

ARTICLE II
DEFINITION OF TERMS

201 Interpretation.

- A. Unless otherwise stated, the definitions assigned to the terms in Section 202 shall be construed throughout this Ordinance to have the meaning therein indicated.
- B. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.
- C. The words “shall” and “must” are always mandatory; the words “may” and “should” are permissive.
- D. The word “structure” includes “building”; both terms shall be construed as if followed by the phrase “or part thereof.”
- E. The word “person” includes “individual,” “profit or non-profit organization,” “agency,” “partnership,” “company,” “unincorporated association,” “corporation,” or other similar entities.
- F. The word “used” and “occupied” shall include the words “arranged,” “designed,” and “intended to be used or occupied.”
- G. The word “built” shall include the words “erected,” “constructed” and “altered”.
- H. The word “including” shall not limit the term to the specified example(s), but is intended to extend its meaning to all other instances of similar kind and character.
- I. When terms, phrases, or words are not defined, they shall be interpreted according to common usage, or such as the context may imply.

202 Definition of Terms.

ABANDON or ABANDONMENT – The relinquishment of a use without intention to resume the said use as established under Article XX, Nonconforming Use Regulations.

ACCESS DRIVE, ACCESSWAY or DRIVEWAY – A paved or unpaved strip of land across public or private property designed and intended to provide a means of vehicular access from a public street to a tract of land, a structure, or a parking area.

ACCESS ROAD – A street within the Township used by vehicles with a laden gross weight in excess of five thousand (5,000) pounds to transport solid waste to an incinerator, landfill, or sanitary landfill.

ACCESSORY DWELLING – A self-contained dwelling unit located within or physically attached to a single family detached dwelling or an attached structure accessory thereto. The accessory unit is complete with kitchen and bath facilities and is subordinate to the principal dwelling in terms of size and function.

ACCESSORY STRUCTURE – A building or structure subordinate to the main building, the use of which is customarily incidental to and located upon the same lot occupied by the main building.

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

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

ADMINISTRATIVE OFFICE – A type of non-residential land use which may be a free-standing accessory building, an accessory use within a building, the sole use of a tract, or the principal use of a tract that supports other use(s). Specific examples of this use include managerial, secretarial, and clerical functions normally associated with commercial and industrial uses as well as some institutional uses and services.

ADULT COMMERCIAL USE – A commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, photographs, videotapes or other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MOTION PICTURE THEATER – An establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.

AGRICULTURE – The cultivation of soil, the raising of livestock or poultry, dairy production, and the harvesting of products of the soil including but not limited to tree and plant nurseries, greenhouses, horticulture, graniculture, forestry, and animal husbandry.

AGRICULTURE, INTENSIVE – Mushroom production or any agricultural operation whose number or concentration of animals causes the operation to be regulated as a “concentrated animal operation” under the provisions of 3Pa.C.S. §§501 et seq. or as a “concentrated animal feeding operation” under the provisions of 25Pa. Code Chapter 93.

AGRICULTURAL STRUCTURE – Structures and buildings, which are or were in the past normally associated with and accessory to agricultural activity. Such structures include, but are not necessarily limited to barns and bank barns, silos, spring houses, summer kitchens, and

carriage houses. Farmhouses and temporary housing for migrant laborers are regulated separately and are therefore specifically excluded from this definition.

AIRPORT – Any area of land or water which is used or intended to be used, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. Airports shall be regulated as either public or private airports as follows:

- A. Private Airport. An airport which is privately owned and which is not open or intended to be open to the public.
- B. Public Airport. Any airport which is either publicly or privately owned and which is open to the public.

ALLEY – A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

ALLUVIAL SOILS – Alluvial soils include the soils listed below, as defined and mapped in the Soil Survey of Berks County, US Department of Agriculture, Natural Resources Conservation Service (NRCS). Where site conditions indicate that the location of Alluvial Soils differs from locations indicated by the NRCS, the burden shall be upon the Applicant to verify such location(s) to the satisfaction of the Board of Supervisors, otherwise the NRCS information shall be presumed to be accurate. Where the Applicant requests reclassification of Alluvial Soils or adjustment of their location, such request shall be supported by documentation submitted by a Certified Soil Scientist or other similarly qualified professional.

Soil Map Symbol	Soil Name	Soil Survey Slope Classification
AsB	Athol Silt Loam	3 to 8%
Bo	Bowmansville-knauers	no slope classification
Ho	Holly silt loam	no slope classification
Me	Middlebury silt loam	no slope classification

ALTERATION – Any change or rearrangement, other than a repair, in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another. Alteration includes any change which could convert an existing building or other structure into a different structure, or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

AMUSEMENT PARK – A type of active recreational land use which features extensive permanent improvements upon the tract and which usually, but not necessarily, features eating and drinking areas, entertainment, and mechanical thrill rides. Transient carnivals, fairs, and similar temporary events are excluded from this definition.

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

ANIMAL HUSBANDRY – The control and management of livestock; specifically, the breeding and raising of livestock for commercial purposes.

ANIMAL SHELTER - The keeping of more than five (5) dogs or more than ten (10) cats which are lost, strays, unwanted, unlicensed or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or non-profit operation. Animal Shelters shall include animal rescue shelter or wildlife rehabilitation center and shall conform to the regulation set forth in Section 1906.

ANTENNA, COMMUNICATIONS - A structure that includes a transmitting, receiving, or relay tower and support structures and accessory buildings that is licensed by the Federal Communications Commission for the specified purpose of television, radio, internet, or telephone communications beyond that which would be used for normal personal or residential use. Such uses shall include a cellular, television, radio, or microwave tower. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

ANTENNA HEIGHT - The vertical distance measured from grade to the highest point of the support structure or antenna, whichever is higher. If the support structure is on a sloped grade, then the lowest grade shall be used in calculating the height.

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

ANTENNA, RADIO OR TELEVISION - A device, either freestanding or attached to a building, used for receiving frequency signals, including television and radio antennae and which is not used for commercial purposes. Such devices shall also include ham and citizen band radio antennae used by amateur radio operators.

ANTENNA SUPPORTING STRUCTURE – A Communications Tower, Municipal Communications Tower, water tower, smoke stack, building, utility pole or other similar structure that can support communications antennas above ground level.

APARTMENT – See “DWELLING, MULTI-FAMILY”

APPLICANT - A landowner or developer, as herein defined, who has filed any application for approval of any activity or permit subject to the regulation of Hereford Township, including his heirs, successors and assigns or the equitable owner of property with the owner's permission.

ARCADE – See “Game Room or Arcade.”

ASSISTED LIVING RESIDENCE – A dwelling unit for no more than two individuals within an Assisted Living Facility

ASSISTED LIVING FACILITY – A facility licensed by the Pennsylvania Department of Public Welfare as a Personal Care Home. Generally, such facility shall contain residences for persons who do not require the services in or of a Pennsylvania Department of Health licensed nursing facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of any emergency, or medication prescribed for self-administration.

ATTIC – That part of a building which is immediately below and wholly or partly within the roof framing.

AWNING – A roof-like extension from the exterior wall of a building, located above a door, window, or porch, and designed to provide protection from sun and rain.

BANKING OR FINANCIAL INSTITUTION – Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

BARN – A structure used (or originally used) for the storage of farm products or agricultural equipment, animal feed, or for the housing of farm animals.

BASEMENT – A story having one-half or more of its height (as measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be counted as a story. Compare “cellar.”

BED & BREAKFAST INN or COUNTRY INN – Single family detached dwelling, or converted agricultural structure(s) where permitted, and existing accessory buildings which include rental overnight sleeping accommodations and bathroom access for guests as set forth in Section 1908 of this Ordinance.

BILLBOARD – A sign regulated as an Outdoor Advertising Device (OAD) in accordance with Section 1713 of this Ordinance.

BLOCK – A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses, other surface waters, Township boundary lines, or any combination of the above.

BOARD OF SUPERVISORS – The Board of Supervisors of the Township of Hereford, Berks County, Pennsylvania.

BOARDING KENNEL – The use of land, building or structure for the purpose of boarding customary household pets owned by any number of persons other than the owners or operators of the Boarding Kennel. Boarding of hunting or breeding dogs customarily kept together for extended periods of time shall be excluded from the definition of Boarding Kennel. Boarding Kennels shall conform to the regulation set forth in Section 1906

BUFFER or BUFFERING – Provision for year-round visual and/or sound attenuation between uses, through the application of such means as plantings, earthen berms, depressions, fences, and walls.

BUILDING – A structure designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

BUILDING COVERAGE – The ratio of the total ground floor area of all buildings on a lot to the Net Lot Area of the lot or tract on which they are located, expressed as a percentage.

BUILDING HEIGHT – The vertical distance between the average ground level, as measured against the building foundation, to either the highest point of the roof beams (for flat-roofed buildings) or the mean height between the eaves and the roof peak for pitched roofs.

BUILDING LINE – An imaginary line across a lot, parallel to the street right-of-way and set back from the street right-of-way a distance equal to the “Minimum setback from street right-of-way” noted for the zoning district within which the lot is located. In the case of flag lots, the building line shall be set back such distance from the front property line, which is that property line closest and most nearly parallel to the street right-of-way line. Where a lot lies within more than one (1) zoning district, the setback requirement for the district within which the right-of-way line (or front property line of a flag lot) is located shall be controlling. Where the right-of-way line lies (or front property line of a flag lot) within more than one (1) district, the largest setback requirement shall be applied over the entire lot.

BUILDING PERMIT – A statement issued and signed by the Zoning Officer authorizing the erection, construction, alteration, conversion, replacement or enlargement of a building or structure. The statement should indicate that the proposed activity complies with the applicable Township Codes and Ordinances.

BUILDING, PRINCIPAL – See “Principal Building.”

BULK – A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, to tracts of land, to lot lines, or to other structures.

BULK BIN – A structure used to store large quantities of seed, grain, feed, or silage.

BUSINESS OFFICE – An office where a particular kind of business is transacted or a service supplied and shall be limited to offices for management, executive, personnel, finance, consulting, record keeping, sales activities excluding retail sales, and clerical work of a commercial, industrial, mercantile, or service enterprise.

CABARET

A club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts or similar entertainers or entertainment.

CALIPER – The diameter of a tree trunk measured at a point six (6) inches above ground level. Measurement in terms of caliper typically is applied to nursery stock to be planted and not to pre-existing vegetation (which is measured in terms of dbh).

CANOPY – A temporary or permanent roof-like structure, usually but not necessarily attached to a permanent building, designed to provide protection from the weather.

CANOPY, FOREST – See “Forest Canopy”

CARTWAY – That portion of a street or alley right-of-way, paved or unpaved, intended for vehicular use, including travel lanes and parking areas but not including shoulders, curbs, sidewalks, or drainage channels.

CELLAR – A space having one-half or more of its height (as measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be counted as a story. Compare “basement.”

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.

CHURCH OR SIMILAR PLACE OF WORSHIP – A nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution or use, including rectory and parish house.

CLEARCUTTING – The removal of all trees greater than twelve (12) inches dbh on a site, or any portion thereof greater than one-half (0.5) acre in contiguous area, during a single timber harvesting operation or within a three (3) year period.

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

CLUB or LODGE – A building utilized as a private club or social organization offering restaurant or bar privileges for members.

COMMON OPEN SPACE – A parcel or parcels of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of said development. Areas occupied by streets and off-street parking areas, land within required setbacks, and areas set aside for public facilities are hereby excluded from this definition of common open space.

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 or receiving radio, television, telephone and/or internet service signals, licensed for operation by the Federal Communications Commission.

COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 200 square feet.

COMMUNICATIONS TOWER – A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMPREHENSIVE PLAN – The Hereford-Washington Townships Joint Municipal Comprehensive Plan of 2005 or any subsequent Comprehensive Plan, duly adopted by the Board of Supervisors and as may be amended from time to time.

CONDITIONAL USE – See “Use, Conditional.”

CONDOMINIUM – A type of ownership, and not a type of use, wherein each condominium unit is owned in fee by its occupant, whether for residential or non-residential purposes, while the land and such appurtenances as driveways, parking areas, sidewalks, landscaping, swimming pools and other recreation facilities, street lighting, heating facilities, entrance lobbies, halls, elevators and on-site utilities, remain under the ownership, with full responsibility for maintenance, in the developer or any organization holding title to such land and appurtenances.

CONDOMINIUM ASSOCIATION or HOMEOWNERS ASSOCIATION – A group of real property owners who together comprise an entity, or that entity itself, the function of which is to maintain and administer property which either the entity itself owns or which is owned in common by the members of the entity, to protect and enhance the value of the property owned individually by each of the members and to provide a mechanism for the orderly co-existence of a membership which lives in proximity one to another.

CONSTRUCTION or CONSTRUCTION ACTIVITY – Land disturbance normally associated with the preparation of a lot or tract for the erection, rebuilding, renovation, repair, extension, expansion, alteration, demolition, or relocation of a building or structure, including the placement of mobile homes, or the installation of landscaping, roads, driveways, sidewalks and trails, or facilities for water supply, sewage disposal or conveyance, utilities, and stormwater management. For the purposes of this Ordinance, land disturbance associated with soil

percolation testing for sub-surface sewage disposal, with the digging of a well or test pit, or with the installation of utilities serving a single dwelling is excluded from this definition.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) – a form of Multiple-residential development, which provides for a continuum of accommodations and care for persons at least sixty-two (62) years in age, or for couples at least one of whom is 62 years of age or older, and with no residents under the age of 18 in residence for more than 14 consecutive days. A CCRC provides independent living residences, assisted living residences, personal care, skilled nursing facilities, health care services, social services, and customary accessory uses.

CONTRACTOR’S ESTABLISHMENT – Land or buildings used by a building contractor for the temporary storage of building supplies and raw materials, and the temporary or permanent storage of construction vehicles and other equipment.

CONTOUR – An imaginary line on the ground connecting points of equal elevation above sea level and commonly shown on maps as a representation of topography.

CONVENIENCE STORE – A retail activity designed to serve a local market which generally involves high turnover of clientele and includes, but is not limited to, any of the following uses: delicatessen, small food market, or video tape rental.

CONVERSION – An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations.

CORNER LOT – A lot at the point of intersection of, and abutting, two or more intersecting streets.

COUNTRY INN – See “Bed & Breakfast Inn Or Country Inn.”

CUL-DE-SAC – A local access street which intersects no more than one (1) other street at one and only one point and terminates in a permanent vehicular turnaround area. A cul-de-sac is a type of single-access street.

CURATIVE AMENDMENT – An amendment borne of a legal challenge to the facial validity of this Ordinance. The process of municipal response to a curative amendment is defined by the Pennsylvania Municipalities Planning Code and described in Article XV of this Ordinance. A curative amendment process also may be initiated by the Township if it should discern that some portion of this Ordinance is susceptible to legal challenge on the basis of facial invalidity.

DAY CARE – Any of the following:

- A. Commercial Adult Day Care - A commercial facility where daytime supervision is provided for adults.

- B. Commercial Child Day Care Center - A facility which exclusively provides supplemental parental care and/or instruction to children who are not related to the caregiver or operator; where tuition, fees, or other forms of compensation are charged; and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.
- C. Home Day Care - A home occupation in which a private residence is used for the care and supervision of no more than five (5) children under the age of six (6), including those related to the caregiver.

DEMOLITION - The dismantling or tearing down of all or part of any building and all operations incidental thereto.

DBH – See “Diameter At Breast Height”

DENSITY – The number of dwelling units in a specified area, defined as the net tract area in acres divided by the total number of dwellings to be housed thereon.

DEP or PaDEP – The Pennsylvania Department of Environmental Protection

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 buildings or other structures, the subdivision of land, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

DIAMETER AT BREAST HEIGHT (DBH) – The diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree. Measurement in terms of dbh typically is applied to existing trees on a site and not to new nursery stock to be planted (which is measured in terms of caliper).

DISCONTINUANCE – The cessation of the use of property evident from the continuous lack of maintenance or occupancy.

DISPOSAL FACILITY – A facility for the processing, storage, or disposal of solid waste, or part of such facility, at which waste is placed into or on any land or water and at which waste will remain after closure of such facility or part thereof.

DISPOSAL OF SEWAGE, COMMUNITY – Off-site sewage disposal, either privately or publicly owned.

DISPOSAL OF SEWAGE, OFF-SITE – The treatment and disposal of sewage by use of a sanitary sewer system, including a sewage treatment plant approved by the Hereford Township Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection, and

servicing a number of dwellings, businesses, and/or institutions. Typically, but not necessarily, sewage is treated at a location other than the site(s) which generated the sewage.

DISPOSAL OF SEWAGE, ON-SITE – The disposal of sewage by use of cesspools (not permitted for new systems), septic tanks and drainage fields, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Hereford Township Sewage Enforcement Officer.

DISPOSAL OF SEWAGE, PUBLIC – Off-site sewage disposal (q.v.) wherein the facilities are owned by the public sector, typically the Township or a municipal authority created by the Township.

DISTRICT or ZONING DISTRICT – A portion of Hereford Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

DRIPLINE – A line on the ground corresponding to the location of the outer-most edges of the branches of a tree. The dripline may be determined for a single tree or measured collectively for a larger grouping of trees or woodland.

DWELLING – A building or entirely self-contained portion thereof containing complete housekeeping, sleeping, and lavatory facilities which is suitable for human habitation.

DWELLING, MULTI-FAMILY – A building containing or designed to contain three (3) or more independent dwellings with or without common access facilities. Multi-family dwellings include townhouses, quadruplexes, apartments, and other similar building or dwelling types.

DWELLING, SINGLE FAMILY ATTACHED – A dwelling within a building containing other dwellings, where each dwelling has a street-level entrance, at least one (1) party wall with another residence, and either one (1) or no side yard(s). Row houses or Townhouse units are examples of single-family attached residences.

DWELLING, SINGLE FAMILY DETACHED – A building designed and occupied exclusively as a dwelling for one (1) family, having two (2) side yards and no common party wall with any other dwelling or building.

DWELLING, TWO-FAMILY – A structure containing two (2) independent dwelling units, either side-by-side (frequently known as a twin house, double house, or semi-detached pair) or one above the other as a duplex. For the purpose of this Ordinance a single-family detached dwelling containing an accessory apartment shall not be deemed a two-family dwelling.

DWELLING UNIT – A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like. Individual dwelling units shall conform to applicable Township building codes, including provision for minimum dwelling size.

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

EATING AND DRINKING ESTABLISHMENT – A commercial activity, the principal purpose of which is the remunerated furnishing or serving of food and beverages for consumption on the premises. This definition includes restaurants and any other activity which may include a restaurant-type facility, such as hotels, country clubs, and social clubs, regardless of whether or not such activity is open to the general public.

EDUCATIONAL USE – Use of land or building(s) for the establishment and maintenance of a public or private college, commercial or non-profit, secondary or elementary school, or other educational institution for the primary purpose of instruction and learning excluding day care. A public or private non-profit school shall be defined as an educational use that is not conducted as a gainful business. A commercial school shall be defined as an education use conducted for-profit as a gainful business.

EFFECTIVE DATE OF THIS ORDINANCE – The date upon which this Ordinance officially comes into effect, except that with respect to the subject matter of any amendment, said date shall mean the date upon which the particular amendment became or becomes effective.

EFFECTIVE VISUAL SCREEN – A wall, fence, plantings, earth works, or combinations thereof, which are arranged or placed to create either an opaque visual barrier or to provide for a filtered view which diverts attention from, or obstructs at least fifty (50) percent of an otherwise clear view of a use or activity during all seasons of the year.

ENGINEER, TOWNSHIP – A professional engineer, licensed by the Commonwealth of Pennsylvania, and duly appointed by the Board of Supervisors as the engineer for the Township of Hereford, Berks County.

EXISTING STRUCTURES – Existing structures shall be those structures either existing in a completed state on the effective date of this Ordinance or for which structures a valid Zoning and Building Permit have been issued prior to the effective date of this Ordinance.

EXTRACTIVE INDUSTRY or EXTRACTIVE OPERATION – The mining or quarrying of sand, clay, shale, gravel, topsoil, stone, ore, or minerals including oil and natural gas; also, similar operations such as the removal of materials for fill operations. In accordance with the Hereford Township and Washington Township Joint Municipal Comprehensive Plan, extractive industry or extractive operation as defined here is not a permitted use in Hereford Township.

FAÇADE – The front surface of a building, usually visible from the public street upon which the lot has frontage; that surface through which the main building entrance provides access. The façade is typically, but not necessarily, more or less parallel to the front lot line.

FACILITY, SOLID WASTE – A sanitary landfill or incinerator and all land, structures, and other appurtenances or improvements on a property where solid waste is processed, stored, or disposed.

FAMILY – A family is defined as:

- A. A single person occupying a dwelling unit; or
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit, including not more than (1) boarder, roomer, or lodger; or
- C. A group home; or
- D. Not more than four (4) unrelated persons occupying a dwelling unit, living together, excluding a rooming or boarding house, fraternity house, dormitory, or transitional housing.
- E. Foster children placed within a household at the direction of the court shall, for the purposes of this Ordinance, be deemed an integral part of the family of that household. Individuals employed by a household who are residents of the dwelling shall also be deemed an integral part of the family of that household.

FARM STAND – A temporary or permanent structure, accessory to agricultural use, used for the display and sale of items grown, created, or otherwise produced upon the agricultural lot whereupon such structure is located.

FARMLAND, PRIME – See “Prime Farmland or Farmland of Statewide Importance.”

FARMLAND OF STATEWIDE IMPORTANCE – See “Prime Farmland or Farmland of Statewide Importance.”

FAST FOOD RESTAURANT – An eating establishment in which the principal business is the sale of foods and/or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises.

FENCE OR WALL – Any freestanding and uninhabited structure erected to secure or divide a property from another, or part of a property from the remaining part of the same property.

FLAG LOT – A lot wherein the bulk of its area is separated from the street by another lot or lots and whose sole means of access to such street is by an access strip with a minimum width of twenty-five (25) feet. Such access strip shall be held in fee simple ownership by owner of the flag lot and may not be used for measuring building setback lines nor may the area of such access strip be included in the calculations of lot area to determine compliance with the minimum lot area requirements of the zoning district wherein such lot is located. Easements across adjoining lots shall not be acceptable as a substitute for fee simple ownership of the access strip.

FLAGPOLE – A flagstaff designed and solely intended for the patriotic display of the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof, or the flag of a group or organization, or combination thereof, and for no other purpose. A flagpole shall not include a standard antenna support structure, a commercial communications antenna support structure, tower, antenna or any other structure designed, intended or capable of supporting any other use or purpose.

FLOOD – A general and temporary inundation of normally dry land from the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOOD, BASE – The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared. For the purposes of this Ordinance, the one hundred year flood. (See **FLOOD, ONE HUNDRED YEAR**.)

FLOOD ELEVATION, BASE – The one hundred year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the site in question.

FLOOD ELEVATION, REGULATORY – The one hundred year flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

FLOOD FRINGE – The remaining portions of the one hundred year floodplain in those areas in the Flood Insurance Study (FIS) where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred year flood elevations as shown in the flood profiles contained in the FIS.

FLOOD, ONE HUNDRED YEAR – The highest level of flooding that, on the average, is likely to occur every one hundred (100) years; that is, that has a one (1) percent chance of occurring each year as delineated by the Federal Flood Insurance Agency Maps developed in the Flood Insurance Program, or in the absence thereof as calculated by a professional engineer and approved by the Township Engineer (see also **BASE FLOOD**).

FLOODPLAIN or FLOODPLAIN AREA – A floodplain is a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface areas. For the purpose of this Ordinance, the floodplain shall include the area within the Flood Hazard Overlay District as defined by Article XIV of this Ordinance.

FLOODPLAIN, APPROXIMATED – The areas identified as Zone A in the Flood Insurance Study for which the one hundred year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one hundred year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. (See Section 1403.B.3 for additional information pertaining to this definition.)

FLOODPLAIN AREA, IDENTIFIED – See “Identified Floodplain Area.”

FLOODPROOFING – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – The areas identified as "floodway" in the Flood Insurance Study (FIS) prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

FLOOR AREA, GROSS – The sum of the area of the several floors of a building or buildings measured from the face of the exterior walls or from the center line(s) of the wall(s) separating two (2) buildings, excluding space used for air conditioning machinery, cooling towers, and similar mechanical equipment. The following areas are specifically included by this definition.

- A. Basement space, but not cellar space, as these terms are defined by this Article;
- B. Elevator shafts, stairwells, and attic space where a floor has been laid, where more than eight (8) square feet of structural space has been provided;
- C. Roofed terraces, exterior balconies; breezeways, and porches, provided that over fifty (50) percent of the perimeter of such structures is enclosed;
- D. Accessory buildings; and
- E. All other floor space not specifically excluded.

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

FLOOR AREA, HABITABLE – The floor area within exterior walls designed for year round human occupancy, excluding such spaces as garages, accessory buildings, basements, attics, patios and porches, except where such spaces are specifically finished for year round human occupancy.

FLOOR, LOWEST – See “Lowest Floor.”

FOREST – Any area defined as “woodland” herein or depicted as woodland on the Woodland Classification Map.

FOREST CANOPY – The aerial cover formed within any woodland area by the crowns of trees greater than fifty (50) feet in height.

FOREST CANOPY TREES – The individual trees which collectively form the forest canopy.

FOREST INTERIOR HABITAT (FIH) – Forest Interior Habitat is that portion of a forest or woodland which lies beyond most of the influences which degrade a forest from the outside - influences such as light, wind, noise, and non-native species. Forest Interior Habitat provides the best habitat for certain rare and sensitive species and can be referred to as the ‘deep’ woods or the ‘heart of the forest.’ Forest Interior Habitat is defined as any area meeting the definition of Woodland which is located more than 300 feet from the outermost drip line of all trees along the edge of the subject woodland area. Generalized mapping of Forest Interior Habitat is indicated on the Hereford Township “Woodland Classification Map,” shown as Class I Woodland.

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development and which is conducted as a timber harvesting operation as regulated herein.

FREIGHT TERMINAL – An area or structure where cargo is stored and where trucks load and unload cargo on a regular basis.

FRONTAGE – The length of a front lot line coinciding with a street line.

GAME ROOM or ARCADE – an indoor place of entertainment with four or more coin or token operated machines, mechanical machines or electronic machines used as games or contests of skill or amusement. Game rooms and arcades shall operate only between the hours of 10:00 a.m. and 10:00 p.m., and shall be at all times under the supervision of a responsible adult.

GARAGE – A building used for the storage of vehicles. As used in this Ordinance, the term “garage” does not include vehicle repair or maintenance services, nor does it include the sale of gasoline or other petroleum products.

GARBAGE – Solid waste matter, especially animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of food.

GAS STATION – A structure, building, or area of land or any portion thereof that is used for the sale of gasoline, diesel or other fuels. For the purpose of this Ordinance a “gas station” is distinct from a “service station.” A gas station is recognized as use customarily accessory to a service station. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed a gas station.

GOLF COURSE – An organized, unlighted playing area containing a minimum of nine (9) holes, constructed according to P.G.A. and U.S.G.A. Standards and excluding miniature golf courses and driving ranges.

GOVERNING BODY – Shall mean the Board of Supervisors of Hereford Township.

GRADE – The average finished grade elevation adjoining a building.

GREENHOUSE – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROSS FLOOR AREA – See “Floor Area, Gross”

GROUND COVER – Vegetation on the surface of the earth which has the effect of anchoring the topsoil and diminishing susceptibility to erosive forces.

GROUP HOME – A licensed community-based living arrangement functioning as a single household and providing rehabilitative services and which provides residential services to persons who, due to age, disability or handicap, are not able to live without professional care or supervision. Group homes shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration (See also “Transitional Housing”).

GROWING SEASON – The portion of the year beginning with the last frost of spring and ending with the first frost of fall.

HAUL ROAD – Vehicular cartways within an incinerator site or landfill site, suitable for use under all weather conditions.

HAZARDOUS WASTE – Any type of waste, regardless of form or source, subject to regulation under §402 of the Federal Water Pollution Control Act, as amended, or the U.S. Atomic Energy Act of 1954, as amended, which by virtue of its quantity or concentration or of its physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or morbidity, or may pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HEDGEROW – A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak). Hedgerows are considered woodlands and regulated as such.

HEIGHT, BUILDING – See “Building Height.”

HEIGHT OF A COMMUNICATIONS TOWER – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HEIGHT OF SIGNS OR OTHER STRUCTURES – The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HELIPORT – Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

HERITAGE TREE – Any tree greater than 30 inches dbh shall be considered a Heritage Tree regardless of species, except that any tree of the species specified below shall be considered a Heritage Tree where greater than 24 inches dbh.

Tree, Botanical Name	Common Name
Aesculus hippocastanum	Common Horsechestnut
Betula pendula	White Birch
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Juglans cinerea	Butternut Walnut
Liquidambar styraciflua	Sweetgum
Quercus montana	Chestnut Oak
Quercus prinoides	Chinquapin Oak

In the context of a subdivision or land development review or in consideration of any application for approval of special exception variance, or conditional use, and upon the recommendation of a qualified forester or equivalent professional, the Township may designate as additional Heritage Trees any tree or other plant selected as uniquely representative of a class or group in terms of size, shape, form, age, historical importance, scenic qualities, visual prominence or other characteristics. Trees or other plants determined to be dead or diseased or in any manner constituting a safety hazard shall not be considered Heritage Trees.

HIGH WATER TABLE SOILS, SEASONAL – see “Seasonal High Water Table Soils.”

HIGHER VALUE SPECIES – Any tree(s) of the following species where greater than or equal to twelve inches (12”) diameter at breast height (dbh):

Tree, Botanical Name	Common Name
Acer saccharium	Sugar Maple
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Fraxinus americana	White Ash
Juglans nigra	Eastern Black Walnut

Prunus serotina	Black Cherry
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus montana	Chestnut Oak
Quercus palustris	Pin Oak
Quercus rubra	Northern Red Oak
Quercus velutina	Black Oak

HOME OCCUPATION – An activity for gain carried on entirely within a dwelling, or in a building accessory to a dwelling, by the inhabitants of the said dwelling. The home occupation shall be clearly accessory to the residential use of the dwelling, shall not alter the character of the dwelling or of its neighborhood, and shall comply with the provisions set forth in Section 1917 of this Ordinance.

HOMEOWNERS ASSOCIATION – See “Condominium Association or Homeowners Association.”

HOSPITAL – A facility providing physical or mental health services and medical or surgical care of the sick, handicapped, or injured including facilities for overnight accommodation of patients. Hospitals may include various ancillary activities which are customarily incidental to and in direct support of the primary health care mission of the hospital. Such ancillary activities would include, but not be limited to, pharmacies, gift shops, teaching facilities, research facilities, patient hostels and diagnostic or treatment facilities that are integrated with the hospital facilities

HOTEL – An establishment open to transient guests and in which lodging with or without meals is offered for compensation and in which access to guest rooms is from an interior lobby, corridor or hallway accessed from a common entrance.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Ordinance as being inundated by the one-hundred-year flood.

IMPERVIOUS SURFACE – Any surface which is impenetrable by liquid or which is incapable of allowing groundwater recharge or absorption of precipitation or runoff. All buildings, including roof overhangs, and all parking areas, driveways, roads, sidewalks, and other such areas in concrete, asphalt or other impervious paving materials shall be considered impervious surfaces. For purposes of compliance with lot coverage limitations, porous or pervious paving materials shall be considered impervious. For other purposes including but not limited to stormwater calculations, a percentage of any areas comprised of porous or pervious paving materials may be excluded from calculation of the area of impervious surfaces to an extent reasonably related to the degree to which stormwater passes through the paving material and does not contribute to stormwater runoff, as determined by the Township Engineer. The Township Engineer may determine that porous or pervious materials of a temporary nature (e.g. gravel or other material which may easily be resurfaced) shall not be excluded from calculation of the area of impervious surfaces.

INCINERATOR – An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid waste.

INDEPENDENT LIVING RESIDENCE – A dwelling unit used exclusively for occupancy by one or two persons in a Continuing Care Retirement Community.

INDUSTRIAL PARK – Two (2) or more industrial buildings, including parking areas, which are built and designed as a single project in a campus-type or park-like setting, featuring an internal circulation network for vehicles and pedestrians and unified, overall plan for landscaping, utilities, and other infrastructure. Buildings within an industrial park may contain retail commercial activities, provided that such activities are designed as accessory uses serving the needs of employees within the industrial park. Retail sale of good produced within the industrial park to the general public shall not be permitted.

INTENSIVE AGRICULTURE – See “Agriculture, Intensive.”

INVASIVE VEGETATION – Any plant species not native to local natural communities that grow and spread aggressively and displace native plants. Also called “exotics” and “aliens,” these species tend to reproduce prolifically and out-compete native plants for light, space, and nutrients, reducing plant diversity and wildlife habitat. Invasive vegetation includes, but is not limited to: Rosa multiflora (Multiflora Rose), Eleagnus umbellata (Autumn Olive), Lonicera japonica (Japanese Honeysuckle), Celastrus orbiculatus (Oriental Bittersweet), Acer platanoides (Norway Maple), Pueriria lobata (Kudzu) and Polygonum perfoliatum (Mile-a-Minute Weed).

JUNKYARD – An area of land with or without buildings used for the collection, storage, dismantling, salvage, or sale of used and discarded materials, including waste paper, rags, scrap metal, house furnishings, machinery, vehicles or parts thereof, salvage, or other discarded materials or scrap. A junkyard may, but need not, include the dismantling, processing, salvage, sale or other use of disposition of the same. The deposit of hazardous materials, as defined by either the Pennsylvania Department of Environmental Protection or the Federal Environmental Protection Agency is prohibited. The deposit or storage on a lot of two or more unlicensed, wrecked, or disabled vehicles (or the major part thereof), excluding usual farm equipment, constitutes a junkyard.

KENNEL – The use of land, building or structure for the purpose of breeding, training or grooming customary household pets for compensation, or the maintenance of five (5) or more dogs that are more than six (6) months old where not constituting a Boarding Kennel. For regulatory purposes, “Kennel” does not include “Boarding Kennel.” Kennels shall conform to the regulation set forth in Section 1906.

KENNEL, BOARDING – See “Boarding Kennel.”

LAND DEVELOPMENT – Any of the following activities:

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

LAND DISTURBANCE – Any activity which exposes soils, alters topography, and/or alters vegetation. The following activities shall not be regulated as land disturbance but shall nevertheless be undertaken in a manner such that disturbed areas shall be stabilized with suitable vegetation and shall not be left bare:

- A. Customary agricultural practices such as tilling, plowing, mowing, grazing and harvesting when in accordance with an approved conservation plan.
- B. Removal of vegetation for the purposes of undertaking active agricultural practices in accordance with Section 1902.I of this Ordinance.
- C. Removal of vegetation which obstructs adequate sight distance;
- D. Removal of vegetation which may obstruct or divert the flow of flood waters so as to cause property damage;
- E. Removal of vegetation which constitutes any other hazardous condition;
- F. Removal of vegetation necessary for adequate maintenance and operation of utilities;
- H. Selective cutting or removal of invasive vegetation;
- I. Customary landscape management practices outside of woodland areas, such as tilling, weeding, trimming, mowing, planting, gardening, and removal of dead, diseased or undesirable vegetation. Removal of native trees other than volunteer saplings shall not be excluded from regulation of land disturbance except as otherwise provided herein.

LANDFILL – A facility for the disposal of solid waste, wherein such wastes are placed in or on land.

LANDFILL, SANITARY – A landfill wherein engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

LANDFILL SITE – A tract of land upon used as a landfill, including all structures and other appurtenances or improvements erected thereon.

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

LANDSCAPING – The planting of turf-grass or other appropriate ground cover in all open areas of the lot, and in addition, the planting of evergreen and deciduous trees, and shrubs, including the maintenance thereof, for the control of erosion, retention of precipitation, protection against the elements, promotion of human comfort, and otherwise protecting the public health, safety and welfare.

LINER – A continuous layer of materials constructed beneath a landfill which prevents the downward or lateral escape of solid waste, solid waste constituents, or leachate.

LIVE-WORK UNIT(S) – A structure or structures that may be attached to each other, and that each consist of a principal retail, commercial, office or personal service (i.e., non-residential) use, where clients or customers are served, located in the front of the structure’s first floor, or in its entire first floor. The remaining residential unit is intended to be occupied by the operator of the non-residential use.

LOADING SPACE – A space, accessible from a street or accessway, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOT – A designated parcel, tract or area of land established by plat, deed, or otherwise as permitted by law and to be used, developed, or built upon as a unit. The term “lot” shall include the terms parcel, plot, site, tract and all similar terms.

LOT AREA – For the purpose of interpreting compliance with minimum lot area requirements specified by this Ordinance herein and for all other instances where the term “lot area” or “lot size” is used without a preceding modifier, the lot area shall be the total area of land and surface waters contained within the legal limits of the property lines of a lot, excluding lands within public rights-of-way. The calculation of lot area for a flag lot shall not include the lands occupied by the access strip.

LOT AREA, NET – See “Net Lot Area.”

LOT AVERAGING – A form of residential development wherein a minimum average net lot area is specified. Individual lots within the development may be smaller than the indicated average, provided that larger lots are created (and deed restricted from further development, if necessary) such that the average Net Lot Area of all lots created in a subdivision using lot averaging is equal to or greater than the required minimum average.

LOT COVERAGE – The ratio of the total ground floor or surface area of all impervious surfaces to the Net Lot Area of the lot or tract on which they are located, expressed as a percentage.

LOT LINE – A property boundary line dividing one lot from another or from a street or any public space, except that, in the case of any lot abutting a street deemed to be the same as the street line, the lot line shall not be the centerline of the street, or any other line within the street line even though such may be on the property boundary line in a deed.

LOT LINE, FRONT – The lot line abutting a street and coinciding with the street line; in the case of a corner lot, each street on which the corner lot abuts shall be considered a front lot line .

LOT LINE, REAR – A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line. In the case of a corner lot, see "Yard, Front."

LOT LINE, SIDE – Any lot line not a front or rear lot line.

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

LOT WIDTH – The distance, in feet, between the two (2) opposite side lot lines, or between the side lot line and the front lot line in the case of a corner lot. Where applicable, the required minimum lot width shall be met at the minimum front yard setback, measured parallel to the street line, or at a greater depth parallel to the street line where specifically approved by the Township.

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 or storage in an area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Hazard Overlay District.

LUMBERYARD – The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

MASSAGE ESTABLISHMENT – Any place or establishment where a massage is available, a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing kneading, stroking or tapping with the hand or hands or with any mechanical or bathing device, with or without supplementary aid.

MEDICAL CLINIC – An office where out-patient medical services are provided by two (2) or more accredited medical professionals.

MINIATURE GOLF – Area designed and used for the play of a variation on the game of golf wherein the only club needed or used is a putter.

MINI-WAREHOUSE – See “Self-Storage Facility or Mini-Warehouse.”

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

MOBILE HOME LOT - See LOT, MOBILE HOME.

MOBILE HOME PAD - A concrete pad for the purpose of supporting a mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more manufactured or mobile home lots.

MOTEL - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and which has a parking space for each guest facility and access directly from the outside.

MOTOR VEHICLE – A vehicle which is motor driven or drawn including without limitation, automobiles, trucks, vans, trailers, motorcycles, tractors, all-terrain vehicles, recreational vehicles, and boats.

MULTIPLE-RESIDENTIAL DEVELOPMENT – A residential development comprising any combination of single family attached, single family detached, two-family, or multi-family dwellings, excluding group homes, transitional housing, or mobile home parks.

MUNICIPAL USE - Any building, structure, facility, complex, area, or use, provided, constructed, or maintained by the municipal government of Hereford Township, Berks County, Pennsylvania.

MUNICIPALITIES PLANNING CODE (MPC) – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

MUNICIPALITY – Shall mean Hereford Township, Berks County, Pennsylvania

NATURAL FEATURES – Naturally occurring characteristics of a tract, as may be modified by man. Natural features include, but are not necessarily limited to, topography, surface waters, rock outcroppings, geologic characteristics, soil cover, ground cover, woodlands, and free-standing trees. Natural features exclude buildings and paved areas.

NET ACRE – Any single acre or, in the plural, a component of larger net acreage, of ground that meets the definition of “Net Lot Area,” set forth herein.

NET ACREAGE – The area of any lot, tract, parcel, or portion thereof, measured in acres, that meets the definition of “Net Lot Area,” set forth herein.

NET LOT AREA – The Net Lot Area of any lot, tract, parcel, or portion thereof shall include all areas within the legal property lines or otherwise defined boundaries, excluding the following:

- (1) Any existing area that has been set aside as a permanent right-of-way or easement for a public or private street, or for aboveground or underground utilities other than for local services;
- (2) Any existing area comprising permanent drainage or stormwater management easements;
- (3) Any existing area comprising sewage disposal facilities serving any property not part of the subject tract;
- (4) Any area within the FH - Flood Hazard Overlay District as defined in Article XIV;
- (5) Any area comprising Alluvial Soils;
- (6) Any area comprising wetlands under the jurisdiction of the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection;
- (7) Any area where slopes exceed 25%;
- (8) An area equivalent to 66% of any area where slopes are between 15% and 25% where not coextensive with any area excluded in accordance with subparagraphs (1) through (6) above.
- (9) An area equivalent to 66% of any area comprising Seasonal High Water Table Soils where not coextensive with any area excluded in accordance with subparagraphs (1) through (7) above and where central sewage disposal service is not provided;
- (10) An area equivalent to 33% of any area where slopes are between 8% and 15% where not coextensive with any area excluded in accordance with subparagraphs (1) through (8) above.

NET TDR AREA – The area defined for purposes of calculating available transferable development rights (TDRs) as set forth in Section 703.B herein.

NET TRACT AREA – See “Tract Area, Net.”

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- B. The business shall employ no employees other than family members residing in the dwelling;
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;
- F. 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;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area;
- H. The business may not involve any illegal activity.

NON-CONFORMING or NON-CONFORMITY – As applied to any lot, structure, use, sign or lighting installation, any existing situation failing to conform to the area, bulk, height, dimensional, use, or design criteria applicable to the zoning district in which it is located.

NUISANCE – The unreasonable, unwarranted, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of person or property.

NUISANCE-IN-FACT – A use of public or private property which is not a nuisance in and of itself but may become a nuisance by reason of the circumstances of the location and surroundings or manner in which it is performed or operated.

NURSERY – Land or greenhouses used to raise flowers, shrubs, trees, and/or other plants for commercial purposes.

NURSING FACILITY or SKILLED NURSING FACILITY - A facility licensed by the Pennsylvania Department of Health to provide skilled nursing care and related medical or other personal health services 24 hours a day and 7 days a week to individuals who require full-time care or supervision but do not need more intensive hospital-based care.

NURSING HOME OR CONVALESCENT HOME – See “Nursing Facility.”

OBSTRUCTION – Any dam, wall wharf, embankment, levee, dike, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, fence, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE BUILDING – A building used primarily for conducting the affairs of a business, profession, service, industry or government, or similar activity and where no goods, merchandise, or materials are stored for sale, exchange, or delivery on the premises.

OFFICE PARK – Two (2) or more office buildings, including parking areas, which are built and designed as a single project in a campus-type or park-like setting. Office buildings shall not contain retail commercial activities or manufacturing activities. Retail commercial activities designed to accommodate the needs of the office park may be permitted as part of the office park project.

OLDFIELD – An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.

ONE HUNDRED YEAR FLOOD – See FLOOD, ONE HUNDRED YEAR

PARCEL – A lot or tract of land.

PARKING LOT

An off-street area designed for the temporary outdoor storage of motor vehicles, including driveways, passageways, and maneuvering spaces appurtenant thereto.

PARKING SPACE – A space located off the public right-of-way designed and designated for parking a motor vehicle.

PATIENT HOSTEL – A residential facility for the sole and temporary use of patients of a medical facility and their immediate families. The facility may include a shared dining facility which is restricted to the use of the hostel occupants.

PennDOT – The Pennsylvania Department of Transportation.

PERSONAL CARE HOME – A premises licensed by the Pennsylvania Department of Public Welfare in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living.

PERSONAL SERVICE – A commercial service provided to an individual by another individual or group, usually but not necessarily licensed, and requiring the presence of the customer in order for the service to be rendered. Examples of such services include, but are not limited to: barber and beauty shops, pharmacies, dry cleaning and tailoring shops, shoe repair shops, travel agencies, or photocopy shops.

PET – A non-hooved animal of a type customarily kept for companionship by persons within the community. The term “Pet” shall not include animals customarily used for agricultural purposes.

PHILANTHROPIC USE – Use by a private or public organization that is organized and operated for the purpose of providing a service without profit. Such use shall include, for example, an institution or foundation that distributes grants or services to other agencies. The nonprofit status of the organization shall be based on its recognition as such by the Internal Revenue Service.

PLANNING COMMISSION – The Planning Commission of Hereford Township, Berks County, Pennsylvania.

PORCH – A covered open area, which may be glazed or screened, attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area as a proportion of the total wall area of the said space is less than fifty (50) percent.

PREMISES - A separate lot, parcel, tract, or plot of land together with the buildings and structures thereon. Premises may include more than one (1) occupant on a lot or parcel, such as an office building or planned commercial center.

PRIME FARMLAND OR FARMLAND OF STATEWIDE IMPORTANCE – Prime farmland or farmland of statewide importance includes the following soils as defined and mapped in the Soil Survey of Berks County, US Department of Agriculture, Natural Resources Conservation Service:

Soil Map Symbol	Soil Name	Soil Survey Slope Classification
AsB	Athol silt loam	3 to 8 percent slopes
AsC	Athol silt loam	8 to 15 percent slopes
CmA	Clarksburg silt loam	0 to 3 percent slopes
DbA	Duffield silt loam	0 to 3 percent slopes
DbB	Duffield silt loam	3 to 8 percent slopes
DfC	Duffield-Ryder silt loams	8 to 15 percent slopes
EhB	Edgemont channery loam	3 to 8 percent slopes

EhC	Edgemont channery loam	8 to 15 percent slopes
GeB	Gladstone gravelly loam	3 to 8 percent slopes
GeC	Gladstone gravelly loam	8 to 15 percent slopes
GnA	Glenville silt loam	0 to 3 percent slopes
GnB	Glenville silt loam	3 to 8 percent slopes
Ho	Holly silt loam	no slope classification
JnB	Joanna loam	3 to 8 percent slopes
LaB	Laidig gravelly loam	3 to 8 percent slopes
LaC	Laidig gravelly loam	8 to 15 percent slopes
Me	Middlebury silt loam	no slope classification
MuB	Murrill gravelly loam	3 to 8 percent slopes
MuC	Murrill gravelly loam	8 to 15 percent slopes
PaA	Penlaw silt loam	0 to 3 percent slopes
PeB	Penn channery silt loam	3 to 8 percent slopes
PeC	Penn channery silt loam	8 to 15 percent slopes
ReA	Readington silt loam	0 to 3 percent slopes
ReB	Readington silt loam	3 to 8 percent slopes
RhA	Reaville silt loam	0 to 3 percent slopes
RhB	Reaville silt loam	3 to 8 percent slopes

PRINCIPAL BUILDING – A building in which is conducted, designed to be conducted or intended to be conducted, the principal use of the lot on which it is located.

PRINCIPAL USE – The dominant or main use on a lot.

PRIVATE AIRPORT – See “Airport.”

PROFESSIONAL OFFICE – An office wherein a professional service is provided or performed. Also, an administrative or clerical office.

PROFESSIONAL SERVICE – A commercial service wherein the provider is a licensed, accredited, or otherwise recognized expert in some field. Professional services include all types of medical services (except, for the purposes of this Ordinance, veterinary medicine), all financial services, legal services, advertising and public relations, engineering, architecture and land use planning, graphic design services (excluding any manufacturing, publishing, or printing facilities), and services of similar character and neighborhood impact.

PUBLIC AIRPORT – See “Airport.”

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with Act 247, the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING – A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

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

PUBLIC UTILITY CORPORATION – A corporation registered and regulated by the Pennsylvania Public Utility Commission.

PUBLIC UTILITY TRANSMISSION TOWER – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utilities Commission, designed and used to support overhead electricity transmission lines.

RECREATION, ACTIVE – Leisure-time activities which may or may not be of a formal, organized nature, but which entail some physical exertion and usually require a specially designed area or field. Active recreation activities include, but are not necessarily limited to: baseball, basketball, football, racquetball, soccer, tennis, and tract and field events.

RECREATION, NON-COMMERCIAL – Facilities for either active or passive recreation activities which are owned and operated either by the public sector or by a not-for-profit organization. Such facilities are typically, but not necessarily, available to the general public.

RECREATION, PASSIVE – Leisure-time activities, usually of an informal nature and which do not require special equipment, sites, or fields. Includes, but is not limited to: jogging, hiking, walking and picnicking.

RECREATIONAL AREA – An area of land improved and equipped to accommodate active and/or passive recreation activities.

REFORESTATION – The restocking of an area with forest trees, including natural regeneration, as well as tree planting.

REGULATORY FLOOD ELEVATION – See “Flood Elevation, Regulatory.”

RENTAL UNIT – An individual space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, or in a professional or commercial office building.

REPAIR AND ROUTINE MAINTENANCE – Any or all work involving the replacement of existing construction, work, or features with the same material for the purpose of maintenance and upkeep only, but not including any addition, removal, change, or modification in any construction or existing features.

RESTAURANT – A type of eating and drinking establishment, featuring the final preparation and sale of food to the general public, either for consumption on the premises or for consumption elsewhere.

RESTAURANT, FAST FOOD – See “Fast Food Restaurant.”

RESTORATION – Any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

RETAIL USE – A commercial use featuring the sale of goods or services directly to the general public.

RIGHT-OF-WAY – Land reserved or dedicated for use as a street, alley, walkway, or any other public or private purpose.

RIPARIAN BUFFER – A riparian buffer is an area of trees and other vegetation adjacent to a watercourse or wetland that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. The riparian buffer shall be divided into two Zones:

- A. **Zone One: Inner Riparian Buffer** - This zone shall begin at each edge of any identified wetland or watercourse and shall occupy a margin of land on each side, each with a minimum width of fifteen (15) feet from any wetland or twenty-five (25) feet from any watercourse, whichever is greater. The width of such margin shall be measured horizontally on a line perpendicular to the applicable edge of the wetland or, in the case of a watercourse, to the nearest edge of the water at bankful flow. Where very steep slopes (+20%) are located within and extend beyond such margin, Zone One shall extend to include the entirety of the very steep slopes up to a maximum dimension of one hundred (100) feet from the subject watercourse or seventy five (75) feet from the subject wetland, whichever is greater.
- B. **Zone Two: Outer Riparian Buffer** - Zone Two begins at the outer edge and on each side of any area delineated within Zone One and occupies any additional area, if any, within one hundred (100) feet of the nearest edge of any watercourse or seventy five (75) feet from the nearest edge of any wetland, whichever is greater and measured as for Zone One.

ROAD – See “Street.”

ROW HOUSE – See “Townhouse” and “Dwelling, Single Family Attached.”

SALE – (1) Any sale, distribution, lease, barter, bailment or trade; (2) solicitation to sell, lease, distribute, barter, bailment or trade; or (3) the display of material or showing of movies for profit.

SCAVENGING – The uncontrolled removal of materials from a landfill or incinerator site.

SCHOOL – A building designed and used for human educational purposes, including only the following: pre-schools, nursery schools, elementary and secondary schools, colleges, universities, junior colleges, and vocational and technical schools. A school may be either private or public.

SCREEN PLANTING – A landscaped area designed to provide a visual and aural barrier either between abutting properties or between a property and an abutting street. Screen planting areas shall be maintained by the owner of the lot whereupon it is located such that it is of sufficient height and density to perform its barrier function. Specific design requirements are supplied in Section 1708 of this Ordinance.

SEASONAL HIGH WATER TABLE SOILS – Seasonal high water table soils include the soils listed below, as defined and mapped in the Soil Survey of Berks County, US Department of Agriculture, Natural Resources Conservation Service (NRCS). Where site conditions indicate that the location of seasonal high water table soils differs from locations indicated by the NRCS, the burden shall be upon the Applicant to verify such location(s) to the satisfaction of the Board of Supervisors, otherwise the NRCS information shall be presumed to be accurate. Where the Applicant requests reclassification of seasonal high water table soils or adjustment of their location, such request shall be supported by documentation submitted by a Certified Soil Scientist or other similarly qualified professional.

Soil Map Symbol	Soil Name	Soil Survey Slope Classification
AsB	Athol Silt Loam	3 to 8%
Bo	Bowmansville-knauers	no slope classification
CwA	Croton silt loam	0 to 3%
CwB	Croton silt loam	3 to 8%
Ho	Holly silt loam	no slope classification
Me	Middlebury silt loam	no slope classification
PaA	Penlaw silt loam	0 to 3%
ThA	Thorndale-Penlaw silt loam	0 to 3%
ToA	Towhee silt loam	0 to 3%
ToB	Towhee silt loam	3 to 8%
TwB	Towhee silt loam	0 to 8%

SEASONAL HOUSING – See “Temporary Housing.”

SELECTIVE CUTTING or SELECTIVE REMOVAL of timber – The felling of certain, but not all trees, in an area for the purpose of removing dead, diseased, damaged, mature, or marketable timber or for improving the quality of a tree stand.

SELF-STORAGE FACILITY or MINI-WAREHOUSE – A type of land use where secure structures or secure units within a structure are offered for lease to the general public for the storage of personal articles and in which each storage unit has direct access from the outside and is not provided with heat, telephone, or electrical service except for a single light.. Self-storage

facilities may include as an accessory use outdoor storage areas for recreational vehicles, boats, and non-commercial trailers.

SERVICE STATION – An area of land including structures that is used for the maintenance and repair of motor vehicles as a commercial service, including facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including vehicle painting or other body work operations, or the sale of new or used automobiles.

SETBACK – Linear, horizontal distance between a building or structure and the nearest street right-of-way line or lot line, as applicable, and as set forth herein.

SEWAGE – Any substance that contains any of the waste products or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom, and kitchen waste water.

SEXUAL OR GENITAL PARTS – The genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

SHOPPING CENTER – A shopping center shall consist of a selection of principally retail and service uses and a grouping of buildings, service areas, parking areas, vehicular and pedestrian circulation systems and open areas planned and designed as an integrated unit, regardless of ownership, and in such manner as to constitute a safe, efficient and convenient retail center.

SIDEWALK – A walkway designed for and used to accommodate pedestrian traffic. Sidewalks are typically but not necessarily located adjacent to or nearly adjacent to public streets. New sidewalks shall be built according to the specifications of the Township of Hereford.

SIGHT DISTANCE – The maximum extent of unobstructed vision (in a vertical or horizontal plane) along a street from a vehicle located at any given point on the street.

SIGN – Any structure or part thereof or any device attached to a building or painted or represented thereon which shall display or include any letter, work, model, banner, pennant, insignia, device, trade flag, symbol, or representation which is in the nature of, or which is used as, an announcement, direction, or advertisement for commercial purposes or otherwise. A sign includes a billboard, neon and neon-type tubing, string of lights, or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation, group of nations, governmental agency, or any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive movement, or event. For purposes of regulation, the area of a free-standing sign lettered on both sides shall be interpreted as the area of one (1) side of said sign.

SILO – A structure, usually cylindrical, used for the making or storage of silage.

SKILLED NURSING FACILITY – See “Nursing Facility.”

SLOPE – The degree of deviation of a surface from the horizontal expressed as a percent.

SPECIFIED ANATOMICAL AREAS – Less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – Human genitals in a state of sexual stimulation or arousal. Acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genital, pubic region, buttocks or female breasts.

STEEP SLOPE – Those areas of land where the grade is fifteen (15) percent or greater. Steep slopes are divided into two categories:

- A. Moderately Steep Slopes are those areas of land where the grade is fifteen (15) percent or greater but less than twenty-five (25) percent.
- B. Very Steep Slopes are those areas of land where the grade is twenty-five (25) percent or greater.

Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three (3) or more two (2) foot contour intervals (six [6] cumulative vertical feet of slope). All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey and shall be signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

STEEP SLOPE MARGIN – Any area not otherwise regulated as steep slope and located within twenty-five (25) feet upslope of any area defined as moderately steep or very steep slope, measured perpendicularly to the contour of the land. Areas measured laterally or downslope of moderately steep or very steep slope areas shall not be regulated as steep slope margin.

STORAGE – The keeping of new or used products, merchandise, materials, equipment or vehicles for a continuous period greater than thirty (30) days. Excluded from this definition are the following:

- A. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.
- B. The unloading or loading of vehicles which are parked against a building so that all activity occurs within the building.

STORAGE, OUTDOOR – The keeping of goods or materials for present or future use in an area unprotected from the elements.

STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between any floor and the ceiling next above it. A “basement,” as herein defined, shall be considered a full story; a “cellar,” as herein defined shall not be counted as a story.

STREET – A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The term “street” includes; avenue, boulevard, lane, road, thoroughfare, and similar terms.

STREET FRONTAGE – The length of the cartway edge which lies within a given property; or, where a property line is coincident with a street right-of-way line, the length of such coincidence.

STREET LINE – The imaginary line or lines separating a public street right-of-way from private property.

STREET RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and occupied by or intended to be occupied by a public street.

STREET, SINGLE ACCESS – A street with a single point of access to the road network and which may have a variety of configurations, including branches (with each branch terminating in a vehicular turnaround area) or looped.

STRUCTURE – That which is built or constructed or a portion thereof. For the purposes of this Ordinance, structures include any form, arrangement or combination of building materials, on or in water or land, involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements and having a permanently fixed location. Structures include, but are not limited to buildings, sheds, mobile or manufactured homes, signs, fences or walls over six (6) feet in height, aerials and antennae, porches, platforms, tennis courts, swimming pools, tents, tanks, and towers.

STRUCTURE, TEMPORARY – A structure without foundation or footings which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

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

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE – The Subdivision and Land Development Ordinance of Hereford Township, Berks County, Pennsylvania, as adopted and amended from time to time.

SUBSTANTIAL AMOUNT OF WORK – The degree of completion of a given construction project such that, by the determination of the Township Engineer, at least ninety (90) percent of the cost of labor and materials for construction has been expended.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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

- 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

SUBSTANTIVE QUESTION – A challenge to the validity of this Ordinance addressing the creation and definition of rights and laws created hereby, not involving the application of such rights and laws to any specific tract within the Township, but as generally applied to all tracts within the Township or within a zoning district of the Township.

SWIM CLUB – Recreational land use wherein the principal facility is a swimming pool. Swim clubs may be operated as a public or private facility, with or without membership requirements. Food service may be provided as an accessory use.

SWIMMING POOL – Any structure, permanently constructed or portable, that contains water over twenty-four (24) inches in depth and which is used or intended to be used for swimming or recreational bathing. This use includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

TDR or TDRs – See “Transfer of development rights” and “Transferable Development Rights.”

TDR AREA, NET – See “Net TDR Area.”

TEMPORARY HOUSING – Housing designed to accommodate migrant or seasonal workers as an accessory to an agricultural use in accordance with Section 1905 of this Ordinance. Temporary housing shall not be inhabited continuously throughout the year. Temporary housing shall comply with all applicable codes and ordinances of the Township, including the Building Code, the Plumbing Code, and the Electrical Code.

TERRACE – A hard-surfaced area of ground contiguous to a dwelling designed and used as an outdoor living area. Terraces may extend into required yard areas if they are unroofed. Terraces may be un-walled, screened, or be surrounded by an opaque wall not more than four (4) feet in height. Where such outdoor living area is roofed or surrounded by an opaque wall more than four (4) feet in height, such area shall be deemed an extension of the dwelling and shall be regulated as such, being subject to all setback requirements of the district wherein it is located.

TIMBER HARVESTING OPERATION – The uprooting or removal for any purpose of more than four (4) trees of Higher Value Species or six trees total of six (6) inches or greater dbh, per acre, from any area identified as woodland on the Woodland Classification Map, whether accomplished in a single operation or in more than one operation over three or fewer years. The removal of any Heritage Tree, regardless of number or location, shall be considered a Timber Harvesting Operation. The removal of trees pursuant to an approved subdivision or land development plan, landscape plan or open space management plan, the removal of dead or diseased trees, or invasive vegetation, and the cutting of trees as part of a Christmas tree farming operation shall not be considered Timber Harvesting Operations. Forestry, as defined by the Pennsylvania Municipalities Planning Code, as amended, shall be considered a Timber Harvesting Operation. All Timber Harvesting Operations shall comply with the provisions set forth in Section 1808.C.

TIMBER HARVESTING PLAN – A plan submitted in conformance with the provisions set forth in Section 1808 which describes, by means of text and maps, proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a professional with demonstrable expertise in forest management, and shall document measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.

TOWNHOUSE – A type of single family attached dwelling wherein each dwelling unit has front and rear access to the outside, no unit is located over another unit, and each unit is separated from adjacent units by one (1) or more common, fire-resistant walls.

TOWNSHIP – Hereford Township, Berks County, Pennsylvania.

TRACT – See “Lot.”

TRACT AREA – For any instances where the term “tract area” or “tract size” is used without a preceding modifier, the tract area shall be the total area of land and surface waters contained within the legal limits of the property lines of a tract, excluding lands within public rights-of-way.

TRACT AREA, NET – The area of the tract which meets the definition of “Net Lot Area” as established herein.

TRAIL – A right-of-way containing a marked or beaten path, either paved or unpaved, for pedestrians, equestrian or bicycle use.

TRAILER – A drawn vehicle, not self propelled, which is permitted on the highways when properly licensed.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) – A means by which development rights allocated to qualifying sending tract(s) may be severed and transferred for use at designated receiving lot(s) or tract(s) as set forth in Article VII and in the applicable zoning district regulation.

TRANSFERABLE DEVELOPMENT RIGHT(S) or TDR(s) – the unit(s) of development rights which may be allocated to qualifying sending tracts for severance and transfer to designated receiving lots or tracts as set forth in Article VII and in the applicable zoning district regulation.

TRANSITIONAL HOUSING – Living arrangements for up to five (5) unrelated individuals that do not meet the definition of "family" or "group home." Transitional housing may include a licensed community-based facility which provides lodging, rehabilitative services, or meals to clients where supervision is provided seven (7) days a week, twenty-four (24) hours a day, or is staffed continuously by the provider whenever the structure is occupied.

TRUCK FREIGHT TERMINAL – An area or building where cargo is stored and where trucks load and unload cargo on a regular basis.

USE – The specific purpose for which land, a sign, structure, or building is designed, arranged, intended for, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on thereon or therein. The term “permitted use” or its equivalent shall not include non-conforming uses.

USE, ACCESSORY – See “Accessory Use” or “Accessory Structure.”

USE, BY-RIGHT – A use which is permitted in a zoning district without the need for a special exception, variance, or conditional use permit.

USE, CONDITIONAL – A use or activity permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, the further provisions of Article XV of this Ordinance, and upon satisfaction of all conditions as may be stated within the district or supplemental regulations which permit such use or activity by condition, when approved by the Board of Supervisors upon advisement by the Planning Commission.

USE, PRINCIPAL – See “Principal Use.”

USE, SPECIAL EXCEPTION – A use which is not permitted as of right, but which, where applicable pursuant to zoning district regulations or as otherwise set forth herein, and when deemed suitable, with or without the imposition of conditions or restrictions, under applicable standards, may be allowed by the Zoning Hearing Board after public hearing in accordance with §912.1 of the Pennsylvania Municipalities Planning Code and Article XVI of this Ordinance.

USE AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer in accordance with Article XV of this Ordinance, permitting the owner of land or structure newly built or modified to use and occupy such land or structures in an approved manner that will not endanger the health, safety, or welfare of the general public, the owner, and potential owners or occupants thereof.

VARIANCE – Relief granted from the strict terms of this Ordinance, by order of the Zoning Hearing Board, after public hearing, when authorized by law in accordance with §910.2 of the Pennsylvania Municipalities Planning Code and Article XVI of this Ordinance.

VETERINARY OFFICE or CLINIC – A use of land which involves the care of ill or injured animals on an in-patient or out-patient basis. Such use may accommodate the boarding of animals which are not patients. Such use shall not accommodate the breeding of animals for commercial purposes.

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

WASTE MATTER – Any discarded materials which may threaten the public health or safety by reason of the type of materials stored, the method of storage, or the suitability of such matter for harborage or breeding of vermin. Waste matter includes organic rubbish, construction debris, liquid and semi-solid wastes, contained gaseous materials, inoperable machinery (including vehicles), and inoperable household appliances. Organic rubbish maintained as a compost pile is specifically excluded from this definition.

WASTE, SOLID – See “Waste Matter.”

WATERCOURSE – A watercourse is any natural or man-made stream, river, creek, brook, run, ditch, channel, canal, conduit, culvert, swale, drain, waterway, gully, ravine, wash or other conveyance of surface water having defined bed and banks, with perennial or intermittent flow. The definition of watercourse shall exclude facilities constructed solely for stormwater management.

WATER TABLE – The upper surface of a zone of saturation, except where that surface is formed by an impermeable body.

WETLAND OR WETLANDS – Wetlands are those areas inundated or saturated by surface water 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, ponds, lakes, and similar areas. Wetlands shall include any area so delineated by the National Wetlands Inventory of the U.S. Fish and Wildlife Service and all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

WHOLESALE USE – A commercial activity involving the sale of merchandise in large quantities or in bulk to retailers or contractors, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such merchandise.

WOODLAND – A tree mass or plant community covering an area of one-quarter acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in such plant community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or old fields. A woodland also be termed a “forest.”

WOODLAND CLASSIFICATION MAP – The Woodland Classification Map is a map indicating the locations of all woodlands classified as Class I, Class II or Class III Woodlands, Class I Woodland designation is based on the locations of Forest Interior Habitat. Where specific application of the definition of Forest Interior Habitat results in variation from mapping as indicated on the Woodland Classification Map, application of said definition shall supercede. The Woodland Classification Map is incorporated by reference into this Ordinance and made a part hereof.

WOODLAND DISTURBANCE

- A. Any activity which alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species as well as the removal of humus or duff from the ground;
- B. Any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow;
- C. Woodland disturbance does not include the following:
 - 1. Removal of vegetation which obstructs adequate sight distance;
 - 2. Removal of vegetation which may obstruct or divert the flow of flood waters so as to cause property damage;
 - 3. Removal of vegetation which constitutes any other hazardous condition;
 - 4. Removal of vegetation necessary for adequate maintenance and operation of utilities;
 - 5. Selective cutting or removal of invasive vegetation;
 - 6. Removal of vegetation for the purposes of undertaking active agricultural practices in accordance with Section 1902.I of this Ordinance.

7. Disturbance of soils or vegetation associated with soil percolation testing for sub-surface sewage disposal, with the digging of a well or test pit, or with the installation of utilities serving a single dwelling;
- D. Where woodland disturbance is regulated as a Timber Harvesting Operation, such operation shall not be separately regulated as woodland disturbance.

YARD – An open or unoccupied area around the inner periphery of a lot; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

YARD, FRONT – An open area, paved or unpaved, extending the full width of a lot along the front lot line and lying between any public street right-of-way and the nearest point of any building on that lot. The required front yard is that area identified within the district regulation articles of this Ordinance as “minimum building setback from street right-of-way.”

YARD, REAR – An open area, paved or unpaved, extending the full width of a lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any building on that lot.

YARD, SIDE – An open area, paved or unpaved, along a side lot line and extending in width from such side lot line to the nearest point of any building on that lot.

ZONING HEARING BOARD – The Zoning Hearing Board of Hereford Township, Berks County, Pennsylvania.

ZONING MAP – The Zoning Map adopted to accompany this Zoning Ordinance, indicating the locations of the several zoning districts established herein.

ZONING OFFICER – The individual duly appointed by the Board of Supervisors to enforce generally this Zoning Ordinance and specifically assigned the duties and powers described in Article XV of this Ordinance.

ZONING ORDINANCE – This Zoning Ordinance of Hereford Township, Berks County, Pennsylvania.

ZONING, OVERLAY – Regulations which apply to specified overlay zoning districts in addition to the base zoning of the underlying districts.

ZONING PERMIT – A permit issued by the Zoning Officer in accordance with Article XV of this Ordinance, acknowledging that a use or activity is permitted by right, or has been duly granted as a conditional use by the Board of Supervisors or as a special exception by the Zoning Hearing Board, or has been duly granted all necessary variances by the Zoning Hearing Board.