 of normally dry land areas.

FLOODPLAIN. A relatively flat or low area adjoining a lake, river, stream, or other water course that is subject to partial or complete inundation once in every one hundred (100) years.

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

FLOODPLAIN DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, and mining, dredging, filling, grading, paving, excavation, or drilling operations. See Development.

FLOODPROOF. To prepare a structure to meet the requirements of the "Flood-Proofing Regulations," U.S. Army Corps of Engineers, June 1972, as amended and supplemented from time to time.

FLOODWAY. The area of a floodplain required to carry the discharge waters of a flood one hundred (100) year magnitude.

FLOOR AREA. For the purposes of applying the requirements for off-street parking and loading in the cases of offices or merchandising or service uses, floor area shall mean the gross area used or intended to be used by the tenants or the public, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, and processing or packaging of merchandise for shop windows for offices incidental to the management or maintenance of stores or buildings for toilet or rest rooms for utilities or for dressing, fitting, or alteration rooms.

FOUNDATION LOCATION PLAN. A plan showing all building locations in relation to property lines and setbacks.

FRANCHISEE. A person granted a franchisee to operate a community antenna television system.

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.

FUEL TRANSFER STATION/BULK FUEL STORAGE FACILITY. Any area of land, including structures thereon, or any building or part thereof, that is used for the storage and sale of fuel, including but not limited to, gasoline, kerosene, home heating oil and propane in tanks, either underground or above ground, for distribution to Wholesale establishments, Individual users or for Retail sale.

GARAGE, PRIVATE. A space or structure on the same lot with or in the building to which it is accessory used for parking or storage only having no public shop or service in connection therewith and in which no occupation, business, or industry is conducted.

GARAGE, SERVICE. A garage, other than a private garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire, or sale.

GARBAGE. The waste parts of food animal or vegetable matter that is thrown away.

GRAVITY SEWER. Refers to all sewers, laid on a constant downgrade slope where the flow is maintained by gravity.

GREENHOUSE, PRIVATE. A building accessory to a residence used for the purpose of raising plants that are not to be sold.

GROSS TRACT AREA. For the purposes of determining required common area, gross tract area shall be the entire acreage within the title lines of a development parcel or parcels, excluding existing road rights-of-way.

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

HAM RADIO ANTENNA. An antenna and associated communication tower for transmitting and receiving as required by 47 CFR 97 and 47 CFR 95.

HAULER. Any person licensed by the Township to collect, haul, and dispose of refuse.

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.

HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for vehicular travel.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have certified either:

a. By an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.

HOLDING TANK. A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

HOME OCCUPATION. Any use conducted entirely within a dwelling that is carried on only by the inhabitants of the dwelling and no more than two (2) additional persons, and that is clearly incidental secondary to the use of the dwelling for dwelling purposes and that does not change its character or exterior appearance. Having not used more than 25% of the dwelling and a total combined square footage of the building and accessory structures and business may be conducted in either.

HOME OCCUPATION, MAJOR. A home major home occupation may not exceed 50% of the total combined square footage of the dwelling and largest accessory structure, may only occupy the dwelling and/or one accessory structure and in no event shall occupy 25% of the dwelling by square footage.

HOTEL/ MOTEL. A building that has a common outside entrance that contains six (6) or more rooms that is designed, arranged, and used for overnight lodging of travelers or for the temporary occupancy of transients and the business conduct of which is licensed under applicable laws.

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.

HUNTING CLUB OR CAMP. Land owned by a group of persons duly formed as a club, used principally for hunting and open only to members and guests.

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

ILLUMINATED SIGN. Any sign artificially illuminated in any way.

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.

IMPROVEMENTS. Any physical addition, installation, or other change in a subdivision or development, of any kind whatsoever, required or necessary to render the property suitable for its proposed use.

INCOMBUSTIBLE REFUSE. Anything thrown away or abandoned that cannot be burned by fire, excluding sewage and liquid waste.

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.

JUNK. Any discarded material or articles, including but not limited to, scrap metallic or non-metallic items abandoned, wrecked, partially dismantled, and inoperative vehicles and equipment, paper, glass, and containers and structures. Junk does not include refuse kept in proper container for the purpose of prompt disposal.

JUNK DEALER. A person who operates a junk yard.

JUNK YARD. Any location used for the collection, storage, dismantling, salvage, sale, or other handling of junk. The definition includes auto wrecking yards, house wrecking yards, used lumber yards, and places or yards that use salvaged materials and equipment, and any location where three (3) or more unlicensed, wrecked, or disabled vehicles are stored, but excludes such places when an activity is

conducted entirely within a completely enclosed building pawn shops and establishments for the sale, purchase, or storage of used cars in operable conditions, salvaged machinery, and used furniture and household equipment and manufacturing operations.

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.

LAND DEVELOPMENT.

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose, involving

(a) a group of two or more buildings, or

(b) the division or allocation of land or space between two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

2. A subdivision of land.

LANDOWNER. The legal or beneficial owner 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 or she is authorized under the lease to exercise the rights of a landowner, or other person having a proprietary interest in land.

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.

LATERAL LINE. The pipe running from a building to a community sewerage system, or, in the case of a centralized system, the line running to the main or central line. The term is synonymous with the term "building sewer," which, however, also includes the pipe running from a building to a septic tank.

LIVESTOCK – Animals of any kind, raised for sale or agricultural production, excluding Kennels. The keeping of on (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.

LOT. A plot or parcel of land used, or intended for use, as a unit of ownership, transfer of ownership, use, rent, improvement, or development.

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>
Right 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 COVERAGE. That part of a lot that is taken up in structures, impervious drives, impervious parking areas. Except for lots of 1/2 acres or less for which cases Lot Coverage shall be that part of a lot that is taken up in structures, impervious drives, impervious parking areas, and all other impervious surfaces. Impervious surfaces are defined as a surface which prevents the infiltration and percolation of water into the ground. Driveways shall not be considered a structure for permit purposes.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT LINES. The property lines bounding a lot:

1. **Front:** That boundary of a lot that is along an existing or within an existing or proposed right of way. In the event that a road, street, or right of way is within a lot, the front lot line shall be the lot line closest to said road, street, or right of way line running in the same direction. In the case of corner lots, the boundary of lesser dimension of the two (2) along rights of way.

2. **Rear:** That boundary of a lot most distant from and most nearly parallel to the front lot line.

3. **Side:** Any boundary of a lot that is not a front or rear lot line.

LOT OF RECORD. Any lot that individually or as part of a subdivision has been recorded in the Office of the Recorder of Deeds of Pike County.

LOT WIDTH. The horizontal distance between side lot lines measured at the minimum prescribed front yard setback line.

LOWEST FLOOR. The floor of the lowest enclosed area (including basement) in any structure. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles or building access of storage, in an area other than a basement, is not considered to be a lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of any applicable ordinance.

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

MAJOR STREET. A street that serves large volumes of traffic from collector streets and that leads to major community facilities and between communities. *See* Street.

MANUFACTURED HOME. As defined herein, any mobile home and modular home, and any recreational vehicle if placed or intended to be placed on a site for longer than one hundred and eighty (180) days. *See* Mobile Home, Modular Home, and Recreational Vehicle.

MANUFACTURED HOME LOT. Any lot intended to be used as the site of any manufactured home. *See* Mobile Home Lot and Recreational Campsite.

MANUFACTURED HOME PARK OR SUBDIVISION. Any mobile home park or recreational subdivision, as defined herein. *See* Mobile Home Park and Recreational Subdivision.

MARGINAL ACCESS STREET. A minor street that is parallel and adjacent to a major street, and that provides access to abutting property and control of intersections with a major street. *See* Street.

MASSAGE PARLOR. A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish as one of its primary business purposes for a fee, tip, or other consideration a massage which involves the exposure of any "specified anatomical areas" or the conduct of any "specified sexual activities" A "Massage Parlor" shall be considered an "Adult Business" for the purpose of this Ordinance.

MAXIMUM BUILDING HEIGHT. The highest elevation of a building from finished grade at the location that the building elevation is the most above ground. (The owner of any lawful non-conforming structure shall be entitled to rebuild or repair such structure to the original permitted maximum height in the event of any loss or casualty to the structure after the effective date (May 14, 2003) of this Ordinance amendment.

MEMBERSHIP CLUB OR CAMP. An association of persons that owns, leases, or occupies an establishment operated solely for recreational, social, fraternal, religious, political, or athletic purposes, and whose activities are confined to members and guests. It does not include clubs and camps whose chief activity is a service carried on primarily for gain.

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 or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MINOR STREET. A street that is used primarily for access to abutting property. *See* Street.

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.

MOBILE HOME. A movable, single-family dwelling intended for permanent occupancy, contained in one (1) or more sections designed to be joined into one (1) integral unit and constructed on a permanent chassis capable of again being separated for repeated towing, that arrives at site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and that is constructed so that it may be used without a permanent foundation. A recreational vehicle, trailer, and modular home as defined herein are excluded from this definition. *See* Manufactured Home.

MOBILE HOME LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home that is leased by the park owner to the occupant of the mobile home erected or to be erected on the lot. *See* Manufactured Home Lot.

MOBILE HOME PARK. Any tract of land used or intended for use as a location for mobile homes, including all buildings used or intended for use as part of the mobile home park, whether or not a charge is made for such uses. Sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale are not mobile home parks. *See* Manufactured Home Park or Subdivision.

MONUMENTS AND MARKERS A structure that marks and identifies lot lines and street lines or corners of lots and streets with the Delaware Township Subdivision and Land Development Ordinance.

MODULAR HOME. A dwelling unit of prefabricated construction designed to be erected on a building site and, once erected, to be the equivalent of a dwelling constructed entirely on the building site. *See* Manufactured Home.

MOTEL, MOTOR, OR TOURIST COURT. One (1) or more buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, each of which has a separate outside entrance.

MULTI-USE COMMERCIAL CENTER. Any Building containing multiple commercial uses which may include professional and general offices, personal services businesses and certain retail activities, as per provisions found in Section 110.9.5.EE(4), on a minimum lot size of five (5) acres.

MULTI UNIT RETAIL CENTER. Any structure containing two (2) retail businesses on a minimum lot size of two (2) acre with one-half (1/2) acre increments per use up to 4 acres.

MUNICIPAL FACILITIES. Buildings or land used for offices, garages, storage, parks, playgrounds, or other governmental uses that are deemed necessary by the Board of Supervisors.

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 habitations or service to the public.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after December 4, 1985, 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 interferences 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

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

NONCONFORMING USE OR STRUCTURES. A use or structure that does not comply with the provisions of an ordinance, but that was lawfully in existence prior to the enactment of the ordinance.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A "Nude Model Studio" shall be considered an "Adult Business" for the purpose of this Ordinance.

NUDITY OR A STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

NURSING OR CONVALESCENT HOME. A building containing sleeping rooms used by elderly, disabled, or convalescent persons who are lodged and furnished with meals, with or without nursing care.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, computer reproduction, article, instrument or any other written or recorded or computer matter which depicts or describes, any "specified anatomical areas" and/or "specified sexual activities".

OFFICE, MULTI-UNIT. Any structure including the workplaces of three (3) or more licensed professionals, executives, administrators, etc., either independent of each other or in association with each other (e.g., a group medical practice).

OFFICE, PROFESSIONAL. The workplace of a physician, lawyer, or other licensed professional, which may include space for appropriate support personnel (e.g., nurses or secretaries) and no more than one (1) associated licensed professional (e.g., a partner or co-owner of the professional office associated on a basis of professional comparability or equivalency).

OFFICIAL SEWERAGE PLAN. A comprehensive plan for the provision of adequate sewage systems and sewage disposal adopted by the Township and approved by the Department of Environmental Resources.

OFFICIAL SIGN. Any sign erected and maintained by a Federal, State, County, or municipal government.

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

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.

OVERSIZE RUBBISH. Refuse, such as furniture, stoves, refrigerators, etc. that is too large to be placed in ordinary containers for collections.

PARK. A tract of land set aside for public use, excluding any commercial use.

PARKING. The halting of a vehicle, whether occupied or not, except when done momentarily for the purpose of, and while actually engaged in, loading or unloading property or passengers. As used herein, the term does not include a police, fire, or rescue vehicle an ambulance or a Township vehicle on official Township business.

PARKING AREA. A parking lot or garage open to the public, whose primary use is the parking of motor vehicles.

PERSON. An individual, partnership, association, corporation, firm, government agency or department, or other entity or, where appropriate, the members, officers, representatives, agents, etc. of any of these.

PERSONAL SERVICE BUSINESS. A business that primarily offers services to the general public (e.g., shoe repair, valet, watch repair, and barber).

PLAN.

1. Sketch: An informal plan indicating the existing features of a tract or the general layout of a proposed subdivision.

2. Preliminary: A complete and exact plan to define property rights, proposed streets, and other improvements, presented for the purpose of securing preliminary approval of a subdivision.

3. Final: A complete and exact plan to define property rights, proposed streets, and other improvements, prepared for official recording of an approved subdivision.

4. Plan of record: An exact copy of the approved final plan containing signatures for recording.

PLANNED RESIDENTIAL DEVELOPMENT. An area of land controlled by a single landowner to be developed as a single entity to include a number of dwelling units, the development plan for which does not comply with regulations for lot size, bulk or type of dwelling, density, lot coverage, or required open space, that apply to any single residential district created from time to time by a municipal zoning ordinance.

PLANNING COMMISSION. An appointed supervisory and advisory body of Delaware Township.

PLAT. A preliminary or final map of a subdivision, land development, or development.

PRESSURE SEWER. Refers to all sewers which operate at pressure greater than atmospheric where the flow is maintained by a pump.

PRINCIPLE PERMITTED USE. Any use that does not require special action by the Zoning Hearing Board, or by the Planning Commission before a zoning permit is granted by the Zoning Officer.

PRIVATE COMMUNITY STRUCTURES. Any structure two hundred square feet or less located in a private residential community on community owned property. (i.e. common area)

PROFESSIONAL OFFICE. *See* Office, Professional.

PROJECTING SIGN. Any sign that projects from the exterior of a building.

PROPERTY. Any real property within the Township that is not a road.

PROPERTY OWNERS ASSOCIATION. An organization of individual property owners, either incorporated or unincorporated, having the intent and purpose of constructing preserving, operating, or maintaining land or improvements that are located in a subdivision, that are for the common use of the property owners, and that have not been dedicated to the Township.

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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC USE STRUCTURE. Schools parks administrative, cultural, and service buildings and telephone exchange buildings, but not including public land or building devoted primarily or solely to the storage and maintenance of equipment and material.

RECREATIONAL CAMPSITE. A lot within a recreational subdivision. *See* Manufactured Home Lot.

RECREATIONAL FACILITY, COMMERCIAL. A recreational facility operated as a business and open to the general public for a fee.

RECREATIONAL FACILITY, PRIVATE. A recreational facility not operated for profit and open only to its members.

RECREATIONAL SUBDIVISION. A subdivision that consists of five (5) or more lots that are sold or leased, or where memberships are sold or leased, for the purpose of providing sites for recreational vehicles whose primary use is camping. *See* Manufactured Home Park or Subdivision.

RECREATIONAL VEHICLE. A vehicle designed as a mobile, temporary living quarters for recreational purposes, whether self-propelled or mounted on or drawn by another vehicle. Recreational vehicles are further defined as follows:

1. Transportable mobile home. A large, non-motorized, self-contained unit mounted on wheels and not intended for long-term placement at a site or for permanent occupancy. *See* Self-contained Units.

2. Travel trailer. A non-motorized unit mounted on wheels with a body length of no more than thirty-five (35) feet and a body width of no more than eight (8) feet, and whose size and weight do not require special highway movement permits when it is being drawn by a motor vehicle.

3. Camping trailer. A travel trailer with collapsible side walls that fold for towing and unfold for use at the campsite.

4. Truck camper. A unit designed to be attached to the bed or chassis of a truck.

5. Motor home. A self-propelled unit. See Manufactured Home.

REFUSE. A collective term for anything thrown away or abandoned, including, but not restricted to, garbage, combustible refuse, incombustible refuse, rubbish, and oversize rubbish.

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 alterations, 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.

RELATIVE. Parent, child, step-parent, step-child, grandparents, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew.

REPLACEMENT SHED. A shed of the same size placed in the same location as an existing shed.

REQUIRED YARD. See Setback.

RESERVED RIGHT OF WAY. A right of way established for the extension of an existing road or to provide future access to or through undeveloped land.

RESORT, COMMERCIAL. A business offering lodging, dining, and recreational facilities to the public at a single location. Any such resort including fewer than fifty (50) units is a minor resort, and any such resort including fifty (50) units or more is a major resort.

RESTAURANT, FAST-FOOD. A restaurant whose principal business is the sale of food or beverages to customers where food is either consumed at seating facilities or is taken out for consumption off the premises.

RESTAURANT, STANDARD. A restaurant whose principal business is the sale of food or beverages to customers normally for consumption within the restaurant building at a table or counter, but not including outdoor curb services.

RIDING OR BOARDING STABLE, PUBLIC. Any facility where horses or ponies may be ridden or boarded for a fee, including a facility where such riding or boarding is included as part of a package fee for a number of recreational activities.

RIGHT OF WAY. Is a strip of land occupied or intended to be occupied by a street, cross-walk, railroad, electric transmission line, telephone line, oil or gas pipeline, water main, sanitary or storm sewer main, including the surface and air space above the surface and the area below the surface.

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

ROAD. A way made for traveling between places, primarily by motor vehicle it does not include ways used exclusively for access to timber lands, agricultural lands, quarries, etc. SEE Street.

ROOMING OR LODGING HOUSE. A dwelling in which at least one (1) but not more than six (6) rooms are rented for residential purposes, but where meals are not furnished.

RUBBISH. Normal refuse such as cans, bottles, newspapers, prunings, etc. small enough to be placed in ordinary containers for collection.

SADDLE. An approved fitting used to provide a watertight joint when a sanitary main must be tapped for a sewer lateral connection.

SANITARY MAIN. Refers to the main sewage collection pipe placed in the street or right-of-way to which a building is connected by means of a sewer lateral.

SANITARY WYE. An approved fitting placed in a sanitary main at the time of construction which has a branch fitting of 4- or 6- inch diameter placed at an angle of 45 degrees to the sanitary main.

SCREEN. An obstruction of sufficient height (but not less than six (6) feet) to hide an area being screened from adjoining areas.

SEASONAL RETAIL SALES. A seasonal sale of retail items including fruits, vegetables, flowers, Christmas trees and other limited food products. Food not for on site consumption.

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.

SECTION. A portion of a subdivision or planned residential development containing lots and improvements.

SELF-CONTAINED UNIT. A recreational vehicle that can operate without connections to external sewerage, water, and electrical systems, and that includes a storage tank for potable water, and a holding tank for human waste with a toilet, sink or sinks, and/or bathing facility connected to it. See Manufactured Homes.

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.

SERVICE ESTABLISHMENT. Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, banks, and similar establishments.

SERVICE STATION. A business that provides refueling and minor repair services for motor vehicles.

SETBACK. The required minimum distance between any building and an adjacent right of way or lot line. See Required Yard and Yard.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex
2. Activities between male and female persons and/or persons of the same sex when one or more persons is in a state of nudity or semi-nude.

A "Sexual Encounter Center" shall be considered an "Adult Business" for the purpose of this Ordinance.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED. A public utility or other system designed to collect sewage from more than one lot, to treat it in a central location, and to dispose of it in compliance with the regulations of the appropriate state agency and of the Township (using a method of disposal other than renovating in a subsurface absorption area).

SEWAGE DISPOSAL SYSTEM, COMMUNITY. Any centralized system designed to collect sewage from two (2) or more lots and to treat and/or dispose of it for one (1) or more of the lots or at any other site, using a method of disposal that is renovating in a subsurface absorption area.

SEWAGE DISPOSAL SYSTEM, ON-LOT. Any system that is not a centralized or community system (see above).

SEWERAGE FACILITY. Any sewer, sewerage system, or sewage treatment works designed, intended, or constructed for the collection, treatment, or disposal of waste from more than one lot.

SHED. A structure not used for the storage, parking, repair, or maintenance of a motor vehicle that is not more than one story high and whose area is not more than two hundred (200) square feet. A shed shall not be permitted in any set back except the rear set back. See Replacement Shed.

SHELTER, TRANSPORTATION. Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van, or other mode of transportation, including an

official school bus, whose purpose is to provide temporary shelter for the users of the mode of transportation while they are waiting for it to arrive at the shelter.

SHOPPING CENTER. A retail commercial area, consisting of one (1) or more buildings, comprising two (2) or more retail establishments as principle uses, designed as a unit, with adequate off-street, parking area.

SHOULDER. The portion of a road that is on the edge of the travelway it is used for parking and for access to abutting property.

SIGHT DISTANCE. The distance, measured along the center line of a road, that is continuously visible from any point four and one-half feet (4-1/2') above the road surface to any pint four inches (4") above the road surface.

SIGN. Any structure including letters or pictures, or that serves as a symbol, that is located out of doors for the display of an advertisement, or that is intended in any way to attract the attention of the public. Each single display surface or device containing elements organized, related, and composed to form a coherent unit, is a sign where elements are displayed in a random manner, without easily discernible coherence, each element is a separate sign.

SIGN AREA.

1. For a sign on a plate, framed, or outlined, all of the area of the plate or the area enclosed by the frame or outline, and
2. For a sign that consists only of letters, designs, or figures that are engraved, painted, projected, or in any other manner affixed to a wall, the area within which all of the matter of the sign is enclosed.

Structural members and supports required by any building codes or other regulations, and not bearing advertising matter, are not part of the sign area.

SLOPE, EXTREMELY STEEP The areas characterized by slopes equivalent to a change in elevation greater than 35' 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' horizontal, as verified b 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 horizontally, as verified by an actual field topographic survey.

SPECIAL EXCEPTION USE. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact, provided that the use complies with the conditions and standards of the Zoning Ordinance.

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

SPECIFIED ANATOMICAL AREAS. Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.

STABLE, RIDING OR BOARDING, PUBLIC. See Riding or Boarding stable, Public.

STAGE. Sections that an applicant proposes to commence development of at the same time as part of a timetable for the development of a planned residential development over a period of years.

STORAGE UNIT STRUCTURE. A structure made up of independent storage units for lease or rental.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above, the ceiling above. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining its exterior walls.

STREET. A way made for traveling between places, primarily by motor vehicle it does not include ways used exclusively for access to timber lands, agricultural lands, quarries, etc. See Cartway, Collector Street, Cul-de-sac Street, Dead-end Street, Major Street, Marginal Access Street, Minor Street, Road, and Travelway.

STRUCTURE. Anything that is built, of any kind whatsoever, including signs, fences, swimming pools, garages, etc.

STRUCTURAL ALTERATION. Any change in the structural members of a building (e.g., walls, columns, beams, or girders).

STUDIO. The working place of a painter, sculptor, or photographer or a place for the study of an art (such as dancing, singing, or acting) or a place where motion pictures or audio recordings are made or place maintained and equipped for the transmission of radio or television programs.

SUBBASE. The underlying base of a road, constructed of compacted aggregate on a prepared subgrade.

SUBDIVIDER. A landowner who subdivides or develops his or her property.

SUBDIVISION.

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

2. Land development, as previously defined. See Manufactured Home Park or Subdivision and Recreational Subdivision.

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

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

1. Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or:

2. Any alteration of a “historic 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 Ordinance 107 Subdivision Land Development Ordinance.

SURFACE WATER BODY. Any earth surface covered permanently or seasonally by standing or moving water, including Waters of the Commonwealth, Waters of the U.S., streams, lakes, and ponds.

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

SWIMMING POOL. A man-made tank for water, having a depth at any point greater than two feet (2'), that is used or intended to be used for swimming or bathing.

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.

TELEPHONE/Common Carrier Facility: A dish, satellite, tower, or other means or device whose primary purpose is to transmit telephonic wireless communication through a telephone common carrier or other like entity from one source to another.

TEMPORARY STRUCTURE. A structure that is not permanent, but is designed to be used for a specific use for a limited time.

TOURIST HOME. A dwelling in which at least one (1) but not more than six (6) rooms are rented for overnight accommodations for transients.

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

TOWNHOUSE. A single-family dwelling, one of a row of at least three (3) such dwellings connected by unpierced walls, each being an independent entity from ground to roof and each having at least two (2) points of outside access.

TOWNSHIP. Delaware Township, Pike County, Pennsylvania.

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

TRAILER. See Manufactured Home and Mobile Home.

TRAVELWAY. The portion of a road that is intended for vehicular movement. See Street.

UNDEVELOPED LAND. Land in units sufficiently large for future subdivision that is presently woodland or farmland (whether tilled or fallow), including already subdivided land being reserved by a developer for future development or further subdivision.

USABLE LAND. That part of the total acreage of a subdivision that can be used for building the actual percentage is determined by lot size. The remaining acreage shall be common area.

VARIANCE. Permission to use or alter land or structures in a way that differs from the strict application of the requirements of an ordinance.

VEHICLE. Any device in, upon, or by which any person or property may be transported or drawn, except devices used exclusively on rails and tracks.

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.

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

WATER FACILITY. Any system designed, intended, or constructed to provide or distribute potable water.

WATER SUPPLY SYSTEM, CENTRALIZED. A public utility or other system designed to transmit water from a common source to users in compliance with the requirements of the appropriate state agencies and of the Township.

WATER SUPPLY SYSTEM, ON-LOT. Any system that is not a centralized system (see above).

WETLANDS. Lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of the year.

If the Township determines that wetlands may be present, or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, to be delineated on any application proposing a new use or expanded use of land. The application shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accordance with all State and Federal Wetland Regulations; and the applicant shall provide to the Township evidence of such compliance. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State and Federal Wetlands Regulations and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulation.

YARD. An open space on the same lot with a building or group of buildings that lies between the principle building or group of buildings and the nearest lot line or right of way or street line, whichever is less, and that is unoccupied and unobstructed from the ground upward except as allowed by ordinance. SEE Required Yard and Setback.

1. **Front.** A yard extending the full width of the lot between a building and the front lot line or right of way or street line.

2. **Rear.** A yard extending the full width of the lot between a building and a rear lot line or right of way or street line.

3. **Side.** A yard extending from the front yard to the rear yard between a building and the nearest side lot line or right of way or street line.

YARD STRUCTURE. Any structure forty (40) square feet or less, i.e. coal bin, garbage bin, dog house, wind mills, firewood storage structure, decorative structure, planters, utility structures, etc.

ZONING DISTRICT. A portion of Delaware Township within which uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

ZONING HEARING BOARD. The Zoning Hearing Board of Delaware Township.

ZONING OFFICER. The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance.

ZONING PERMIT. A permit indicating that a proposed use, building, or structure is in accordance with the provisions of the Zoning Ordinance, and authorizing an applicant to proceed with said use or to construct said building or structure.

Words not defined above shall have the meaning given in the Municipalities Planning Code, Delaware Township codes and Ordinances, and if not defined in the aforementioned documents, the most recent edition of Webster's Unabridged Dictionary.

This Ordinance shall be effective immediately.

Adopted this 25 Day of September 2013.

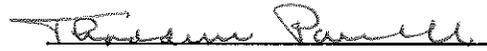
BOARD OF SUPERVISORS
DELAWARE TOWNSHIP



THOMAS RYAN, Chairman

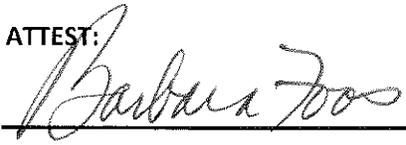


ROBERT J. LUCIANO, Vice Chairman



THADDEUS PARSELL, Supervisor

ATTEST:



BARBARA FOOS, Township Secretary