

ARTICLE II **DEFINITIONS**

Section 200 **INTERPRETATION**

Unless otherwise expressly stated or the context clearly indicates to the contrary, the present tense includes the future; the singular number includes the plural; the masculine gender includes the feminine and neuter; the word "person" includes any individual or group of individuals, partnership, firm, association, corporation or organization; the word "occupied" includes the words "designed, or intended to be occupied"; and the word "shall" is always mandatory. The word "Borough" means the Borough of Malvern, Chester County, Pennsylvania; the term "Borough Council" means the Borough Council of said Borough; the term "Zoning Hearing Board" means the Zoning Hearing Board of said Borough.

The word "structure" shall include the word "building". The terms "such as", "including", and the like are indented to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.

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

Section 201 **TERMS**

The following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Article unless expressly stated otherwise or the context clearly indicates to the contrary.

ACCESS(WAY). See DRIVEWAY.

ACCESSORY USE. A use subordinate and customarily incidental to the principal use on the same lot.

ACCESSORY STRUCTURE. A structure subordinate to and used for purposes customarily incidental to those of the principal permitted structure on the same lot.

ACT 247. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53. P.S. §§ 10101, et. seq.).

ADAPTIVE RE-USE (RE-USE). The development of a new use for an older building or for a building originally designed for a special or specific purpose, different from that of the proposed adaptation.

ADULT HOUSING/CARE FACILITY. An Adult Housing/Care Facility is a residential complex design and primarily operated for mature adults of fifty-five (55) years and over, that may include one (1) or any combination of life care facility, nursing home, or retirement community as follows (such facilities are subject to the Fair Housing Act, the Pennsylvania Human Relations Act, and the regulations promulgated thereunder):

- A. *Life Care Facility* is a form of residential use designed and operated primarily for mature adults, of fifty-five (55) years of age or over, containing certain support facilities including a combination of a senior center, independent living, personal care, and/or acute care.
- B. A *Retirement Community* may provide a combination of individual dwelling units in any combination of single-family, two-family, townhouse or multi-family buildings and may include a community center consisting of one (1) or more buildings in which accessory uses may be permitted.
- C. A *Nursing Home* is a facility providing bed care, or chronic or convalescent care for persons who, by reasons of illness, physical infirmity or age, are unable to properly care for themselves.

AGRICULTURE. The cultivating of the soil, and the raising and harvesting of the products of the soil, including but not limited to nursery, nursery sales lots, horticulture and forestry, and animal husbandry.

ALLEY. A service roadway providing a secondary means of vehicular access to the side or rear of two (2) or more properties, not a through-traffic route.

ALTERATION. Any change or rearrangement in the supporting members of an existing building or structure, such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any extension to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one (1) location to another, or any change which, in the case of a nonconforming building or structure, would prolong the life of such building or structure.

AMUSEMENT CENTER. A business within a building or structure providing automatic amusement and video games, including pool or billiard tables or similar facilities.

ANTENNAE AND FACILITY, COMMERCIAL COMMUNICATIONS. A structure that includes a transmitting, receiving, or relay tower/antennae support structure, communications equipment including antennae, and accessory related buildings or structures that is licensed by the Federal Communications Commission (FCC) for the specified purpose of transmitting or receiving signals or frequencies for television, radio, or telephone communications or other communications beyond that which would be used for normal personal or residential use. Such uses shall include a cellular, television, radio, or microwave tower.

ANTENNAE HEIGHT. The vertical distance measured at grade from the basepad of the antennae to the highest point of the support structure or antennae, whichever is higher. If the support structure is on sloped grade, the lowest grade shall be used in the calculation of the height.

ANTENNAE, MICROWAVE DISH. A parabolic earth based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish antennae", used or intended to receive microwaves, radio waves, or electromagnetic waves from an overhead satellite.

ANTENNAE, MICROWAVE DISH (COMMERCIAL). A parabolic earth based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish antennae", used or intended to receive and/or transmit microwaves, radio waves, or electromagnetic waves from an overhead satellite.

ANTENNAE, RADIO OR TELEVISION. A device, primarily an arrangement of wire or metal rods, freestanding, attached to a building or attached to a support structure, used for receiving frequency signals, including television and radio antennae, and not used for commercial broadcasting or communication

purposes. Such devices shall include amateur radio service band radio antennae used by Federal Communications Commission (FCC) licensed amateur radio service operators.

ANTENNAE SUPPORT STRUCTURE. A communication tower as herein defined, building, smoke stack, water tower, utility pole or other similar structure that can support a (antennae) device used in receiving or transmitting communication signals and frequencies.

APPLICANT. A landowner or developer (including that person's heirs, successors and assigns), as herein defined, who has filed an application with the Borough for subdivision and/or land development; or for a special exception, conditional use, or variance; or for any other required approval.

BANNER. See SIGN, BANNER.

BASE ZONE (BASE ZONING DISTRICT OR UNDERLYING ZONING DISTRICT). A Zoning District, the boundaries of which are delineated on the Zoning Map along road centerlines or parcel boundaries, which is a geographically definable area possessing a significant linkage or continuity of lots, buildings, or structures. All land in the Borough is divided into separate and distinct base zones which set limits and requirements for land use in each.

BED AND BREAKFAST. A residential structure occupied by a resident innkeeper that operates a commercial use for the temporary lodging of guests for compensation and providing those guests such lodging services as maid service and accessory limited eating facilities for the serving of breakfast and/or afternoon tea.

BOARDING HOUSE. A Boarding House is a building the primary or partial use of which is the housing of roomers, boarders, or lodgers including dormitories, hostels, or other like uses

BOROUGH COUNCIL. The Borough Council of Malvern Borough, Chester County, Pennsylvania.

BUFFER (AREA). An area on which is placed and maintained year-around shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to screen the principal use from view of abutting properties and/or districts. A buffer area may include an earthen berm, a wall or fence, or a solid wall or fence, provided that such wall or fence shall be screened or constructed in such a manner that it will not conflict with the character of the abutting district.

BUILD-TO LINE. A line which dictates the placement of a building or structure from the street right-of-way on which the building or structure is located. On a corner lot, there shall be a build-to line on each side of a lot abutting a street. In the case of an interior lot, the build-to shall be measured as defined for interior lots under building setback line.

BUILDING. Any structure affixed to the ground having a roof supported by columns or similar supports or enclosed walls designed, intended, or arranged for the housing, shelter, or enclosure of persons, animals or property.

BUILDING AREA. The sum of the maximum horizontal cross-section areas of all buildings on a lot, including sun parlors, foyers, roofed porches, breezeways, carports, bay windows, steps and balconies, but excluding cornices, eaves, gutters, or signs. Building area shall be measured from outside wall to outside wall.

BUILDING COVERAGE. The ratio of the total building area of all buildings to the total lot area, expressed as a percentage.

BUILDING HEIGHT. A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires and similar projections on structures shall not be included in calculating the height; where the roof is of mansard type construction, the lowest point of the roof shall be measured at the ceiling of the top floor. Chimneys, spires, and similar projections shall not rise more than ten (10) feet from the highest point of the roof.

BUILDING LINE. A line parallel from the street line a distance equal to the front yard setback for the zoning district in which the lot is located. In the case of an existing interior lot that does not fronting a street for its entire width, the building line shall be a line parallel to the street right-of-way measured from the front lot line nearest the street, defining the minimum distance in which no building may be constructed. (See YARD, FRONT YARD)

BUILDING SETBACK(S). The area within which the principle structure must be erected or placed as established by the front, side, and rear yard setbacks. (See YARD)

BUS STATION. A point of origin and distribution for the pickup and discharge of passengers from a large motor driven vehicle, not to include the storage or long-term parking of buses.

CALIPER. Diameter of a tree six inches above ground.

CARTWAY. The portion of a street or alley right-of-way, paved or unpaved, intended for vehicular use, including travel lanes, but not including shoulders, curbing and drainage facilities.

CEMETERY. Land used or intended to be used for burial of the deceased, including columbariums, mausoleums, and mortuaries, when operated in conjunction with the cemetery and within the boundaries thereof.

CENTERLINE. See STREET CENTERLINE.

CLUB OR LODGE. A building being utilized as a club or social organization generally offering restaurant or bar services for members.

CLUSTER RESIDENTIAL DEVELOPMENT. A development design which allows the minimum lot area and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmentally sensitive configuration, provided that the remaining area is set aside and preserved as common open space.

COMMERCIAL USE. An activity involving the sale of goods or services for profit.

COMMUNICATIONS EQUIPMENT. Antennas, radios, receivers, and transmitters, batteries and other power sources, cables, generators, and other equipment, and appurtenances necessary for the installation and operation of a facility for transmitting and/or receiving communication signals or frequencies, licensed for operation by the Federal Communications Commission (FCC), but not included within the definition of Antennae Support Structure.

COMMUNICATIONS TOWER. A lattice tower or monopole designed solely for the purpose of supporting antennas and cables for transmitting and/or receiving of communication signals or frequencies.

COMPREHENSIVE PLAN. The Comprehensive Plan officially adopted by the Malvern Borough Council.

CONDITIONAL USE. A use which is generally not appropriate or allowed by right in 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 present. Conditional uses are allowed or denied by Borough Council after public hearing(s) and review and recommendation by the Planning Commission.

CONDOMINIUM. A form of ownership where individual units are designated for separate ownership and the remainder of which is designated for common ownership and maintenance in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended.

CONVENTIONAL RESIDENTIAL DEVELOPMENT. Individual residential lots that encompass the entire tract of land for development without retaining common open space associated with cluster development.

CURBLINE. A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

DAY CARE CENTER. Commercial facilities where daytime supervision is provided for the care of children or adults, not related to the caregiver or operator, and where the child or adult care area is not part of a family residence. Day Care Center must be licensed or approved to provide services as required by the Commonwealth of Pennsylvania.

DAY CARE HOME, FAMILY. A major home occupation in which a private residence is used for the care and supervision of between three (3) and six (6) children or adults, not related to the caregiver.

DENSITY BONUS RATIO. A term used in the formula for determining the maximum allowed dwelling unit density when utilizing the Cluster Development option. The ratio takes the form of a percentage to increase the base district density.

DENSITY. The total number of dwelling units divided by the total number of acres in the tract, including any streets, vehicular accessways, parking areas and any land to be set aside as common open space.

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction or expansion of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, extraction of minerals, forestry, dredging, or drilling operations.

DIAMETER AT BREAST HEIGHT (DBH). The diameter of a tree trunk measured at a point four and one half (4.5) feet above the ground level.

DISCONTINUANCE. The cessation of the use of property.

DORMITORY. A building operated as part of an institutional use and occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution.

DRIVE-THROUGH SERVICE. An establishment that, by design, physical facilities, services, or by packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their vehicles. Such use shall include any establishment for the sale and consumption of food and beverages, any establishment providing banking services or other services in which there is a drive-through window.

DRIVEWAY. A private access, graded and typically paved, intended for use as a means of vehicular or pedestrian access from a street to a parking space, parking lot, individual dwelling or other structure.

DRY CLEANER, DROP-OFF. A commercial enterprise where patrons drop-off and pick up items of clothing, but the dry cleaning service is not performed on-site.

DRY CLEANER, ON-SITE. A facility where the procedure of dry cleaning is performed.

DWELLING. A building designed for or occupied exclusively for residential purposes, containing one (1) or more dwelling units, having complete independent housekeeping (kitchen, bathroom, bedroom) facilities, and separate access to the outside or to a common hallway or porch or balcony that connects to the outside, excluding hotel, rooming house, tourist home, institutional home, residential club, motor court and the like, but including the following:

- A. *Single-family detached dwelling.* A building designed for or occupied exclusively as a residence for one (1) family having: one (1) dwelling unit from ground to roof; no common party wall with any other dwelling; independent outside access; and the ability for yards on all sides.
- B. *Two-family dwelling* as follows:
 - 1. *Two-family semi-detached dwelling (twin):* A building designed for and occupied exclusively as a dwelling for two (2) families, having: two (2) dwelling units from ground to roof with not more than one (1) wall in common with the adjoining dwelling; each with independent outside access and the ability for yards on three (3) sides.
 - 2. *Two-family duplex dwelling:* A building designed for and occupied exclusively as a dwelling for two (2) families having: two (2) dwelling units from ground to roof arranged one (1) over the other and separated from each other by a horizontal common party wall; each with independent outside access; and the ability for yards on all sides.
- C. *Multi-family dwelling:* A building containing three (3) or more dwelling units, each with independent kitchen, bathroom and bedroom facilities, which may have independent outside access, including, but not limited to: Triplex (three (3) units in one (1) building); Four-plex or quadraplex (four (4) units in one (1) building, two (2) parallel party walls in common with an adjacent unit, and yards on two (2) non-parallel sides); Townhouse or single-family attached (containing at least three (3) dwelling units in one (1) building with each one (1) dwelling unit from ground to roof and not more than two (2) vertical party walls in common with an adjoining dwelling unit, each dwelling unit having independent outside access, and each having yards on two (2) sides except for an end unit with yards on three (3) sides; and Apartments (a building containing three (3) or more dwelling units separated by common party walls which may have more than one (1) dwelling unit from ground to roof and common outside access). It is the intention to include within this definition of multi-family dwelling, all recognized buildings or structures accommodating three (3) or more dwelling units within the same building, whether for lease or sale.

DWELLING UNIT. A room or group of rooms for one (1) family located within a residential building and forming a single habitable unit with a private access and complete independent housekeeping (kitchen, bathroom, bedroom) and living facilities.

EARTHEN BERM. A mound of earth which serves the purpose of supporting planted material, a fence, or wall, to aid in screening.

EASEMENT. An interest in land owned by another party that entitles the holder to a specific use, purpose, or enjoyment of the land.

EDUCATIONAL USE. A use of land and/or buildings, including preschool, elementary and secondary schools, colleges, vocational and/or technical schools.

EFFECTIVE SCREEN. A wall, fence, plantings, earth works, or combinations thereof, which are arranged or placed so as to divert attention from, or obstruct at least fifty (50) percent of an otherwise clear view of a use or activity during all seasons of the year, as outlined by this Ordinance.

ENLARGEMENT. An addition to the floor area of an existing building, an increase in the size of a structure or an increase in that portion of a tract or lot occupied by an existing use.

ERECTION OR CONSTRUCTION. Any or all work necessary for the erection or construction of any building or structure from a combination of materials which form safe and stable structures.

FACADE. The front or facing of a building.

FAMILY. Occupants of an individual dwelling unit are either:

- A. *A single person; or*
- B. *Any number of persons related by blood, marriage or adoption, including foster children and including not more than two (2) other persons, for example, boarders, lodgers or domestic help; or*
- C. *Unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boarding house or dormitory.*
- D. *A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Act or the Pennsylvania Human Relations Act. The zoning officer shall have the authority to determine whether a group of individuals is living together as the functional equivalent of a family for purposed of this Section.*

FARM ANIMALS. See LIVESTOCK.

FENCE. A barrier consisting of natural and/or man-made materials designed to enclose an outdoor activity or serve as a screen.

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

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

FLOOD, ONE HUNDRED (100) YEAR. A flood of a high magnitude that is likely to occur an average of once every one hundred (100) years, as delineated by the Federal Flood Insurance Rate Maps (FIRM) developed in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). The probability of its occurrence is one (1) percent chance each year, however a one hundred (100) year flood may occur in any year.

FLOODPLAIN. A relatively flat or low area of land adjacent to the channel of a watercourse which is subject to either partially or complete inundation from an adjoining or nearby stream, river, or watercourse, an area subject to the unusual and rapid accumulation of runoff or surface waters from any source. For the purposes of this Ordinance, the Floodplain shall be capable of accommodating a flood magnitude of a one hundred year (100) flood, and shall include the area within the Floodplain Overlay District as defined in Section 2101 of this Ordinance.

FLOODPLAIN MAP. That map prepared by the Federal Emergency Management Agency (FEMA) for Malvern Borough, delineating the Floodplain.

FLOOR AREA, GROSS OR TOTAL. The sum of the gross horizontal areas of all floors in a building measured from the exterior face of exterior walls, or from the centerline of the wall separating two (2) buildings, including basements, enclosed porches, mezzanines and upper floors, but excluding interior parking and loading spaces, overhangs, elevator shafts, unenclosed porches, patios, or any interior space where the floor-to-ceiling height is less than six (6) feet.

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

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE. Garage shall be defined as follows:

- A. *Garage, Private Accessory.* A building or structure accessory to or an integral part of a dwelling for the storage of motor vehicles owned and used by the owner, or tenant, or member of their households, but not for the sale, service or repair of motor vehicles.
- B. *Garage, Service.* A building, other than a parking garage, used for the storage, service or repair of motor vehicles.
- C. *Garage, Parking.* See PARKING LOT.
- D. *Garage, Storage.* A building, a private garage, used solely for the storage of motor vehicles, but not for the sale, service or repair of motor vehicles.

GARAGE OR YARD SALE. The accessory use for the temporary display and sale of common household goods and craft items on a residentially used property.

GASOLINE/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, convenience food or supplies, but which shall not include painting or body and fender parts.

GLARE. The sensation of brightness within the visual field that causes an annoyance, discomfort, or loss in visual performance, visibility, and/or the ability to focus the eye.

GRADE. The elevation of the ground level which adjoins a building or structure.

GREENWAY. An open space area established to link parks, natural reserves, cultural features, or historic sites with each other or with populated areas, which may also contain facilities for pedestrian and bicycle passage.

GROSS FLOOR AREA. The total floor area of all floors within a building, suitable for habitation, or commercial or industrial use.

HOME OCCUPATION/ HOME BASED BUSINESS. A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling. The activity must further satisfy specified requirements. There shall be two (2) categories of home occupations/home-based businesses: major and minor/no-impact. For the purposes of this Ordinance, the terms ‘Minor Home Occupation’ and ‘No-Impact Home-Based Business’ shall be synonymous, and likewise the terms ‘Major Home Occupation’ and ‘Major Home Based Business’ shall be synonymous. Such uses shall be permitted when in accordance with the following standards:

A. **Minor Home Occupation/No-Impact Home-Based Business.** Minor no-impact home-based businesses shall meet all of the following:

1. The business activity shall be compatible with the residential use of the property and surrounding uses.
2. The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.
3. The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
4. Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.
5. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
6. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
7. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
8. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

9. The business activity shall only be conducted within the dwelling and shall not exceed twenty-five (25) percent of the total floor area of the principal residential structure.

10. Such business use shall not involve any illegal activity.

B. Major Home Occupation/Major Home-Based Business. A home occupation/home-based business that does not meet one (1) or more of the criteria listed under Subsection A. above shall be defined as a major home occupation/home-based business, which requires additional regulations because of its greater potential impact on the area in which it is located. Major home/occupations/home-based businesses shall be permitted only by special exception in those zoning districts where major home occupations are permitted and when other applicable criteria of this Section and Ordinance can be met.

HOMEOWNERS' ASSOCIATION. A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations (such as the Uniform Condominium Act of 1980, as amended and the Pennsylvania Uniform Planned Community Act), for the purpose of administering the needs of residents through the maintenance of community owned property and improvements.

HOTEL. A building used for the purpose of providing for compensation temporary lodging to the public, with or without meals, and having lodging accommodations in which access to guest rooms is from an interior lobby, corridor, or hallway accessed through a common entrance.

HYDRIC SOIL. Poorly drained soils that are 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 includes 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, as classified by the US Department of Agriculture, Soil Conservation Service, for Delaware and Chester Counties: Croton silt loam (CR), Readington silt loam (Rm), and Worsham silt loam (Wo).

IMPERVIOUS SURFACES. Surfaces that do not absorb water, including, but not limited to, all buildings, driveways, roads, sidewalks and areas of concrete, nonporous asphalt or other materials.

INFILL (DEVELOPMENT). The redevelopment of or construction of a new building on vacant parcels without a habitable or usable principle building in a developed area.

INSTITUTIONAL HOME. A dwelling providing non-transient special care lodging for a minimum of seven (7) and a maximum of fifteen (15) persons, and not more than four (4) resident supervisors, in which some or all of the occupants are unrelated.

INSTITUTIONAL USE. A lawful non-profit or public establishment involving building and grounds, including, but not limited to, schools, museums, places of worship, convents, retreats, and nursing homes.

JUNK YARD. An area of land, with or without buildings, used for outside storage of used and/or discarded materials, including but not limited to wastepaper, 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 same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall constitute a junkyard, excluding lawful automotive repair facilities.

KENNEL. Any establishment wherein dogs and other domesticated pets are kept for the purpose of breeding, boarding, sale or show purposes, and which is so constructed that the animals cannot stray therefrom.

LABORATORY. A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but whose primary activity is not the manufacture of products for sale.

LAND DEVELOPMENT.

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
1. A group of two (2) for 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, buildings, or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of Act 247, as amended.

LAUNDROMAT. A commercial premises equipped with individual clothes washing and/or drying machines for the use of customers.

LAUNDRY FACILITY. Laundry facilities provided as an accessory use in apartment complexes or residential uses.

LIFE CARE FACILITY. See ADULT HOUSING/CARE FACILITY.

LIVESTOCK. Animals customarily housed in a structure separate from the dwelling of the owner and/or customarily kept for agricultural or sporting purposes, including horses, pigs, goats, sheep, poultry, racing pigeons and cattle, regardless of the size or age of the animal. Livestock or any type of farm animals are not “pets” for purposes of this Ordinance, even if they are small or of a “miniature” breed or variety.

LOADING SPACE. A defined space, accessible from a street or alley, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials, but not to be used for storage.

LOT. A parcel of land which is occupied or to be occupied by one (1) principal building or other structure or use, together with any accessory buildings or other structures or uses customarily incidental to such principal buildings or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions or such a lot being not less than the minimum required by this Ordinance.

LOT AREA. The total of the lot area within the lot lines.

LOT CLUSTERING. See CLUSTER RESIDENTIAL DEVELOPMENT.

LOT, CORNER. A lot abutting two (2) or more streets, or upon two (2) parts of the same street or shared driveway where said streets, street or driveway forms an interior angle of less than one hundred thirty-five (135) degrees. All yards abutting streets shall be considered front yards. The yard opposite the front lot line having the official designated property address shall be considered the rear yard, and the remaining yard shall be considered the side yard.

LOT COVERAGE. The area of a lot which is covered by any and all impervious surfaces, which normally shed rainfall, such as buildings, structures, paving or other impervious surfaces, including all building coverage, and presented as a percentage of the total lot area.

LOT LINE. A property boundary line of any lot held in single and separate ownership dividing one (1) lot from another or from a street or alley, and in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line.

LOT SIZE. See LOT AREA.

LOT WIDTH. The horizontal distance between side lot lines measured parallel to the street line at the building line. Where a street is curved or angled, the lot width shall be measured as a straight line between the point of the intersection of the required side yards and the front yard setback. Each lot in any district shall have a width at the street line of not less than sixty-five (65) percent of the required lot width at the building setback line.

MEDICAL CLINIC. A building and lot for the practice of medical or dental arts or similar examination and treatment of persons as outpatients by three (3) or more physicians or licensed medical specialists practicing medicine as a group during normal office hours. Medical practices with two (2) or less physicians are considered offices. Clinics providing twenty-four (24) hour emergency services or overnight lodging of patients shall be considered hospitals.

MEMORIAL PARK. A tract of land designated primarily for the preservation of a historic site and used by the public for limited passive recreation.

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION. Microwave dish antennas are parabolic earth based reflectors, together with a pedestal and any other attachment and parts thereof, commonly referred to as a dish antennae, used or intended to receive microwaves, radio or electromagnetic waves from an overhead satellite

MINI WAREHOUSE (STORAGE). A structure containing separate storage spaces at varying sizes leased or rented on an individual basis.

MINIMUM BUILDABLE AREA. 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 and parking areas which cross yards), buffer yards, and natural resources.

MIXED USE. A use that includes one (1) or more commercial, service, office, or residential use in combination on one (1) lot or in one (1) building.

MOBILE HOME. A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into a single integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connections to utilities, and

constructed so that it may be used without a permanent foundation, including any addition, such as porches or additional rooms.

MOBILE HOME PARK. A parcel of land or contiguous parcels under a single and separate ownership which has been planned and improved for the placement of mobile homes for non-transient uses, consisting of two (2) or more mobile home lots.

MOBILE HOME SITE OR LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances required by this Ordinance for the placement of a single mobile home.

MOTEL. A building or group of two (2) or more detached or semi-detached buildings used for the purpose of providing for compensation, temporary lodging to the public, with or without meals, and having lodging accommodations in which access to each room or unit is through an exterior door.

MOTOR VEHICLE SALES (AGENCY). Any land or structure used or occupied for the buying, leasing and/or the storing of three (3) or more motor vehicles prior to sale or lease.

MULTI-SHOP RETAIL. A shopping center containing two (2) or more retail uses located in one (1) building or on a single lot and preplanned and designed as a complex of related structures and circulation patterns.

MUNICIPAL USE. A use conducted by the Borough or a Borough Municipal Authority.

NONCONFORMING LOT. A lot or site in single or separate ownership which does not comply with the applicable dimensional regulations, including those related to site area, lot area, and lot width, in this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to the effective date of this Ordinance.

NONCONFORMING BUILDING OR STRUCTURE. A building or structure or part thereof 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 building or structure was lawfully in existence prior to the effective date of this Ordinance.

NONCONFORMING SIGN. Any sign legally existing at the effective date of this Ordinance that does not conform in use, location, height or size to the regulations of Article XXVI, Sign Regulations.

NONCONFORMING USE. A use, whether of land or 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 effective date of this Ordinance or amendments.

NURSING HOME. See ADULT HOUSING/CARE FACILITY.

OFFICIAL MAP. An ordinance in map form adopted by the governing body that conclusively shows the location of proposed streets, public facilities, public areas, and rights-of-way.

OFF-STREET PARKING. A parking space or facility for motor vehicles located outside any street right-of-way, required by and in conformance with Article XXV.

OFF-SITE PARKING. Off-street parking spaces or areas that are not located on the same lot as the use for which they are required, in conformance with Article XXV.

OFFICIAL STREET SIGN. A sign erected by the state, county, township or other legally-constituted governmental body.

ON-SITE PARKING. Off-street parking spaces or areas located on the same lot as the use for which they are required under Article XXV.

ON-STREET PARKING. Parking spaces located within the street right-of-way where permitted by the Borough.

OPEN SPACE, COMMON. A parcel or parcels of land or an area of water, or a combination of both within a development site designed and intended for the use and enjoyment of residents of a development and possibly the general public or other open space use dependant on the terms of agreement and ownership of the open space. Not including streets, off-street parking areas, areas set aside for public facilities, and private yards.

OUTDOOR CAFÉ. An outdoor patio area of an associated restaurant or tavern used for the express purpose of furnishing food and beverages to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building in which the associated restaurant or premises licensed by the Pennsylvania Liquor Control Board pursuant to the regulations of the said Board to conduct business on the above-mentioned premises is located.

OUTDOOR DISPLAY. The display and sale of products and services primarily outside of a building or structure, including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, furniture, arts, and crafts.

OUTDOOR STORAGE. The placement of any man-made materials outdoors and unprotected by any building or structure, inclusive of materials covered by tarps, tents, or any other non-permanent structure.

OVERLAY ZONE (OVERLAY ZONING DISTRICT). A district established by ordinance to prescribe special regulation to be applied to a site in addition to the underlying zoning district regulations. Where the standards of the overlay and base zoning district differ, the more restrictive standards shall apply.

PARKING AREA. All areas designed and/or used for the parking of vehicles, including aisles (passageways) adjacent to parking spaces, but not including parking area accessways (driveways) or loading and unloading areas.

PARKING GARAGE. An off street, multi-level, paved area designed solely for the parking of motor vehicles, including parking spaces, accessways, passageways, and maneuvering space.

PARKING LOT. An off street, paved area designed solely for the parking of motor vehicles, including parking spaces, accessways, passageways, and maneuvering space.

PARKING SPACE. A reasonably level space designed for the parking of one (1) motor vehicle.

PAVED (AREA/SURFACE). Areas, excluding buildings, surfaced with concrete paving, brick, bituminous or other such materials, to create a dustless, all weather surface.

PEDESTRIAN ORIENTED ENVIRONMENT. See TRADITIONAL OLDE TOWN DEVELOPMENT.

PEDESTRIAN WALKWAY. Any system of providing for pedestrian transportation within or outside the public right-of-way, and through public or private property including walkways, buildings, public space within developments, designated to be used by the public, secured by easement or other agreement, with the purpose of connecting natural features, recreational uses, public uses, or public areas.

PERSONAL SERVICE SHOP. A building or portion of a building in which the services of a person permitted to practice a specific profession are offered to the general public. Examples of such uses include agents, barbers, beauticians, optometrists, photographers, tailors, and similar uses.

PERVIOUS OR PERMEABLE SURFACE. A surface that presents an opportunity for precipitation to infiltrate into the ground, such as cobblestones, spaced pavers, grass tiling, and other methods of permeable paving.

PETS. Small domestic animals, including, but not limited to, dogs and cats, that reside in the dwelling of the owner. Livestock/farm animals, such as horses, pigs, goats, sheep, cattle and poultry (chickens, turkeys, ducks, geese, ostriches, emus or any other type of bird that does not reside in the dwelling of the owner) are not pets for purposes of this Ordinance even if they are small or of a “miniature” breed or variety and regardless of whether they reside in the dwelling of the owner.

PLANNED CAMPUS DEVELOPMENT. Planned campus development involving a grouping of two (2) or more buildings for education or religious use, which are developed according to a unified plan including the layout of lots, buildings, access streets, landscaping, and other improvements typically in a campus-like setting.

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

PLANNING CODE. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

PLANNING COMMISSION. The Planning Commission of Malvern Borough, Chester County, Pennsylvania.

PORCH. A projection from the main wall of a building that may or may not use columns for structural purposes.

PORCH, ENCLOSED. A roofed structure attached to the main building that is enclosed by railings, walls, permanent or detachable glass, wire screening, or a frost wall.

PORCH, UNENCLOSED. A roofed structure attached to the main building, which may have railings.

PRINCIPAL BUILDING OR STRUCTURE. The building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE. The single dominant or primary use of a lot.

PROFESSIONAL OFFICE. A business facility housing the practice of those professionals who provide a service requiring academic training, including, but not limited to, physicians, lawyers, engineers, architects and planners.

PUBLIC CENTRALIZED SEWAGE DISPOSAL SYSTEM. Any municipally or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system and approved by the Department of Environmental Protection, Commonwealth of Pennsylvania.

PUBLIC CENTRALIZED WATER. Any municipally or privately owned water system in a single location established for the distribution of water, in accordance with the laws of the Department of Environmental Protection, Commonwealth of Pennsylvania.

PUBLIC HEARING. A meeting of the Borough Council, to make a decision by resolution on a particular matter. Such meeting must be preceded by public notice and shall proceed by applicable regulations for the matter at hand, including the Pennsylvania Municipalities Planning Code, Act 247 1968, as amended.

PUBLIC MEETING. A meeting preceded by public notice for the discussion of a particular matter or required purpose, such as a public information meeting for a Comprehensive Plan or Zoning Ordinance to provide public input. Such meetings shall proceed by the applicable regulations for the matter at hand, including the Pennsylvania Municipalities Planning Code, Act 247 1968, as amended.

PUBLIC NOTICE. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time, place, and 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 notice shall be given as to all applicable regulations, including the Pennsylvania Municipalities Planning Code, Act 247 1968, as amended.

PUBLIC UTILITY. A private or municipal corporation organized and existing for the distribution and sale of water, electricity, gas, telephone, T.V. signal, or the collection and disposal of sanitary waste or sewage, in accordance with the Public Utility Code to the extent that it is providing sewer and water service.

PUBLIC UTILITY FACILITIES. A building or structure and its equipment used for the transmission and exchange of telephone, radio, television, gas, power, sewer and water facilities by a public utility, 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 crew.

RADIO OR TELEVISION ANTENNAE. A device used for receiving frequency signals, including television and radio antennae, not used for commercial broadcasting or communication purposes. Such devices shall include ham and citizen band radio antennae used by amateur radio operators.

RECREATION, ACTIVE. Recreation areas or areas within open space designated for more intensive uses that generally involve groups of people and are strenuous in nature such as exercise, field sports, sports practices, and child's play. These areas are typically designed and maintained for active recreation through the mowing of grass or placement of structures and specialized equipment.

RECREATION, PASSIVE. Recreation areas or areas within open space that are designated for non-intensive, low-impact uses such as walking, hiking, fishing, picnicking, or sitting, that are generally quieter, less athletic activities. These areas are typically natural in nature or located in scenic landscapes that contain a significant feature such as a stream or woodland.

RECREATIONAL EQUIPMENT. Includes boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings, tent trailers,

snowmobiles, four-wheelers or Quads, and the like, and cases or boxes and apparatus used for transporting recreational equipment, whether occupied by such equipment or currently being used for that purpose or not.

RELIGIOUS USE. A form of institutional use involving use of land or buildings for religious activities conducted by religious organizations which are not for profit, classified as tax exempt by the Internal Revenue Service, and recognized and duly registered by the Commonwealth of Pennsylvania.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

RESIDENTIAL CONVERSION. The dividing of a single family detached dwelling into two (2) or more dwelling units, with the resulting units each having independent kitchen, bath, and sleeping facilities. The intent is to provide an alternative use for structurally sound, larger, older homes which may no longer be able to function economically viably as a single unit and which provide an excess amount of living space for today's decreasing family size.

RESTAURANT. A commercial establishment whose principal use is providing food and/or beverages, with tables or take our service, not including drive thru service.

RESTAURANT (WITH DRIVE-THRU SERVICE). A building used for the purpose of furnishing to the public, meals to be consumed on the premises or for consumption elsewhere facilitated by drive through windows for service to customers in motor vehicles.

RETAIL SALES. A commercial establishment, having its primary function to provide goods and merchandise to the general public where such goods and merchandise are available for immediate purchase and removal of the product from the premises by the customer.

RETIREMENT COMMUNITY. See **ADULT HOUSING/CARE FACILITY.**

RIGHT-OF-WAY. Land area reserved or dedicated for a street, crosswalk, or other public or private purpose, such as gas pipes, waterlines, or sewer lines.

SCREENING. 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 vehicles within them, and to provide privacy between land uses which abut one another.

SERVICE STATION. See **GASOLINE SERVICE STATION.**

SETBACK. See definition for **YARDS.**

SIDEWALK. An improved pedestrian surface typically located adjacent to a public roadway.

SIGN. Any permanent or temporary structure or part thereof, or any device attached, directly or indirectly, on a structure or other surface, or anything painted or represented on any structure or other surface, which structure, devise, painting or representation displays or includes any letter, art work, insignia, flag or representation which is in the nature of an advertisement, announcement, visual communication, direction, identification of a structure, land use, place, business or occupant or is designed to attract the eye or bring the subject to the attention of the public for the purpose of visual communication, including but not limited to, a name plate, emblem, painting, banner, flag, pennant,

placard, billboard, poster and/or panel display. Flags of any governmental unit and official street and traffic control signs are excluded.

SIGN, ADDRESS. A sign identifying the street number and/or post office box for the premises on which it is located.

SIGN AREA. The area of a sign includes all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting frame or bracing which does not communicate any message or information and is not part of the display itself, but only serves a structural function. Where the sign consists of an individual letter or letters or symbols attached to a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle which can encompass the sign background and all the letters, symbols and graphics.

SIGN, BANNER. A temporary sign which has its letter, symbol, or design applied to cloth, canvas or other flexible material which is durable and weather resistant.

SIGN, DIRECTIONAL. A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians.

SIGN, DOUBLE SIDED. A sign constructed to display its message on either side of the outer surface or on two (2) opposite parallel planes no further than twelve (12) inches apart.

SIGN, FLASHING. A sign, the illumination of which is designed not to be of constant intensity at all times when in use and/or exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate time, temperature or date information shall not be considered a flashing sign unless other information on the sign would be a flashing sign if displayed alone.

SIGN, FREESTANDING. A sign supported by or suspended from a freestanding column or other support(s) located in or upon the ground and not part of or connected to a building or other structure.

SIGN, GOVERNMENTAL. A sign erected and maintained by a borough, county or the state, including, but not limited to, official street signs and traffic control devices.

SIGN, GROUND. A sign constructed directly on the ground surface or on a pedestal, posts, or similar structure that is located on the ground surface and is independent of any other structure. The lower edge of any ground sign must not be more than thirty-six (36) inches above the average ground level at the base of the structure the sign is attached to.

SIGN, ILLUMINATED. A sign designed to radiate artificial light directly, or through transparent or translucent material, from a source of light within the sign, including but not limited to a neon sign, or a sign illuminated by an external artificial source intended to illuminate the sign.

SIGN, OFF-PREMISES. A sign which directs attention to or communicates about a business, commodity, service, entertainment or other use or activity, done, to be done, conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, PROJECTING. A sign attached directly to the wall of a building or other structure, which sign or any part of its support structure extends, at any point, more than fifteen (15) inches from the surface of such wall.

SIGN, REAL ESTATE. A temporary sign communicating information pertaining to the sale or lease of the premises on which the sign is located.

SIGN, REQUIRED. A sign required by a municipal corporation with jurisdiction, the state and/or any applicable statute, ordinance, governmental rule or regulation, to be erected and maintained on a certain property.

SIGN, ROOF. A sign located upon or over the roof of any building or structure and/or a sign with its primary support on the roof of a structure. For purposes of this definition, roof shall include any pent roof, parapet or structure designed to provide roof like architectural details for buildings.

SIGN, TEMPORARY. Any sign or advertising display, which is not permitted to be permanent and/or which may be displayed for only a limited time.

SIGN, WALL. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms that background surface of the sign and that does not project more than twelve (12) inches from such building or structure.

SIGN, WINDOW. A sign which is visible to persons in vehicles or pedestrians, on adjoining property or public sidewalks, and is located on the outside or inside of a window in a building or structure, to direct attention to a use conducted in or product sold in the building, including, but not limited to, a sign affixed to or painted upon the interior or exterior surface of a window or otherwise displayed through or upon a window. For purposes of this definition, "window" means any translucent and/or transparent surface in a building or structure.

SILHOUETTE. The outline of a building from the side which it is being viewed.

SINGLE AND SEPARATE OWNERSHIP. An individual, agent, association, firm, corporation, or partnership having sufficient legal or equitable interest in any tract, parcel, lot, premises, dwelling, or dwelling unit to seek development of land.

SLOPE. The percentage of the change in vertical distance (rise) over the horizontal distance (run), as measured between consecutive contour lines expressed as a percentage. Slopes are delineated into two (2) categories:

- A. **MODERATE SLOPES.** Precautionary slopes of fifteen (15) to twenty (20) percent vertical to horizontal on the US Geological Survey Topographic Maps.
- B. **STEEP SLOPES.** Prohibitive slopes of greater than twenty (20) percent vertical to horizontal on the US Geological Survey Topographic Maps.

SMALL TOWN CHARACTER. See TRADITIONAL OLDE TOWN DEVELOPMENT.

SOILS, ALLUVIAL. Alluvial soils are soils delineated as such on the Soil Survey of Chester, Delaware Counties, prepared by the U.S. Soil Conservation Service.

SOILS, WET. Wet soils are soils delineated as such on the Soil Survey of Chester, Delaware Counties, prepared by the U.S. Soil Conservation Service.

SPECIAL EXCEPTION. A use which may be authorized by the Zoning Hearing Board, in accordance with Article XXVIII, when the applicant establishes that the Ordinance allows the proposed use by special exception and that the use complies with all the applicable standards and criteria.

SPECIALTY STORE. An establishment which sells particular goods and services in small quantities directly to the general public. Specialty stores include a gift, art, craft, or antique shop; deli; florist; ice cream parlor; clothing store; video store; bookstore; shoe repair service; laundry; tailor; vegetable or fruit stand, and other such uses.

STORAGE. The deposit of goods, materials, vehicles or products intended for future disposition.

STORY. That part of a structure included between any floor and the floor or roof next above. When applied to the permissible height of buildings, the term “story” shall not include a basement if the floor thereof is more than five (5) feet below the average ground level around the structure.

STREET. Any public or private right-of-way that is intended for vehicular or pedestrian circulation to provide access to one (1) or more lots. The term ‘street’ includes road, avenue, drive, lane, court, or similar terms.

STREET, CENTERLINE. A line along the center of a street which is equidistant from and parallel to the street lines.

STREET, PUBLIC. Any dedicated vehicular right-of-way that is a federal, state or municipal roadway, shown upon a plat approved pursuant to law or approved by other official action.

STREET, PRIVATE. A private access that is constructed upon private property and restricted for the use of the owner.

STREET LINE. The dividing line between a lot and a public street; or the legal right-of-way line of a public street.

STRUCTURAL ALTERATION. Any change in or addition to the supporting of structural members of a building, such as the bearing walls, partitions, columns, beams, girders or enclosing porches or any change which would convert an existing building into a different use, or which, in the case of a nonconforming use, would prolong the life of such.

STRUCTURE. Anything constructed and built of materials in a manner that would commonly be expected to remain useful for an extended period of time, including, but not limited to: buildings, garages, sheds, fences, decks, and porches.

STUDIO. The working place of a painter, sculptor or photographer, or a place for the study of art, including dancing, singing, acting and music.

SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SUBDIVISION ORDINANCE. The Subdivision and Land Development Ordinance of Malvern Borough, Chester County, Pennsylvania.

SUPPLEMENTAL DWELLING UNIT. This accessory use allows a smaller secondary dwelling unit within an existing single-family detached dwelling or accessory building on the same lot as the principal dwelling without substantial exterior modification to the existing building. The purpose is to protect and allow efficient use of the existing housing stock, and to provide opportunity to allow housing to meet the specific housing needs of Borough families and allow the owners to remain residents of that dwelling and the Borough.

SWIMMING CLUB. A club, a dominant feature of which includes a structure or group of structures for swimming and other recreational purposes, for the exclusive use of club members and their guests.

SWIMMING POOL. A structure designed, used, and maintained for swimming with sides more than eighteen (18) inches in depth below the immediately surrounding grade, or an above ground pool with sides greater than thirty (30) inches, and the apparatus and equipment pertaining to the swimming pool.

TEMPORARY COMMUNITY EVENT. A temporary activity could include, but is not limited to, special events, flea markets, public exhibitions, municipal activities, non-profit events, street fairs, festivals, fund raisers, and similar organizational activities.

TEMPORARY STRUCTURE, BUILDING or USE. A temporary structure or use established for a finite period of time with the intent to discontinue such use upon the expiration of such time period. Temporary structures or uses may include, but are not limited to: offices for contractors, bookmobile, mobile unit for medical screening, political campaign headquarters, temporary structures for business operations.

TRACT. One (1) or more contiguous lots within the Borough, assembled for the purpose of unified development, including a planned residential development, multiple-family development, planned shopping center, planned office park, industrial park, cluster development or lot averaging development, or a mobile home park.

TRACT AREA, GROSS. The total area of land contained within the legal limits of the property lines of a tract or lot, exclusive of any land area within a street right-of-way and before any required reductions.

TRADITIONAL OLDE TOWN DEVELOPMENT. A neighborhood development pattern or style, manifested by: an interconnected grid system of streets, alleys, and sidewalks; buildings and dwellings placed on a shallow build-to line; front porches; shade trees; and typically with parking in private detached garages accessible from an alley.

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

TAVERN. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.

ULTIMATE RIGHT-OF-WAY. The future or planned width of a public street, as shown on the official map on file at the office of the Borough Secretary, or as required by ordinance, whichever is greater.

UNIMPROVED LOT. A lot without a habitable or usable principle building or existing use.

UPPER FLOOR DWELLING UNIT. A room or rooms connected together within a building, constituting a separate, living area containing independent cooking and sleeping facilities for one (1)

family and a separate entrance, physically separated from any other dwelling units and located on the second floor or higher above either a separate residential or commercial use located in the same structure.

USE. An activity or the specific purpose for which land or a building is designed, arranged, intended or improved or for which it is or may be occupied or used. Unless otherwise stated therein to the contrary, where a use would fall within a generic use permitted by right, specially or conditionally, in one (1) or more districts but is specifically permitted by right, specially or conditionally, in the same district on a more restricted basis, the generic use shall not be construed to include the use specifically permitted. For example and not by way of limitation, a retail use would not be construed to include within its definition a commercial kennel.

USE, PRINCIPAL. The primary use to which any lot or premises is devoted.

USED MOTOR VEHICLE LOT. Any land used for the business of buying or selling two (2) or more second-hand motor vehicles owned by the property on which the vehicles are being sold, or storing said motor vehicles prior to sale.

VARIANCE. Permission or approval granted by the Zoning Hearing Board, in accordance with Article XXVIII herein, which allows a modification of, or deviation from, the exact provisions of this Ordinance, as applied to a specific piece of property.

VEHICULAR REPAIR SHOP. A commercial use that involves the repair or service of maintenance of automobiles, motorcycles, trucks, or similar vehicles, including but not limited to: body or fender work; muffler installation or repair; oil change; lubrication; painting; tire service and repair; installation of CB radios, car alarms, stereo equipment or cellular phones.

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

WETLANDS. Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs and similar areas. For the purposes of this Ordinance, wetlands are inclusive of areas with a slope of one (1) percent or less comprised of hydric soils.

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.

WOODLANDS. Woodlands consist of one-quarter (1/4) acre or more of continuous wooded land indigenous to the area, where the largest trees measure a caliper of at least six (6) inches diameter at four-and-one-half (4.5) feet above the average ground level at the base of the tree. Woodlands are also a grove of ten (10) or more trees meeting the above caliper qualification.

YARD. A space which is open and unobstructed on a lot from the ground to the sky, except for vegetation or authorized accessory structures, along the lot lines and curblines and extending inward to a building.

A. FRONT YARD. A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the building setback, exclusive of overhanging eaves, gutters,

cornices, steps or other such similar protrusion, not including porches, and parallel to the streetline.

- B. **REAR YARD.** 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 building setback, exclusive of overhanging eaves, gutters, cornices, steps or other such similar protrusion, and parallel to the rear lot line.
- C. **SIDE YARD.** 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 the building setback, exclusive of overhanging eaves, gutters, cornices, steps or other such protrusion, and parallel to the side lot line.

ZONING HEARING BOARD. The Zoning Hearing Board of Malvern Borough, Chester County, Pennsylvania.

ZONING MAP. The official Zoning Map of Malvern Borough, Chester County, Pennsylvania.

ZONING OFFICER. The officer or other designated authority or agent charged with the enforcement of the Borough Zoning Ordinance.

ZONING ORDINANCE. The Zoning Ordinance of Malvern Borough, Chester County, Pennsylvania.

