

Chapter 4

Definitions

Part 1

Definitions

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Part 1

Definitions

§4-101. General.

The following words and phrases shall be construed throughout this Compilation of Land Use Ordinances to have the meaning indicated in this Chapter.

A. The present tense shall include the future; the singular shall include the plural, and the plural the singular; the masculine gender includes the feminine and neuter; the word “person” includes any individual, estate, trust, fiduciary, partnership, firm, association, corporation or organization.

B. The word “shall” is always mandatory; the word “may” is optional.

C. The word “County” refers to Chester County, Pennsylvania; the term “Township” shall refer to the Township of New London; the term “Planning Commission” shall refer to the Planning Commission of New London; and the term “Zoning Hearing Board” shall refer to the Zoning Hearing Board of New London.

D. The word “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of similar kind and character.

(Ord. 2003-9-1, 9/4/2003)

§4-102. Language Interpretations.

As used in this Compilation, words in the singular include the plural and those in the plural include the singular. The word “person” includes a corporation, unincorporated association, and a partnership, as well as an individual. The word “may” is permissive; and the words “shall” and “will” are mandatory.

(Ord. 2003-9-1, 9/4/2003)

§4-103. Definition of Terms.

Abandoned Motor Vehicle - any vehicle not bearing a valid registration license or a valid inspection certificate, excluding, however, officially registered “antique motor vehicles.”

Accelerated Erosion - the removal of the surface of the land through the combined action of human activities and natural processes at a rate greater than would occur from natural processes alone.

Accessory Building - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Use - a use subordinate to the principal use of land or of a building on a lot and customarily incidental thereto.

Accessory Dwelling Unit - a self-contained dwelling unit, resulting from the conversion of an existing single-family detached dwelling into two units, which contains its own kitchen and bathroom facilities, is accessory and secondary to the principal single-family dwelling unit, and shares at least one common wall with the principal

dwelling unit. [Ord. 2008-5]

Act - the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. §10101 *et seq.*, as amended.

Alley - land over which there is a right-of-way, municipally or privately owned, serving as a secondary means of access to two or more lots to the rear and/or side of a building. [Ord. 2008-5]

Agriculture - the cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nursery, horticulture, viticulture, forestry, mushroom growing, and the breeding and raising of customary domestic animals, but excluding cats and dogs.

Agricultural Crops - those kinds of vegetation, including grasses, cereal grains, corn, beans and other crop plants that are harvested.

Agricultural Lands - those lands used for the propagation of agricultural crops or for pasture and/or meadowland.

Alterations - any change to a building or structure in one of the following manners:

A. All incidental changes or replacements in a nonstructural part of a building or other structure.

B. Minor changes or replacements in the structural parts of a building or other structure including, but not limited to, the following:

(1) Changes to interior partitions to improve livability in nonconforming residential buildings, provided no additional dwelling units are created.

(2) Changes to interior partitions in all other types of buildings or structures.

(3) Creating new windows or doors in exterior walls.

(4) Strengthening the load-bearing capacity in no more than 10% of the total floor area.

Animal Hospital - any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

Animal Equivalent Unit (AEU) - 1,000 pounds of live animal weight. [Ord. 2004-03]

Animal Unit - 1,000 pounds of standard animal weight of livestock or other animals, regardless of the actual number of individual animals comprising the unit; this definition shall be supplemented or superseded by any subsequent change in the regulatory definition promulgated by the Pennsylvania Department of Agriculture. [Ord. 2010-04]

Antique Shop - a retail establishment where goods of an antiquarian nature are sold. Such shop offers items for sale that are considered to be of collectible, heirloom or heritage value due to their age, scarcity, significance, or artistic quality. [Ord. 2008-5]

Applicant - a landowner or developer, including heirs, successors and assigns, who has filed an application with the Township. [Ord. 2010-04]

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

a subdivision plan or for the approval of a land development plan.

Automobile Salvage Yard Dealer - any person, as hereinafter defined, who has on his premises two or more non-operating automobiles and who deals in used automotive parts obtained from a used motor vehicle and who maintains and operates an automobile salvage yard within the Township of New London.

Basal Area - the cross-sectional area of all stems of a tree species or all stems in a stand, measured at breast height (4.5 feet above the ground) and expressed on a per acre basis. [Ord. 2010-04]

Basement - a level enclosed area partly or completely below grade, provided no more than $\frac{1}{3}$ of the perimeter walls are 5 feet or more above grade, and if the net area of the door and window openings is at least equal to 10% of the enclosed floor area.

Best Management Practices (BMPs) - Stormwater quantity and quality management measures, techniques, controls, etc., utilized to mitigate and minimize the negative impacts of runoff to streams, lakes, wetlands, forests, residential, business, commercial, or institutional properties, as well as new land development sites. BMPs can be nonstructural (preventative actions) and structural (treatment facilities). [Ord. 2010-04]

Bike Path - a trail or path set aside primarily, but not necessarily exclusively, for the use of bicycle riding.

Billboard - a freestanding sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. [Ord. 2010-04]

Block - a tract of land bounded on all sides by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the Township.

Board - the Board of Supervisors of New London Township.

Build-To Line - the line which defines the placement of the building from the street on which the building fronts. The build-to line of the building forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street. [Ord. 2008-5]

Building - any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals or property of any kind.

Building Coverage - the percentage of the total ground floor area of all buildings on a lot to the lot area on which they are located.

Building Elevation; Elevation - a geometrical projection (as of a building) on a vertical plane.

Building Height - the vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires, antennas and other similar projections shall not be used in calculating the building height; however, these structures must comply with any established structure height limitation.

Building Set-Back Line - an established line within a property defining the

minimum required distance between any building to be erected and an adjacent street right-of-way to provide the front yard specified by the New London Township Zoning Ordinance [Chapter 1].

Buffer - a strip of land, a mound, or a berm, planted and maintained in shrubs, bushes, trees, grass, or other ground cover material and within which no structure shall be located, or a wall, fence or similar architectural screen when approved by the Board.

Bulk - the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and, therefore, includes:

- A. The size, including height and floor area of buildings and other structures.
- B. The relationship of the number of dwelling units in a residential building to the area of the lot.
- C. All open areas in yard space relating to buildings or other structures.

Business Premises - a tract of land, including the buildings thereon, upon which a commercial or light industrial business use occurs. The tract of land may consist of one or more tax parcels. Any subordinate or accessory business use on the premises shall substantially relate to the principal business.

Cartway - the portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

Certification of Occupancy - a statement signed, issued and enforced by the Zoning Officer upon completion of construction of a new building or upon change or conversation of the structure or use of a building, which establishes that a building complies with all requirements and regulations as provided in this Compilation and other applicable codes, and that the same may be used for the intended uses.

Civic Art - the vertical infrastructure comprised of features such as pavilions, pergolas, benches, sculpture gardens, fountains, and the like. [Ord. 2008-5]

Civic Use - a meeting hall, fire station, mail facility, school, church, library, museum or other like type place that is a community facility within the TND Overlay District. [Ord. 2008-5]

Clear-Cutting - a logging method that removes all trees, or the vast majority of all trees, from a tract of land or a portion thereof. Clear-cutting shall be deemed to occur when a lot has been cleared to less than 30 basal feet/acre. [Ord. 2010-04]

Clear Sight Triangle - an area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection of the centerlines of the streets.

Common Driveway - a driveway providing access to not more than two contiguous lots which is established and maintained in accordance with all applicable requirements of the "New London Township Driveway Ordinance" [Chapter 3, Part 6] and all other applicable laws and regulations. [Ord. 2010-04]

Common Open Space - an area of protected open space that is part of a residential cluster design and is owned by a homeowners association, the Township or other public entity, or under a condominium agreement, in accordance with the terms of the Zoning Ordinance [Chapter 1]. [Ord. 2004-03]

Concentrated Animal Feeding Operation (CAFO) - an agricultural enterprise where animals are kept and raised in confined situations, with either: (A) more than 1,000

animal units (AUs), or (B) 301 to 1,000 AUs which has the potential to discharge to surface waters; this definition shall be supplemented or superseded by any subsequent change in the regulatory definition promulgated by the Pennsylvania Department of Agriculture. [Ord. 2010-04]

Condominium - a form of ownership and not a type of use of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980, 68 Pa.C.S.A. §3101 *et seq.*

Conservation Area, Primary - sensitive natural features that perform important environmental functions within the landscape and which, when located on a site proposed for development, should remain undisturbed and protected under the terms of this Compilation and other applicable regulations. Such features shall include:

- A. Wetlands.
- B. Floodplains.
- C. Riparian buffers.
- D. Lands with slope in excess of 25%.
- E. Big Elk Creek basin, as designated on Map 2, Water Resources, in the Comprehensive Plan of New London Township (1995).

Conservation Area, Secondary - natural and man-made features important to the natural, historic, and/or visual character of the Township and which, when located on a site proposed for development, should be protected against disturbance to the maximum extent feasible under the terms of this Compilation and other applicable regulations. As defined by this Compilation or documented in the Township Comprehensive Plan, such features shall include:

- A. Woodland and locally important vegetation, as defined by this Compilation and/or as designated on Map 4, Biotic Resources, in the Comprehensive Plan of New London Township (1995).
- B. Historic resources.
- C. Scenic vistas and scenic roads.
- D. Lands with slope between 15% and 25%.
- E. Hydric soils.

Conservation District - the Chester County Conservation District. [Ord. 2008-5]

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

County Comprehensive Plan - landscapes, the land use and growth management plan adopted and from time to time amended by the Chester County Board of Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations. [Ord. 2004-03]

Day Care Center - a business enterprise providing care of three or more children less than 7 years of age, or for adults, and operated in accordance with the laws of the Commonwealth of Pennsylvania. [Ord. 2008-5]

Density, Gross - the allowable number of dwelling units per acre, calculated by dividing the total number of dwelling units proposed by the total number of acres within a tract of land.

Density, Net - the allowable number of dwelling units per developed acre, calculated by dividing the total number of units for a given dwelling type by the number of acres so developed, exclusive of open space, streets and easements.

Design Storm - the magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 2-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems. [Ord. 2008-5]

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

Developer - any landowner or authorized agent of such landowner, or tenant of a landowner, who makes or causes to be made a subdivision of land or a land development, including improvements thereto.

Development - any man-made change to improved or unimproved property including, but not limited to, buildings and other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations. The subdivision of land shall be considered development.

Development of Regional Significance and Impact - any land development that, because of its character, magnitude, or location, will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality. [Ord. 2004-03]

Development Strategy Plan - a concept plan dated revised May 3, 2007, and any subsequent amendments thereto for the TND Overlay District which identifies preferred land uses. [Ord. 2008-5]

Driveway - a private means of vehicular access from a public or private street to a single lot. [Ord. 2010-04]

Dwelling - any building or part thereof designed for or occupied exclusively as a residence for only one family maintaining a single housekeeping unit.

Dwelling, Single-Family - a building designed for and occupied as a residence, containing one dwelling unit and having no common or party wall within an adjacent dwelling. Yard area surrounds all sides.

Dwelling, Two-Family Detached (Duplex) - a building designed for and occupied as a residence, containing two dwelling units stacked one on top of the other within a horizontal common or party wall. Yard area surrounds all sides.

Dwelling, Two-Family Attached (Twin) - a building designed for and occupied as a residence, containing two dwelling units located side-by-side with a vertical common or party wall. Yard area is located on three sides.

Dwelling, Multiple Family - a building designed and occupied as a residence, containing three or more dwelling units. Multiple family shall refer to any housing configuration including, but not limited to, apartments, townhouses, and quadraplexes.

Dwelling, Unit - a room or rooms within a building connected together, constituting a separate independent housekeeping establishment for a single family, for owner

occupancy or for rental, lease or other occupancy on a monthly or longer basis. Units shall be physically separated from other units and shall contain independent cooking, sleeping, and lavatory facilities.

Earth-Moving Activity - the act of stripping topsoil, exposing bare earth by digging away a covering, and/or digging or scooping a hole or cavity, excluding agricultural purposes, provided that they comply with §2-618.3, "Stormwater Management; Erosion and Sedimentation," of the Subdivision and Land Development Ordinance [Chapter 2].

Easement - a right-of-way granted for limited use of private land within which the owner of the property shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Easement, Conservation - a voluntarily derived set of use restrictions placed upon the identified land area through which no positive or appurtenant rights are conveyed to the grantee.

Educational Use - land and/or buildings specifically designed, arranged and intended for the purpose of education, including preschool, elementary and secondary schools, either private or public, including schools relating to religious organizations and vocational schools, but excluding recreational activities unless accessory to an educational use.

Engineer, Township - a Pennsylvania licensed professional engineer duly designated by New London Township to perform the duties of engineer as herein specified.

Enlargement - an addition to the floor area of an existing building, an increase of size of another structure or an increase in that portion of a lot occupied by an existing use.

Equestrian Center - a commercial or non-profit facility for the care, training, exercising, boarding, and riding of horses. Such facility may include one dwelling unit for facility management or staff. [Ord. 2004-03]

Erosion - the process by which the surface of the land, including channels, is worn away by water, wind, or chemical action. [Ord. 2008-5]

Erosion and Sediment Control Plan - a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation. [Ord. 2008-5]

Even-Aged Management - forestry practices designed to maintain a stand of trees in which only small differences in age occur among the individuals. [Ord. 2010-04]

Family - occupants of a dwelling unit under one of the following categories:

- A. A single person.
- B. Two or more persons related by blood or marriage, including no more than two boarders, roomers or lodgers.
- C. Not more than three unrelated persons living together as a single household unit.
- D. Foster homes as an extension of a family which presently resides in a dwelling.

Farm Animals - customary domestic animals, but excluding cats and dogs.

Farmers/Growers Market - a retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically

grow, harvest, or process such items from their farm or agricultural operation. [Ord. 2008-5]

Flood - a temporary inundation of normally dry land.

Flood, 100-Year - a flood of a magnitude that is likely to occur an average of once every 100 years. While the probability of its occurrence is 1% chance each year, the flood may occur in any year.

Floodplain - the low areas adjoining and including a watercourse or other body of water (such as a pond, marsh or lake) within New London Township, which are subject to inundation by a flood having frequency of recurrence of one in 100 years. The basis for the delineation shall be prescribed in §1-1002 of the New London Township Zoning Ordinance [Chapter 1].

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Compilation, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor Area - the sum of the area of all floors of a building measured from the face of interior walls or from center lines of walls separating two buildings. In particular; floor area calculations include, but are not limited to, the following:

- A. Basement space if it meets the requirements of a building story.
- B. Stairwells, attic space whether or not a floor has been laid, and elevator shafts, providing structural headroom of 8 feet or more.
- C. Roofed terraces, breezeways and porches, provided that over 50% of the perimeter of these is enclosed.
- D. Any other floor space designed for the intended principal use, no matter where it is located within the building.
- E. The area of accessory buildings.

Footcandle - a unit of light intensity stated in lumens per square foot and measurable with a luminance meter, which also may be referred to as a footcandle or light meter.

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. [Ord. 2004-03]

Freeboard - the difference between the elevation of the design flow in the emergency spillway of a stormwater management basin and the top elevation of the basin embankment or the top of the berm. The elevation of the design flow is typically the 100-year peak discharge elevation. [Ord. 2008-5]

Garage, Private - an accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and the storage of not more than two motor vehicles owned and operated by persons other than the owner or tenant of the premises.

Garage, Public - a building other than a private garage, one or more stories in height, used solely for commercial storage, service or repair of motor vehicles.

Gasoline Service Station - an area of land, including buildings and other structures, used for the sale of gasoline or other motor vehicle fuel or accessories. Such use may

include facilities for minor repair to motor vehicles, but shall not include painting or body repairs.

Glare - the sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

Glazed Material Door Pane - the area of a pane which is enclosed by the door header or sill and jambs, including all areas separated by mullions.

Glazed Material Windowpane - the area of a pane which is enclosed by the window header or sill and jambs, including all areas separated by mullions.

Granny Flat; Mother-In-Law Suite - a type of accessory dwelling unit, as that term is defined in this Chapter, except that such unit shall be available only as a rental unit and may be either attached to the principal permitted building or to a permitted accessory building on a lot. [Ord. 2008-5]

Grass - any of the various plants with blade-like leaves that are sometimes eaten by grazing animals or are cultivated for lawns or pastures.

Green - a plaza, square, courtyard, pocket park, tot lot, playground, walkway, promenade, lawn area, or other outdoor space in which features such as pavers, benches, gazebos, pergolas, trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained, and in which public seating, outdoor dining, and the like, takes place. [Ord. 2008-5]

Green Court Lot - a lot that has frontage on a green, not a street, as a compliant open space amenity of the TND Overlay District. [Ord. 2008-5]

Groundwater Recharge - replenishment of existing natural underground water supplies. [Ord. 2008-5]

Groundwater Supply - a supply of water which is drawn from wells or springs. [Ord. 2010-04]

Groundwater Table - the depth at which soil particles approach saturation with water. [Ord. 2010-04]

Guarantee, Maintenance - financial security which may be required of a developer by the Township prior to the Board of Supervisors accepting dedication of improvements following completion, to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Such security may include, but is not limited to, performance bonds, escrow agreements, surety agreements or irrevocable letters of credit.

Guarantee, Performance - any security which may be required of a developer by the Township in lieu of the completion of any improvements required as a condition for final approval of the applicant's subdivision plan or land development plan. Such security may include, but is not limited to, performance bonds, escrow agreements, surety agreements or irrevocable letters of credit.

Hedgerow - a line of predominantly native trees and shrubs that may occur naturally where seeds collect and are left undisturbed, such as along fence lines, property lines, or between fields, or that is specially planted, e.g., to act as a windbreak.

Historic Structure - a building or other structure that is 50 years or older, and recognized as being historic on an historic resource inventory maintained by New

London Township, Chester County, and/or the State of Pennsylvania. [Ord. 2008-5]

Home Occupation, Major - a use that is customarily accessory to a principal residential use, but that does not meet the criteria for a no-impact home occupation and requires review and approval as a special exception by the Zoning Hearing Board in accordance with the standards in Chapter 1, "Zoning." [Ord. 2004-03]

Home Occupation, No-impact - a use that is customarily accessory to, and carried on within, a dwelling unit by one or more residents of such dwelling unit in accordance with the standards in Chapter 1, "Zoning." Such use shall be clearly secondary to the principal residential use, and shall meet the standards for a "no-impact home business" contained in the Pennsylvania Municipalities Planning Code. [Ord. 2004-03]

Hospital - an institution where sick and injured persons are administered medical and/or surgical care. This term shall include both short-term and long-term facilities, including rest homes, nursing homes and medical clinics, but excluding facilities for the mentally retarded and the emotionally disturbed.

Hotel - a building used for the purpose of furnishing temporary lodging to the public for compensation, with or without meals, and having lodging accommodations for 10 or more persons.

Household Pets - any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

Hydric Soils - those soils identified as hydric soils or soils with hydric inclusions in the *Soil Survey of Chester and Delaware Counties* (U.S. Soil Conservation Service, 1963).

Illicit Discharge - any discharge to an MS4 that is not composed entirely of stormwater with some exception: discharges from NPDES-permitted industrial sources and discharges from firefighting activities. [Ord. 2008-5]

Illuminance - the quantity of light measured in footcandles or lux.

Impervious Surface - areas which are impenetrable and thus unable to absorb stormwater or other liquids, such as buildings, structures and paved areas.

Improvements - grading, paving, curbing, street lights and signs, landscaping, water mains, hydrants, sanitary sewer mains including laterals to the street right-of-way line, storm drainage lines, stormwater management structures, sidewalks, monuments and all other additions to the tract that are required by ordinance or necessary to result in a complete subdivision/ land development in the fullest sense of the term.

Improvements, Public - improvements including, but not limited to, those contained in the definition of "improvements" that are intended for dedication to the Township, either in fee or by easement.

Infill Development - development in the TND Overlay District on a pre-existing tract or lot of less than 3 acres. [Ord. 2008-5]

Junk - any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, or parts thereof, machinery equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Dealer - any person, as hereinafter defined, who shall engage in the business

of selling, buying, salvaging, dealing in junk and who maintains and operates a junkyard within the Township of New London.

Junkyard - an area of land with or without buildings used for outside storage of used or discarded materials including, but not limited to, wastepaper, rags, metal building materials, housing furnishings, machinery, and vehicles or parts thereof. Toxic wastes, radioactive materials, poisons and other substances which are potentially harmful to man are excluded from this definition. Any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

Kennel - the use of land, building and/or structure for the purpose of boarding, trading, breeding, training or grooming of more than three household pets. Payment, or lack of payment, for any of these uses shall not affect this definition.

Key, Plan - a plan showing the property under discussion in relation to the surrounding properties and its location within the community.

Land Development - any of the following activities:

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

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Municipalities Planning Code, 53 P.S. §10503(1.1).

Landowner - for purposes of this Compilation, the legal or beneficial 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 having a remaining term of not less than 40 years; or other person having a proprietary interest in land, or any subsequent owner to whom interest is passed.

Lane, Acceleration or Deceleration - a lane of a cartway intended for use only by vehicles entering, leaving or crossing a lane of forward travel without interrupting the flow of traffic.

Leg Lot - a leg lot is a parcel of land separated by metes and bounds that, in order to meet the frontage requirements and make proper utilization of the land, has an access strip of land with a minimum width of less than the required width at the building line and greater than 50 feet for a length of more than 50 feet.

License - the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

Life Care Center - a planned residential community for the elderly consisting of dwellings, community and health centers, recreation areas and open space.

Light Industrial Use - industrial uses which are free from emitting smoke, noise, vibration, odors, glare, hazards of fire, discharge of waste and other objectionable

outdoor nuisances.

Light Trespass - light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Live-Work Unit - a commercial use, such as a shop, store, studio, office, cafe or other place of business in combination with a dwelling unit located above such place of business. A person or persons other than the proprietor of the business may occupy a live-work unit. [Ord. 2008-5]

Loading Berth - a space accessible from a street on a lot for the temporary use of vehicles for the purpose of loading and unloading merchandise or materials. [Ord. 2007-02]

Logging - a forestry activity involving the cutting down and removal of trees and logs to be converted to any forest product or sold to others. [Ord. 2010-04]

Lot - a parcel of land separately described by metes and bounds within a legal description which is recorded in the Office of the Recorder of Deeds of Chester County within a deed and by an approved subdivision plan so recorded.

Lot Area - the area of land included within the legal metes and bounds of a lot exclusive of the land area within rights-of-way of public roads, all utility easements and the leg portion of a leg lot.

Lot, Corner - a lot bounded on at least two sides by streets, whenever the lines of such streets extended from an interior angle of 135° or less. All yards abutting streets shall be considered front yards. The remaining yards shall be treated as side yards.

Lot Coverage - the percentage of a lot area covered by any and all impervious materials, such as buildings, parking areas, walks, terraces and similar surfaces which do not normally absorb rainfall.

Lot, Flag Shaped - (see "leg lot" definition).

Lot, Interior - any lot which only has access to a street by either an easement or right-of-way, or any lot which has limited frontage on a street serving solely for access to interior lands.

Lot Line - a property boundary line of any lot held in single and separate ownership. The lot line shall reflect the legal description for the lot, except for that line abutting a street shall be deemed to be the same as the street right-of-way line.

Lot Line, Front - the line separating the lot from the street line.

Lot Line, Rear - any line, except the front lot line, which is parallel to, or within 45° of being parallel to, the front lot line and does not intersect any street line.

Lot Line, Side - any lot line which is not a front lot line or rear lot line.

Lot, Reverse Frontage - a lot extending between and having frontage on a major thoroughfare and local street and with vehicular access solely from the latter.

Lot Width - the horizontal distance between side lot lines measured at right angles to the lot depth.

Luminance - the physical and measurable quantity corresponding to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a luminance meter.

Lux - a unit of light intensity stated in lumens per square meter. There are

approximately 10.7 lux per footcandle.

Manual of Written and Graphic Design Guidelines - a document that provides written and graphic design guidelines for the TND Overlay District in accordance with Chapter 1, Part 22 and Exhibit B. [Ord. 2008-5]

Marker - a metal pipe or pin of at least ½ inches diameter and at least 24 inches in length.

Medical Clinic - a facility for the examination and treatment of ill and afflicted human outpatients, including doctor and dental offices.

Mixed-Use - a combination of two or more uses in a building or on a lot. [Ord. 2008-5]

Mobile Home - a transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into a single integral unit capable of again being separated for repeated towing. A mobile home shall arrive at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and connection to utilities.

Mobile Home Park - a parcel of land under single and separate ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Monument - a tapered permanent survey reference point of stone or concrete having a round top 4 inches on each side with a length of at least 24 inches and a base the same shape as its top, but 2 inches larger in dimension. Stone monuments shall have a copper or brass dowel plug embedded in the center of its top surface and a concrete monument shall have a vertical reinforcing bar cast integrally in its vertical center and contain a ¼ inch diameter depression in the center of its top surface.

Motel - a building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and parking space, and offered principally for rental of sleeping accommodations for automobile travelers.

Multi-municipal Planning Agency - a planning agency of two or more municipalities constituted in accordance with the Municipalities Planning Code, or otherwise by resolution of the participating municipalities to address multi-municipal issues. [Ord. 2004-03]

Municipal Separate Storm Sewer (MS4) - as defined in 25 Pa.Code §92.1. [Ord. 2008-5]

Net Acre - the acreage of a tract, minus the acreage for primary conservation areas, and existing road and utility rights-of-way. [Ord. 2008-5]

NOAA - National Oceanic and Atmospheric Administration. [Ord. 2008-5]

Nonconforming Lot - a lot held in single and separate ownership which does not conform to one or more of the applicable area or dimension requirements in the district in which it is located.

Nonconforming Structure - a structure, or part of a structure, which does not comply with the applicable use, area or bulk regulations in this Compilation or amendment where such a structure lawfully existed prior to the enactment of this Compilation or subsequent amendment. Nonconforming structures shall include, but

not be limited to, nonconforming buildings and signs.

Nonconforming Use - a use, of land or a structure, which does not comply with the applicable use provisions of this Compilation or amendment, where such use was lawfully in existence prior to the enactment of this Compilation or subsequent amendment.

Noxious Weeds - this phrase shall have the meaning and context assigned to it as it is more fully explained in the Pennsylvania Noxious Weed Control Law of April 7, 1982, P.L. 228, No. 74. 3 P.S. §255.1 *et seq.* At a minimum it shall include the following:

Scientific Name	Common Name
Cirsium arvenge	Canada Thistle
Rosa Multiflora	Multiflora Rose
Sorghum halepense	Johnsongrass
Polygonum perfoliatum	Mile-a-minute
Pueraria Lobata	Kudzu-vine
Cirsium Vulgare	Bull or Spear Thistle
Carduus nutans	Musk or Nodding Thistle
Sorghum bicolor	Shattercane
Datura stramonium	Jimsonweed
Lythrum salicaria	Purple Loosestrife

NPDES - National Pollution Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania. [Ord. 2008-5]

Off-grid - a solar energy system that is not connected to the distribution system of a local electrical utility company. [Ord. 2014-4]

Old Field - an area of abandoned farm or lawn that is starting to grow as a meadow; when managed, the first stage of succession toward becoming a forest.

On-Street Parking - parking that is adjoining the curb line of a street, and that is either parallel to or at an angle from the curb line. [Ord. 2008-5]

Open Space, Common - an area of land to be maintained for the use and enjoyment of residents within a development or neighborhood. It shall consist of landscaped or natural terrain including lakes and streams, and buildings necessary to fulfill its permitted function. Common open space shall not include street rights-of-way and public lands, private yard areas and lands used in the calculation of lot area for other uses permitted by this Compilation.

Outdoor Sports Stadium - an open air facility, the principal purpose of which is accessory to an educational use, at which athletic events and similar large public gatherings are held.

Outfall - "point source" as described in 40 CFR §122.2, and the point where the Township's storm sewer system discharges to surface waters of the Commonwealth. [Ord. 2008-5]

PADEP - the Pennsylvania Department of Environmental Protection. [Ord. 2008-5]

Parking Lot - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space.

Parking Space - a reasonably level area, available for the parking of one motor vehicle consisting of a dustless, all-weather surface, and shall include either covered garage space or uncovered parking lot space located off the right-of-way. For the purposes of calculating space requirements, driveways or single-family lots can be considered.

Party Wall - a vertical or horizontal wall that separates two buildings.

Passive Solar Energy System - a system or feature that uses solar energy but does not use solar panels or convert the energy to electricity. [Ord. 2014-4]

Paved Area - the total surface area of a lot which is covered by materials that do not absorb rainfall and runoff, such as parking areas, driveways, walks and similar surfaces.

Person - any partnership, association, firm and corporation.

Plan -

A. *As Built* - a corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.

B. *Conservation* - a plan to accompany preliminary and final plan submissions detailing stream channels, tree masses, and other natural features, and measures to protect the same and control erosion and sedimentation during construction.

C. *Final* - a complete and exact land development or subdivision plan prepared by a registered engineer or registered land surveyor defining property lines, proposed streets, drainage facilities, easements and other improvements, and which is to be recorded upon approval.

D. *Improvement Construction* - a plan prepared by a registered engineer or registered land surveyor showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts and other improvements as required by these regulations, and including a horizontal plan, profiles and cross-sections.

E. *Preliminary* - a land development or subdivision plan prepared by a registered engineer, in lesser detail than a final plan, showing approximate property lines, proposed streets, drainage facilities, easements, and other improvements, for consideration prior to preparation of a final plan.

F. *Profile* - a plan prepared by a registered engineer or registered land surveyor showing the vertical section of the existing grade and proposed grade along the center line of any proposed street, and any street appurtenances to be constructed or installed, which must include a typical cross-section of the street construction; part of the required submission for an improvement construction plan.

G. *Sketch* - a plan submitted for review and discussion prior to application for preliminary plan approval, not necessarily to exact scale, indicating the location of stream channels, tree masses, and other natural features, and a general layout of the proposed subdivision or land development.

Planning Commission - the Planning Commission of New London Township.

Point Source - any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may

be discharged, as defined in State regulations at 25 Pa.Code §92.1. [Ord. 2008-5]

Porch - an unenclosed extension of a building no smaller than 7 feet deep by 14 feet wide. [Ord. 2008-5]

Preservation or Protection - conservation and safeguards of resources. Not to be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources. [Ord. 2004-03]

Primary Facade - the facade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades. [Ord. 2008-5]

Prime Agricultural Land - land used for agricultural purposes that contains Class I, Class II, or Class III soils as defined by the U.S. Department of Agriculture. [Ord. 2004-03]

Private Open Space - an area of protected open space that is part of a residential cluster design and is owned by a private individual or entity and used and managed in accordance with the terms of the Zoning Ordinance [Chapter 1]. [Ord. 2004-03]

Project Site - the specific area of land where any regulated earth disturbance activities in the Township are planned, conducted or maintained. [Ord. 2008-5]

Protected Open Space - a parcel or parcels of land, an area of water, or a combination of land and water that, regardless of ownership, is restricted from further subdivision or development for other than open space purposes permitted in accordance with the Zoning Ordinance [Chapter 1]. All areas of protected open space within a residential cluster design shall be further designated as common open space or private open space in accordance with the definitions and terms of this Chapter. [Ord. 2004-03]

Public Improvement - any drainage facility, street sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Township responsibility is established.

Redevelopment - earth disturbance activities on land which has previously been disturbed or developed. [Ord. 2008-5]

Regulated Earth Disturbance Activity - any earth disturbance activity 1 acre or more with a point source discharge to surface waters or the Township's storm sewer system, or 5 acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance. [Ord. 2008-5]

Religious Use - a nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization organized solely or primarily as a religious institution.

Residential Conversion - the change in density and housing type of an existing dwelling, resulting in the creation of party walls and independent cooking, lavatory and sleeping facilities.

Re-subdivision - a change in the map of an approved or recorded subdivision plan if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption

of any regulations controlling subdivisions.

Retail Use - a building that houses a shop, store or like-type establishment, that offers goods and products for retail sale to the general public. [Ord. 2008-5]

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. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

Right-of-Way - the total width of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purpose.

Riparian Buffer - any area comprised of one or more of the following:

- A. Any area within 75 feet of the bank of any watercourse.
- B. Any wetland and any area within 15 feet of any wetland.
- C. Any area of hydric soil.

Road Maintenance - earth disturbance activities within the existing road rights-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities. [Ord. 2008-5]

Rooming House - a building or parts of a building occupied by three or more persons providing room and board for hire, unrelated to the tenant or occupancy residing on the premises. The term includes boarding and lodging houses and dormitories.

Sanitary Landfill - a lot or portion of a lot used for the deposit and storage of refuse and in which all exposed refuse is covered by earth every day. A sanitary landfill shall be operated in accordance with standards established by and shall be subject to inspection by the Pennsylvania Department of Environmental Protection.

Screening - the use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two or more different land uses which abut one another.

SCS - the Soil Conservation Service. [Ord. 2008-5]

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

Separate Storm Sewer System - a conveyance or system of conveyances (including roads with drainage systems, Township streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff. [Ord. 2008-5]

Sewage Facilities -

A. *Individual, On-site System*. The disposal of sewage by safe and healthful means, within the confines of the lot on which the use is located.

B. *Community Sewage Collection, Treatment and/or Disposal System*. A sanitary sewage system in which sewage is carried from individual dischargers by a system of pipes to one or more common treatment and disposal facilities employing spray irrigation and/or subsurface land disposal techniques. Treatment and disposal may occur either on-site or off-site.

C. *Public Sewage System* - an off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a municipal-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

Shadow Analysis - a graphic representation of shadows cast by mature landscaping, screening, and structures, plotted with regard to topography, slope and direction at 9:00 a.m., noon, and 3:00 p.m. on the date of Winter Solstice.

Shopping Center - a unified, multiple use of a single property for the retail sale of goods including provisions for off-street parking provided on the property.

Sign - any letter, word, model, device, symbol or representation intended as an announcement, direction or advertisement, and may be either free standing, attached to another structure, or painted on the exterior wall of a building or other structure.

Sign, Advertising - a sign which offers services or goods produced or available somewhere other than on the lot where the sign is located, including billboards.

Sign, Area - the face of a sign including all lettering wording, designs and symbols, together with background, whether open or enclosed on which they are displayed including the frame, but not including any supporting framework and bracing. Where a sign consists of individual letters, numbers, characters or symbols attached to a building, the area of the sign shall be considered that of the smallest rectangle or other regular geometric shape which encompasses all of the letter and symbols. Double-faced signs shall have only one face used to compute sign area.

Sign, Business - a sign which offers services or goods available on the lot where the sign is located.

Sign, Directional - an informational sign indicating direction, entry, exit, loading or service areas, fire lanes, parking and other information incidental to the primary use and not itself advertising that use.

Sign Faceplate - that portion of a sign, which includes all graphical representations and the surrounding blank border areas. Graphical representations include but are not limited to lettering, numbers, symbols, trademarks, pictures, and illustrations.

Sign, Freestanding - a man-made, permanent sign composed of a sign faceplate and supporting structure, and which is located independently from any building or structure.

Sign, Official - a sign erected by the State, County, or other legally constituted governmental body.

Sign, Permanent - a sign that is placed for an extended or infinite duration of time.

Sign, Temporary - a sign that is placed for a limited or finite duration of time including, but not limited to, for-sale signs, advertisements during construction, and political signs.

Sign, Wall-Mounted - a man-made, permanent sign which is fastened to or integral with a wall on a building or structure. This sign has a sign faceplate and may include its own supporting structure. The term "integral" shall mean that the sign is in the same plane as the building or structure wall.

Single and Separate Ownership - the possession of real estate by one or more persons, which vested interest is separate and distinct from that of any adjoining

property.

Sight Distance - the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

A. *Object Sight Distance* - shall be measured from a point 4.5 feet above the centerline of the road surface to a point 0.5 feet above the centerline of the road surface.

B. *Vehicle Sight Distance* - shall be measured from a point 4.5 feet above the centerline of the road surface to another 4.5 feet above the centerline of the road surface.

Slash - woody material left after a logging operation, including logs, chunks, bark, branches, stumps, and broken understory trees or brush. [Ord. 2010-04]

Solar Energy - radiant energy (direct, diffused or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical or electrical energy.

Solar Energy System - any system designed to convert solar energy into another usable form of energy, such as heat or electricity. Such a system shall include all panels, wiring, and related ancillary equipment, and shall be principally designed and used to generate power to offset utility costs on the property where the system is located. A solar energy system shall most commonly function as a use accessory to a principal residential use; larger systems also may function as a use accessory to a principal agricultural, commercial, or industrial use when located on the same property and designed to offset utility costs on that property. [Ord. 2014-4]

Solar Farm - a solar energy system designed to be a principal use on a parcel and designed to distribute electricity off the site on which the system is located. [Ord. 2014-4]

Solar Skyscape - the space between a given location and the sun which must remain unobstructed between 9:00 a.m. and 3:00 p.m. mean solar time (Winter Solstice) in order to permit sufficient solar energy to impinge on that location to allow efficient solar utilization.

Special Exception - permission, approval or authorization granted by the Zoning Hearing Board for particular uses in accordance with the provisions of Part 18, in situations where provision is made by the terms of this Compilation.

Specimen, Tree - a unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance, or any other characteristic which may be designated as such by the Township.

Spring - a place where water flows naturally from rock or soil upon the land or into a body of surface water. [Ord. 2010-04]

Stand - any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit. [Ord. 2010-04]

State Water Quality Requirements - as defined under State regulations (protection of designated and existing uses - 25 Pa.Code, Chapters 93 and 96) including:

A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in 25 Pa.Code, Chapter 93. These uses must be protected and maintained, under State regula-

tions.

B. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in 25 Pa.Code, Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams.

C. Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream and, streambed and structural integrity of the waterway, to prevent these impacts.

[Ord. 2008-5]

Stocking - the degree to which an area is effectively covered with living trees. [Ord. 2010-04]

Storm Sewer - a system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes. [Ord. 2010-04]

Stormwater - water which surfaces, flows or collects during and subsequent to rain or snowfall.

Stormwater Management - procedures involved in the control of water that runs off the surface of the land from rain and melting snow. [Ord. 2010-04]

Stormwater Management Practices - the designed and/or constructed features which infiltrate, treat, collect, convey, channel, store inhibit, or divert the movement of stormwater; such practices include structural and non-structural practices. [Ord. 2008-5]

Story - the portion of a building located between the surface of any floor and the surface of the ceiling or roof next above.

Stream - a natural watercourse with perennial or intermittent flow. [Ord. 2010-04]

Street - a public right-of-way intended to provide means of access for vehicles and pedestrians and furnishing access to abutting properties. The word “street” includes the words “road,” “highway,” “thoroughfare,” “way,” “avenue” and “boulevard.”

A. *Collector Street* - a street designed and located to provide means to direct traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to major streets and/or a street used for access to non-residential properties, i.e., commercial, industrial, professional, etc.

B. *Cul-De-Sac Street* - a local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.

C. *Local Street* - a street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.

D. *Marginal Access Street* - a local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with major streets.

E. *Major Street (Arterial)* - a street serving a large volume of comparatively high-speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

F. *Private Street* - a local street serving only abutting lots, that is not offered or required to be offered for dedication.

G. *Single-Access Street* - a local street or streets including, but not limited to, cul-de-sac and loop designs, which has only one point of intersection with an existing Township or State road or with a proposed road having more than one access point.

Street, Center Line - a line which is an equal distance from both street lines.

Street Line - the legal right-of-way line of a public street.

Street Wall - the wall of a building adjoining a sidewalk at the edge of the street right-of-way; or architectural and landscape architectural elements such as walls, pillars, piers, colonnades, arcades, and fences in lieu of a building wall when an existing building is already set back from the street wall line. Street trees and hedges may be considered as street wall elements when in combination with walls, pillars, piers, fences, and the like. [Ord. 2008-5]

Streetscape - the space formed by buildings located close to the street, which is embellished with sidewalks, street trees, street lights, curbs, on-street parking, and cartways. The streetscape is framed by buildings which create the “outdoor room” character of a traditional neighborhood. [Ord. 2008-5]

Structural Stormwater Management Practices - any measures that require the design and construction of a facility to help reduce or eliminate a non-point source of pollution and control stormwater. [Ord. 2008-5]

Structure - any man-made object having an ascertainable stationary location on land or water, whether or not affixed to the land.

Structure Height - the vertical measurement from the highest point of the structure to the ground directly beneath the highest point.

Subdivision - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted. Any subdivision of land for mortgage purposes shall comply with the requirements of this Compilation and the Zoning Ordinance [Chapter 1].

A. *Major* - any subdivision of land into four or more lots and/or requiring the installation of public improvements.

B. *Minor* - a subdivision in which:

(1) No street is to be constructed or widened.

(2) No other improvement that requires a bond or escrow as a performance guarantee is to be constructed.

(3) No earthmoving activities will take place except those normal to construction of a single-family dwelling on each lot.

(4) No more than three lots are created.

Subdivision and Land Development Agreement -the written contract (in the form provided) between the applicant and the owner on one hand, and the Township on the other, specifying the conditions of approval by the Township.

Surface Waters of the Commonwealth - any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. [Ord. 2008-5]

Swale (drainage, natural) - a low-lying stretch of land (natural) which collects or carries surface water runoff. [Ord. 2010-04]

Swimming Pool - a water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-ground pool, having a depth of more than 30 inches, designated, used, and maintained, for swimming and bathing. [Ord. 2010-04]

Township - the Township of New London.

Township Engineer - duly appointed employee or independent contractor performing engineering services for the Township or such individual appointed by the Supervisors to perform the duties and services designated herein. [Ord. 2010-04]

Tract - one or more lots assembled for the purpose of unified development, including a planned residential development, shopping center, office or industrial park.

Tract Area - the area of land within the legal metes and bounds of a tract, exclusive of: (1) any portion of the tract contained within an existing street right-of-way; (2) any area within an easement established for gas, oil, natural gas, electric or communications transmission facilities, whether below or above ground, that do not exclusively serve the tract traversed; and (3) any area within an easement established for water or wastewater facilities that do not serve the tract.

Traditional Neighborhood Development (TND) - a form of land development in accordance with Chapter 1, Part 22, and consistent with TND as per Article VII-A of the Municipalities Planning Code (MPC). [Ord. 2008-5]

Use - the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Variance - permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the exact provisions of this Compilation, as applied to a specific property, in accordance with the provisions of Part 18 of this Compilation.

Very Steep Slopes - land areas where the gradient is 25% or greater over 6 vertical feet of contours (e.g., three consecutive 2-foot contours). [Ord. 2008-5]

Veterinarian - a surgeon or physician who specializes in the treatment of diseases and disorders of farm and domestic animals.

Veterinary Hospital - (see “animal hospital” definition).

Water Supply -

A. *Individual System* - a safe, healthful, and adequate supply of water to a single user from a private well on the lot of the user.

B. *Central Water Supply System* - a system for supplying safe, healthful, adequate water from a common source or sources to all dwellings and other

buildings within a development. The water supply source may be located on-site and/or off-site.

Watercourse - a channel or conveyance of surface water having defined bed and banks, whether natural or artificial. [Ord. 2010-04]

Watershed - region or area drained by a river, watercourse or other body of water whether natural or manmade. [Ord. 2008-5]

Wetland (Wetlands) - those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and which under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. [Ord. 2010-04]

Wind Energy Conversion System (WECS) - any system designed to convert wind energy into another usable form of energy, such as heat or electricity, for use on the property where the system is located. The system includes all turbines, towers, wind chargers, transmission lines, and any other electrical infrastructure or equipment necessary for the system to function in accordance with this Chapter.

A. *Large Wind Energy System (LWES)* - a wind energy conversion system with two or more wind turbines, towers, and associated control and conversion electronics that is designed and used to generate power only to offset utility costs on the property where the system is located, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be sold to the utility company.

B. *Residential Wind Energy System (RWES)* - a wind energy conversion system consisting of a wind turbine and associated control or conversion electronics, which is primarily intended to reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site residential use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be sold to the utility company.

[Ord. 2014-3]

Wind Energy Conversion System Height - the height of a wind energy conversion system as measured from the ground surface on which the monopole structure sits, or the ground surface on which a structure to which a WECS is affixed or mounted sits, to the tip of the rotor, blade, or similar moving part at its highest point. [Ord. 2014-3]

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. For purposes of this Compilation, 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. Woodland shall include those areas so named and shown on the Biotic Resource Map in the 1995 Comprehensive Plan of New London Township.

Yard Front - a yard extending the full width of the front lot line and extending in depth from such lot line to the nearest point of any building on the lot.

Yard, Rear - a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any building on the lot.

Yard, Side - a yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any building on the lot. (Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004; by Ord. 2007-02, 1/2/2007, §§7, 10; by Ord. 2008-5, 7/16/2008, §§1-4; by Ord. 2010-04, 7/1/2010, §§1, 2; and by Ord. 2014-3, 6/5/2014, §1)