

article II

Definitions

SECTION 200 GENERAL

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged", "designed", or "intended to be used". The word "building" shall include the word "structure". The present tense shall include the future tense. The word "person" shall include the words "individual", "organization", "partnership", or "corporation". The masculine gender includes the feminine and neuter.

SECTION 201 DEFINITION OF TERMS

Abandonment. An intentional relinquishment of a use without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year without reference to the intent.

Accessory Building or Structure. 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.

Adult Commercial. A store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs or other depictions or printed matter and paraphernalia, which, if sold knowingly to a child under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the same time thereof.

Alley. A minor right-of-way which may or may not be legally dedicated and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

Alteration. Any change or rearrangement of the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions as well as any change in doors or windows, or any enlargement or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another; not including normal repairs or replacement of elements of a building.

Amusement Hall/Arcade. An entirely enclosed facility providing a source of amusement, entertainment, or recreation, which is operated as a commercial venture. Amusements may include bowling alleys, pinball or video arcades, athletic courts, swimming pool (indoor), movie theaters, playhouses, or any other similar use.

Antennae. A device for receiving or sending frequency signals including television and radio antennae, but excluding satellite antennae, support structures and towers.

Definitions

Applicant. A landowner or developer, including heirs, successors, assigns, and grantees, who has filed a complete application for subdivision and/or land development, or a complete application for a special exception, variance or conditional use.

Basement. A space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be counted as a story for the purpose of height measurements or the determination of square footage or floor area.

Basement (for floodplain management purposes). Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast. A building occupied by a resident innkeeper containing four (4) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the occupants such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast.

Borough Council. The Borough Council of the Borough of Spring City, Chester County, Pennsylvania.

Buffer Area. An area used and maintained as a means of limiting the effects created by adjoining properties, streets, and uses. Such area shall serve as a barrier to visibility, noise, glare, or airborne products, and may include, but shall not be limited to, the use of screening, fencing, berms, or vegetative cover.

Building. Any combination of materials to form a permanent structure having walls and a roof, whether assembled on the premises or not. Buildings may be classified in the following configurations:

- a. Detached. A building which shares no party wall.
- b. Semi-detached. A building which shares only one (1) party wall in common with an abutting building.
- c. Attached. Any building which houses at least one unit that shares two (2) or more party walls in common with abutting buildings.

Building Area. The sum of the maximum horizontal cross section areas, excluding cornices, eaves, and gutters of all buildings on a lot. Building area shall be measured from outside wall to outside wall.

Building Coverage. The percentage of the area of a lot which is covered by the building area.

Building Height. The vertical measurement of a building from the mean level of the ground abutting the building to the highest point of the roof, provided that chimneys, spires, towers, and similar vertical projections of the building shall not be included in calculating the height.

Building Permit. A statement issued and signed by the Code Enforcement Officer, or other duly authorized agent of the Borough of Spring City, which authorizes the erection, construction, alteration, conversion, replacement, diminution, or enlargement of a building or structure. The statement should indicate that the proposed activity complies with the applicable Borough Codes and Ordinances.

Building Setback Line. A line parallel to, and set back from the corresponding lot line at a distance equal to the depth of the yard requirement for the district in which the lot is located (see figure 1).

Caliper. Tree diameter measured at two and one-half (2.5) feet from the ground.

Cartway. The surface of the street or alley available for vehicular traffic including shoulders and/or on-street parking spaces (see figure 1).

Catering Establishment. Any retail establishment that prepares and sells unpackaged food for consumption off premises.

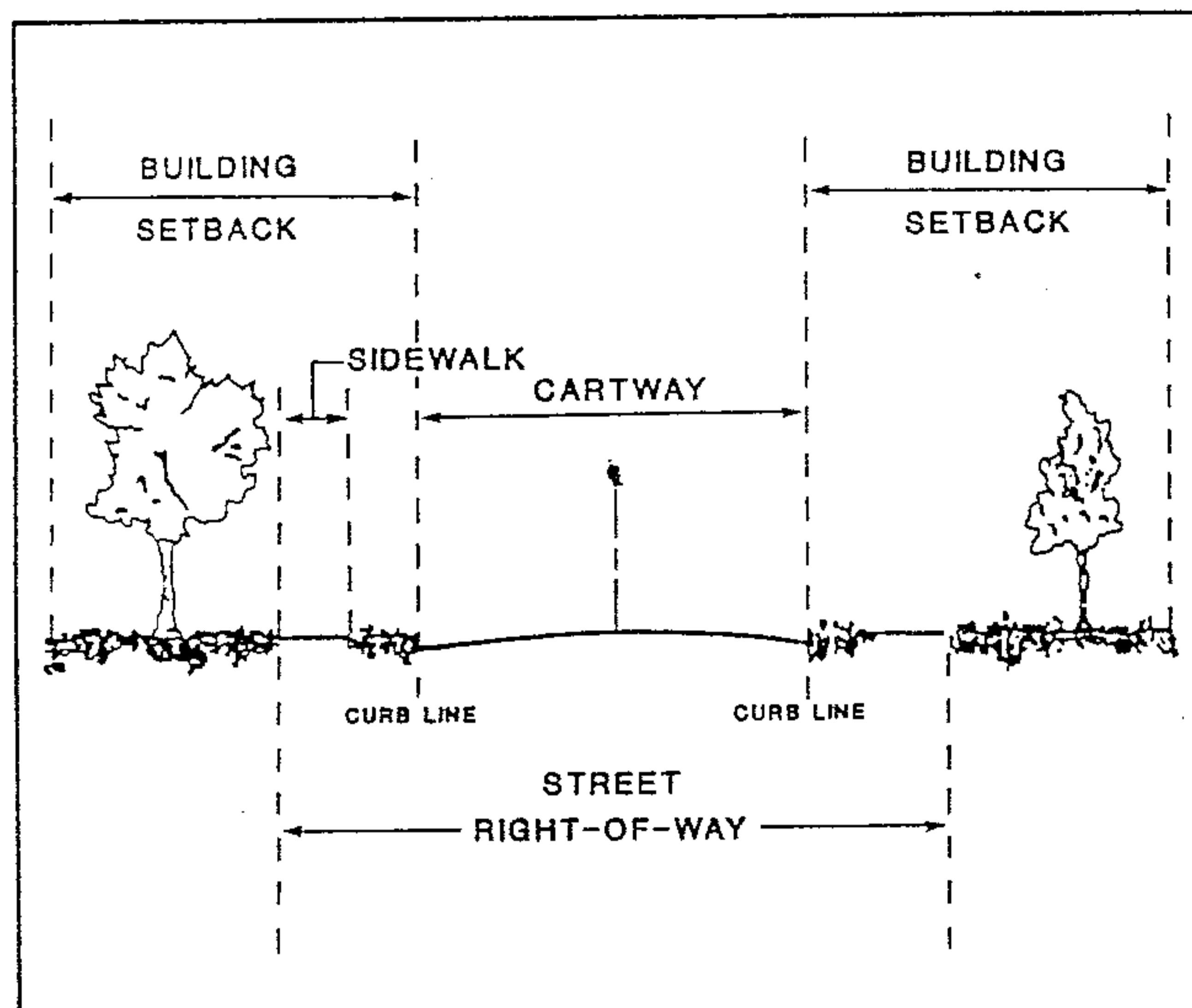


Figure 1--Typical Cross Section

Cellar. A space with less than one-half (1/2) of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6.5) feet. A cellar is not counted as a story for the purposes of height measurement or the determination of square footage or floor area unless the cellar is used for dwelling, office, or business purposes.

Centerline. The center of a surveyed street, road, lane, alley or where not surveyed the center of the available cartway (see figure 1).

Certificate of Use and Occupancy. A statement signed, issued, and administered by the Code Enforcement Officer, or other duly authorized agent of the Borough of Spring City, upon completion of construction of a new building or upon change or conversion of a structure or use of a building, which establishes that a building or use complies with all requirements and regulations as provided in this Ordinance and other applicable codes, and that the same may be occupied or used for the intended use.

Code Enforcement Officer. The officer or other duly authorized agent charged with the enforcement of the Zoning Ordinance.

Commercial Use. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

Definitions

Commercial School. Trade or professional school including but not limited to art, dance, or music; hair cutting, styling, or beauty; business or computer education; or similar uses.

Community Center. A not-for-profit place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public.

Comprehensive Plan. The Comprehensive Plan of the Borough of Spring City, Chester County, Pennsylvania, as adopted and amended.

Conditional Use. A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are established by the applicant who shall have the burden of proving the criteria and conditions can be satisfied. Conditional uses are allowed or denied by the Borough Council after recommendations by the Planning Commission.

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

Contracting Shops. Offices and supply shops providing services and supplies relating to building, cement, electric, heating, plumbing, masonry, roofing, painting, and other similar uses.

Curb Line. The dividing line between cartway edge and sidewalk as officially plotted by the Borough; or between a lot and a private street, or alley over which owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way (see figure 1).

Day Care Facilities.

- a. Family Day Care. A facility in which care is provided for four (4) to six (6) children at any one time, who are not relatives of the care-giver, where the child care areas are being used as a family residence.
- b. Group Day Care. A facility in which care is provided for more than six (6) but no more than eleven (11) children, where the child care areas are being used as a family residence.
- c. Commercial Day Care. Those facilities in which care is provided for children and where the child care area is a commercial operation and not being used for a family residence.

Density, Gross. The number of dwelling units within the entire tract exclusive of the rights-of-way (public or private) whether interior or exterior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open space.

Development. Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, storage of equipment or materials, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

District, Base. A zoning district designated by this Ordinance and whose boundaries are depicted on the Zoning Map for the Borough of Spring City.

District, Overlay. A zoning district which establishes additional provisions to the base district provisions for the purposes of protecting and/or preserving the environmentally sensitive areas of the Borough of Spring City.

Double Frontage Lot. A lot extending between and having frontage on two (2) generally parallel streets or alleys.

Driveway. An improved or unimproved private accessway intended for vehicular ingress to or egress from a lot into a public way.

Dwelling. A building or entirely self-contained portion of a building having complete housekeeping facilities with no enclosed space in common with another dwelling. Dwellings may be classified, but not limited, to the following:

- a. Single-Family, Detached. A detached residential building on a lot, designed and occupied exclusively as a residence for one (1) family sharing no party walls with any other unit.
- b. Two-Family, Semi-Detached. A residential building containing two dwelling units, separated by a vertical party wall, each having independent outside access and open space on three sides.
- c. Two Family, Duplex. A residential building containing two dwelling units, separated by a horizontal party wall each having independent outside access and open space on all sides.
- d. Multiple Family. An attached residential building on a lot, designed and used exclusively as a residence for three (3) or more dwelling units.
- e. Townhouse. A form of a multiple family dwelling designed for occupancy by one family and separated from other similar dwellings by no more than two (2) party walls, and each having independent outside access and open space on two (2) or more sides.

Easement. The right of a person, governmental agency, or public utility company to use public or private land owned by another for a specific purpose.

Educational Facilities. Land or buildings specifically designed, arranged and intended for the purpose of education, including pre-school, elementary and secondary schools, colleges, religious organizations and vocational schools.

Definitions

Electric Substation. An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in Residential Districts (a) an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, or housing of repair crews, and (b) the external design of the installation shall be subject to the approval of the Zoning Hearing Board.

Emergency Services. Any structure or use related to the provision or storage of fire, police, ambulance, or rescue services, equipment, or manpower.

Environmentally Sensitive Areas. Those areas of land the disturbance of which would contribute significantly to the degradation of environmental conditions or amenities. Environmentally sensitive areas shall include, but are not limited to, floodplains, floodplain soils, steep slopes, wetlands, wetland margins, lakes and ponds, lake and pond shorelines, and woodlands.

Family. Any number of related or unrelated individuals living together as a single non-profit housekeeping unit doing their cooking on the premises, excluding, however, occupants of a club, fraternity house, lodge, residential club, or boarding house.

Flood. A general and temporary inundation of normally dry land areas by water.

Flood, One-Hundred (100) Year. A flood that, on the average, is likely to occur once every one-hundred years; i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year (see figure 2).

Flood Elevation, One-Hundred (100) Year. The outermost boundary of the Flood Fringe and the Flood Hazard Overlay District.

Flood Fringe. That portion of the one-hundred (100) year floodplain that is outside of the floodway. The basis for the outermost boundary of the flood fringe shall be the one-hundred (100) year flood elevations (see figure 2).

Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments which reduce or eliminate flood damage to real estate, or improved real property, water and sanitary facilities, structures or to their contents.

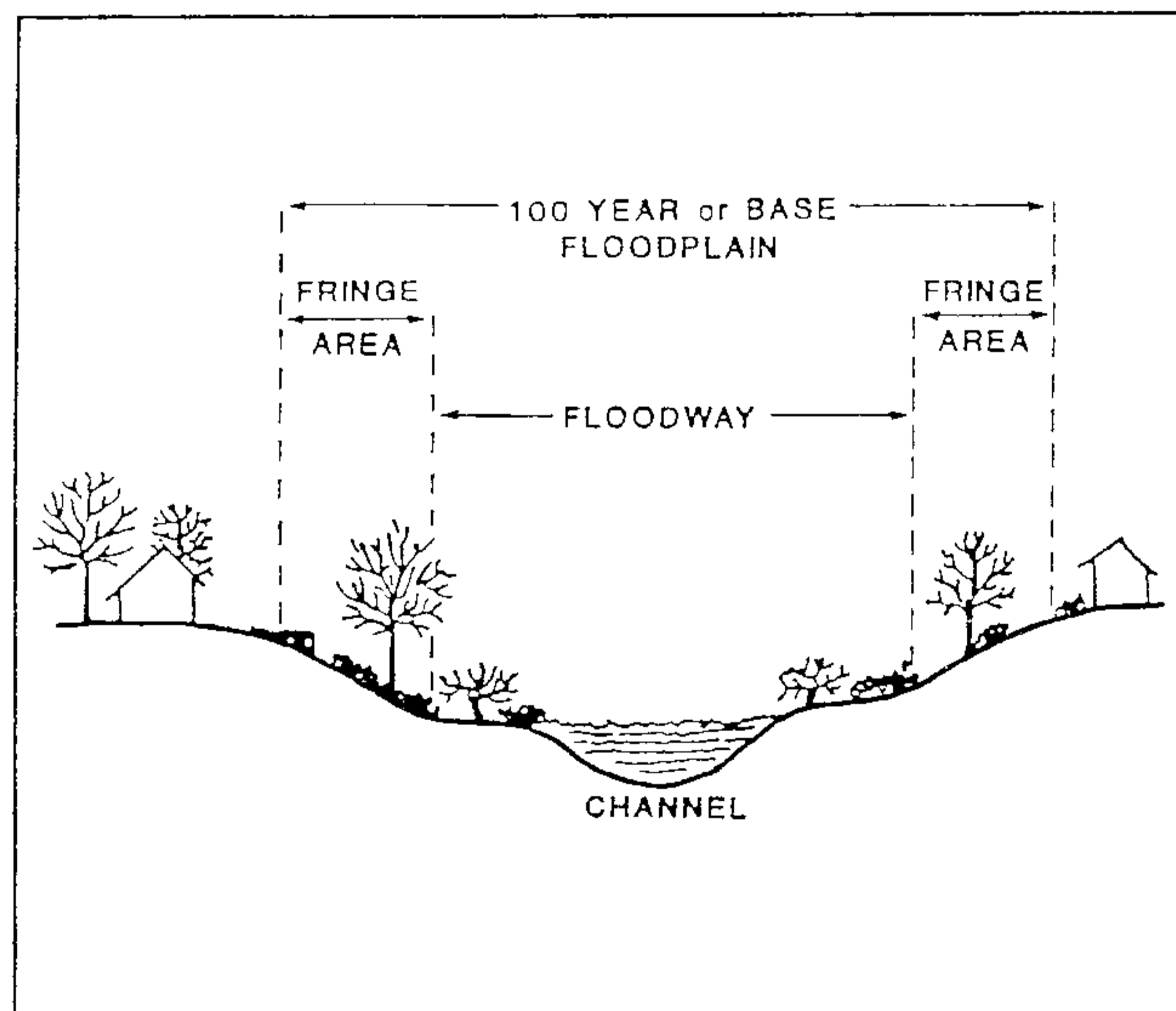


Figure 2--Floodplain Cross Section

Floodplain. A relatively flat or lowland area which is subject to partial or complete flooding from an adjoining or nearby stream, river, or watercourse; or any area subject to the unusual accumulation of surface waters from any source. For the purpose of this Ordinance, the floodplain shall include, but is not limited to, the area included in the Flood Hazard District as defined in Article XI of this Ordinance.

Floodplain Soils. Areas Subject to periodic flooding and listed in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1963, as being "on the floodplain" or subject to "flooding." Floodplain Soils include, but are not limited to, Rowland Silt Loam (Rp).

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one foot at any point (see figure 2).

Floor Area. The sum of the horizontal areas of a building enclosed by walls, firewalls, or party walls of principal and accessory buildings. Floor area shall be measured from inside wall to inside wall. Floor area does not include basements that do not meet the requirements of a building story, unenclosed porches, or unfinished attics not intended for human habitation; or any floor space in an accessory building intended for the parking of motor vehicles; or any floor space intended and designed for accessory heating and ventilating equipment.

Footcandle. A unit of illuminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

Garage, Private. An accessory building used for the storage of motor vehicles which may include commercial vehicles, owned and used by the owner or tenant of the premises, and/or for the storage of private non-commercial vehicles.

Garage, Public. A building, not a private garage, used for the repair or servicing of motor vehicles owned and used by persons other than the owner or tenant of the premises or for the storage of more than two (2) motor vehicles.

Garage/Yard Sales. The temporary display and sale of goods and craft items on a residentially used property.

Home Occupation. A home occupation is an activity, conducted for gain by person(s) residing on the premises, that is clearly subordinate to the existing residential use of the property.

- a. Home Occupation, Minor. A home occupation that is characterized by the following criteria:
1. The use is carried on only by the inhabitants of the dwelling;
 2. The use does not involve any customer or client visits to the dwelling and there are no direct sales of products on site;
 3. There is no exterior indication, including but not limited to signs, advertising, or other displays, that a home occupation is located on the premises;

Definitions

4. Commercial pick-up and delivery of goods and supplies is limited to no more than once a week, exclusive of normal United States postal service and parcel service beyond normal residential pick-up and delivery service.
 5. The floor area devoted to the use does not exceed twenty-five (25) percent of the ground floor area of the principal structure or four-hundred (400) square feet.
- b. Home Occupation, Major. A home occupation that does not meet one or more of the above criteria.

Hospital. An accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed.

Hydric Soils. A soil that is saturated, flooded, or ponded, long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to saturated soils and periodic inundations occurring in wetlands. Hydric soils or soils containing portions of hydric soils include, but are not limited to the following soils, as classified by the U.S. Department of Agriculture, Soil Conservation Service for Delaware and Chester Counties:

Readington Silt Loam (RdA)
Rowland Silt Loam (Rp)

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industrial Complex. A planned development and related uses which includes improvements for internal access, coordinated utilities, parking, landscaping, and buffering.

Junk Yard. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall only be stored in a licensed junk yard.

Kennel. The use of land, a building and/or a structure for the purposes of trading, breeding, boarding, training or grooming of more than five (5) adult customary domestic animals for compensation.

Lakes and Ponds. Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water two (2) or more acres in extent. Ponds are bodies of water less than two (2) acres in extent.

Lake and Pond Shorelines. The land-side edges of lakes and ponds from the established shoreline to an upland boundary. Lake and pond shorelines shall be measured one-hundred (100) feet from the spillway crest elevation.

Land Development.

- 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.

Laundromat/Dry-Cleaning Drop-Off. A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises. Dry-cleaning may be dropped-off on the premises, but not serviced.

Life Care Facility. A form of residential use designed and operated for mature adults, of fifty-five (55) years of age or over, containing certain support facilities specifically designed for these individuals.

Loading Space. A defined space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

Lot. A lot is a parcel of land separately described by metes and bounds, the description of which is recorded in the Office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of Chester County. The term "lot" shall include parcel, plot, site, tract, or any other similar term.

Lot Area. The total surface area of the lot lying within the lot lines. The area of any lot abutting a street shall be measured to the curb line only.

Lot, Corner. A lot bounded on two or more sides by streets, whenever the lines of such streets form an interior angle of one-hundred and thirty-five degrees (135) degrees or less.

Lot Coverage. The percentage of the lot area comprised of impervious surfaces.

Lot, Double Frontage. A lot extending between and having frontage on two generally parallel streets or alleys.

Definitions

Lot Line. A line dividing one lot from another lot or from a street or alley.

Lot Width. The distance between side lot lines at the building setback line and measured parallel to the curb line. Where the street is curved or angled, the lot width shall be measured as a straight line between the point of intersection of the required side yards and the front yard setback.

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

Major Retail Use. A single retail use of twenty-thousand (20,000) square feet or more in gross floor area.

Manufactured Home. A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Medical Clinic. An office or clinic for treatment of persons as outpatients for medical, dental, and eye care and any laboratories incidental thereto. Medical clinics are distinguished from doctor's office because doctor's offices shall have no more than two (2) physicians.

Mini-Warehouse. Warehouses or storage units provided for lease to the general public for the purpose of storage of personal property generally stored in residential structures, and in which each storage unit has direct access from the outside.

Minimum Buildable Area. The minimum buildable area is that area of a lot that has no development restrictions. The minimum buildable area shall not include the area of any required setbacks (except driveways which cross yards), buffer yards, natural features with one-hundred (100) percent protection standard and the portion of those natural features that may not be developed or intruded upon.

Mixed Use. A mixed use includes one or more commercial, service, office, or residential uses in combination in one building.

Mobile Home. See Manufactured Home.

Mobile Home Park. See Manufactured Home Park.

Motel, Hotel, or Inn. An establishment which is open to transient guests and in which lodging with or without meals is offered for compensation and in which there are sleeping accommodations for more than four (4) guest quarters.

Native and Naturalized Species. Plants historically characteristic of, or now typically and commonly found within, a certain place, location, association, or environment.

Nonconforming Building or Structure. A structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height, and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to the enactment of this Ordinance or any amendment thereto.

Nonconforming Lot. A lot or site which does not comply with the applicable dimensional regulations, including those relating to site area, lot area, and lot width, in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of this Ordinance or amendments.

Nonconforming Sign. Any sign which does not comply with the applicable dimensional standards of this Ordinance or amendments hereafter enacted where such sign was lawfully in existence prior to the enactment of this Ordinance or amendments to its location by reason of annexation.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the enactment of this Ordinance or amendments thereto.

Nursing Home. A facility providing bed care, or chronic or convalescent care for persons who, by reason of illness, physical infirmity, or age, are unable to properly care for themselves. Such nursing and medical care shall be prescribed and performed under the general direction of persons licensed to provide such care or services in accordance with state laws.

Nursery or Greenhouse. A use of land and associated structures for seed germination and the growing of plants with the intent to sell said plants when grown to salable size.

Office. A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

Outdoor/Outside Storage. A collection of man-made materials unprotected from the elements.

Parking Space. A reasonably level space for parking one (1) motor vehicle, and surfaced with concrete or macadam to whatever extent is necessary to permit reasonable use under all weather conditions.

Parking Lot, Pay. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking in exchange for a monetary fee.

Definitions

Performance Standards. Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

Place of Worship. Use of land or a building as or for a religious activity such as a church, temple, convent, monastery, or a similar institution which is non-profit, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premises

Planning Commission. Unless otherwise indicated, the term "Planning Commission" shall mean the Planning Commission of the Borough of Spring City, Chester County, Pennsylvania.

Principal Use. The primary use of land or structures thereon, as distinguished from an accessory use.

Private Club/Lodge. A structure related to a social or fraternal organization where the facilities and services, including restaurant and bar facilities, are for the use of members and guests exclusively.

Public Hearing. A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code (MPC), Act 247 as amended.

Public Notice. Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. 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 Sewage Facility. A public system for the off-site treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

Public Utilities Facilities. A building or structure and its equipment, used for the transmission and exchange of telephone, radio telephone, gas, power, sewer, and water facilities, provided, however, that in a residential district these shall not include public business facilities, storage of materials, trucks, or repair facilities or housing of repair crews.

Recreational Vehicle. A vehicular unit primarily designed as equipment for recreational use, camping, or travel use, which is four-hundred (400) square feet or less when measured at the largest horizontal projection, built on a single chassis, and either has its own motor power or is mounted on or drawn by another vehicle, including, but not limited to, travel trailers, camping trailers, truck campers, motor homes, snowmobile, all-terrain vehicles, boats and boat trailers, and other utility trailers.

Recreation Facility, Public. A use designed and equipped for the conduct of sports, leisure activities, and other customary and usual recreation activities that is open for use to the general public.

Recreation Facility, Private. A use designed and equipped for the conduct of sports, leisure activities, and other customary and usual recreation activities that is not open for use to the general public and a fee may be charged to utilize such facilities.

Repair, Automobile. Any shop where automobile engines or bodies are repaired in exchange for a monetary fee. Automobile repair shall include the repair of any type of motorized engine.

Repair Shop. Any use for repairing items that may include but not limited to appliances, watches, guns, bicycles, locks, small business machines, but not including automobiles, motorcycles, trucks, trailers, heavy equipment, or any motorized engine.

Residential Conversion. The subdivision of a single-family detached or semi-detached dwelling into two or more units.

Restaurant.

- a. Restaurant, With Table Service. A commercial establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters within the building.
- b. Restaurant, Without Table Service. A commercial establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, and where, generally, all customers order the food at a common location within the building. The food is either eaten on premises or taken off premises.
- c. Restaurant With Drive-In Service. Any place for the sale and consumption of food and beverages, either within the building or off-premises, in which a drive-in window is located for servicing customers in motor vehicles.

Retail Sales. Any establishment wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.

Right-of-Way. A strip of land occupied or intended to be occupied for public or private use by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Road Classification. A designation given to a road in accordance with its function as a carrier of traffic. Roads are classified as the following, not all classifications of streets are located within the Borough:

- a. Arterial Streets/Highways. Roads that carry traffic from one region or one state to another. They can handle large volumes of traffic at relatively fast speeds. There are no arterial highways in Spring City.

Definitions

- b. Collector. Streets that carry large volumes of traffic primarily between the arterial highway network. Bridge Street, Main Street, New Street, and Wall Street (south of New Street) are the only collector roads in the Borough of Spring City.
- c. Residential Service Street. Streets that generally interconnect various neighborhoods with one another carrying low volumes of traffic at slow rates of speed. Except for the streets identified as arterial or collector streets, all the streets in the Borough of Spring City are residential service streets.

Rooming/Boarding House. A dwelling used for the housing of roomers, boarders, or lodgers with or without common eating facilities, including dormitories, fraternity houses, or other buildings of charitable, educational, or philanthropic use.

Sales Area. The portion of a building or use that is utilized and accessed by customers of said use.

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

Service Station. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

Setback. The required minimum horizontal distance between the lot line and the nearest front, side, or rear line of the building, including covered projections thereof, excluding steps.

Shopping Center. Two (2) or more retail uses located in one (1) building or on a single lot and which is preplanned and designed as a complex of related structures.

Sign. A structure, building wall, or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Slope. The deviation of a surface from the horizontal, expressed as a percent. Slope percent is computed by dividing the vertical distance by the horizontal distance and multiplying by one-hundred.

Special Exception. Permission or approval granted by the Zoning Hearing Board for a specific use when deemed suitable, with or without the imposition of conditions or restrictions under applicable standards.

Steep Slopes. Those areas of land where the slope exceeds fifteen (15) percent and which, because of this slope, are subject to high rates of stormwater run-off and susceptible to erosion.

Street. A right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and space for sewers and public utilities.

Street Line. The dividing line between a lot and a public street, or a highway legally open or officially plotted by the Borough; or between a lot and a private street.

Structure. An assembly of materials constructed or erected having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including but not limited to buildings, fences, garages, signs, swimming pools, wharves, towers, and walls.

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 modification, alteration, reconstruction, or improvement of any kind to an existing 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 include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division 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.

Subdivision Ordinance. The Subdivision and Land Development Ordinance of the Borough of Spring City, Chester County, Pennsylvania.

Tavern. An establishment serving alcoholic beverages for consumption on the premises as the principal business of the use. Food and other snacks may be sold at such an establishment.

Temporary Community Event. A temporary activity including, but not limited to, flea markets, public exhibitions, auctions, carnivals, circuses, picnics, air shows, and suppers for fund raising, and similar organizational activities.

Definitions

Temporary Structure. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Townhouse. see Dwelling, Townhouse.

Transmitter--Radio, Television, or Microwave. A structure that includes a transmitting or relay tower and supportive buildings that is licensed by the Federal Communications Commission for the specified purposes to transmit television, radio, and telephone communications.

Tree, Canopy. Deciduous trees that have at least a two (2) inch caliper that characteristically provide shading during periods of the year when leaves are normally present.

Tree Drip-line. The line marking the outer edges of the branches of the tree.

Tree, Evergreen. Trees whose foliage remains green and functional throughout more than one growing season.

Tree, Flowering. A deciduous tree that blooms with flowers.

Tree Protection Zone (TPZ). An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the drip-line, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

Variance. A waiver from the strict terms of a specific provision(s) of this Ordinance by order of the Zoning Hearing Board, after public hearing, when authorized by law.

Veterinary Clinic. A medical facility specializing in the treatment of injury and disease afflicting animals, especially domestic animals and household pets.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

Wetlands. Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wetlands Margin. The transitional area extending from the outer limit of the wetland. For the purposes of this Ordinance, the wetlands margin shall extend one-hundred (100) feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of the hydric soils shall be as defined in this Ordinance unless reclassified by a certified Soil Scientist.

Woodlands. One-quarter (1/4) acre or more of continuous wooded land where the largest trees measure at least six (6) inches diameter at breast height (dbh) or 4.5 feet from the ground. The woodland shall be measured from the drip-line of the outer trees. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten (10) inches diameter at dbh.

Wholesale Business. A commercial activity comprising the sale of commodities in large quantities or in bulk to retailers; industrial, commercial, institutional, or professional business; or other wholesale businesses rather than to consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

Yard. An open area round the inner periphery of each lot, extending along the lot lines and curblines and inward to a structure.

- a. Front. The required open space, the full width of the lot, extending from the curb line to the principal structure on the lot and parallel to the curblines, including covered projections, exclusive of steps. In the case of a corner lot, the front yard shall face:
 1. The street having the lesser functional classification as designated by the Spring City Borough Comprehensive Plan.
 2. The street for which the U.S. Postal District mailing address is assigned when both streets serve the same function. In the case of a double frontage lot, the front yard shall face the lesser of the two streets, but shall not face any alley. For duplex and townhouse end units only one side yard is required. No side yards are required for internal townhouse units.
- b. Side. The required open space, the full depth of the lot, extending from the side line of the lot to the nearest principal structure on the lot, exclusive of overhanging eaves, gutters, cornices, and steps.
- c. Rear. The required open space, the full width of the lot to the nearest principal structure on the lot exclusive of overhanging eaves, gutters, cornices, and steps, extending behind the principal structure and relatively parallel to the curb line.

Zoning Hearing Board. The Zoning Hearing Board of the Borough Spring City, Chester County, Pennsylvania.

Zoning Ordinance. The Zoning Ordinance of the Borough of Spring City, Chester County, Pennsylvania.