

ARTICLE XII

AMENDMENTS

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SECTION 1201 AMENDMENTS

The Board may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map in accordance with Sections 609 and 610 of the Municipalities Planning Code (MPC), as amended. The Board shall fix the time and place of the public hearing on the proposed change, amendment or repeal, and cause notice thereof to be given as follows:

A. Notice for Public Hearing

1. By publishing a notice once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
2. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
3. In addition to the notice requirements in subsections 1. and 2., above, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. However, this subsection shall not apply when the rezoning constitutes a comprehensive rezoning. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

B. Notice for Advertisement and Availability of Amendment prior to Public Hearing

1. Proposed zoning amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth below and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

- b. An attested copy of the proposed amendment shall be filed in the Chester County Law Library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

#### **SECTION 1202 PLANNING COMMISSION REFERRAL**

The Board of Supervisors shall refer each proposal for change or amendment to the Township Planning Commission and the County Planning Commission at least thirty (30) days prior to the hearing, which shall consider whether or not such proposed change or amendment would be consistent with and desirable in furtherance of the Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. Each Commission shall transmit its conclusions, findings and recommendations thereon, together with its reasons therefore, to the Board of Supervisors within thirty (30) days. The Board of Supervisors shall take such conclusions and reasons into consideration in reaching its decision, but shall not be bound thereby.

#### **SECTION 1203 CURATIVE AMENDMENT PROCEDURES**

##### **A. Landowner Originated Curative Amendments**

1. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of the land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided for in Sections 609.1 and 916.1 of the Municipalities Planning Code, as amended. The Board shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1 of the MPC, as amended. The curative amendment and challenge shall be referred to the Township Planning Commission and the Chester County Planning Commission as provided in Section 609 of the MPC, as amended and notice of the hearing thereon shall be given as provided in Section 610 (see Section 1201.B, above) and in Section 916.1 of the MPC, as amended.
2. The hearing shall be conducted in accordance with Section 908 (see Section 1108, *Hearings*, above) of the MPC, as amended and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors provided, however, that the provisions of Section 908(1.2) and (9) shall not apply and the provisions of Section 916.1 of the MPC, as amended shall control. If the Township does not accept a landowner's curative amendment brought in accordance with the subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

**B. Township Originated Curative Amendments**

1. The Board may declare this Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment, in accordance with Section 609.2 of the MPC, as amended, to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board shall:
  - a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    1. References to specific uses which are either not permitted or not permitted in sufficient quantity;
    2. Reference to a class of use or uses which require revisions; or
    3. Reference to the entire Ordinance which requires revisions.
  - b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, the Zoning Ordinance pursuant to the provisions required by Section 609 of the MPC, as amended to cure the declared invalidity of the Zoning Ordinance.
3. Upon the initiation of the procedures, as set forth in subsection B.1., above, the Board shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC, as amended or Section 1204.A, above, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the MPC, as amended subsequent to the declaration and proposal based upon grounds identical to or substantively similar to those specified in the resolution required by subsection B.1.a., above. Upon completion of the procedures as set forth in subsections 1. and 2. above, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to Section 1204.B., herein.
4. The Board, having utilized the procedures as set forth in subsection B.1 and 2, above, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Zoning Ordinance pursuant to subsection B.2., above; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Township may utilize the provisions of Section 1204.B., herein, to prepare a curative amendment to the Ordinance to fulfill said duty or obligation.

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ARTICLE XIII

**NONCONFORMING USES, BUILDINGS, STRUCTURES, LOTS, AND SIGNS**

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**SECTION 1301 APPLICATION OF REGULATIONS**

The following regulations shall apply to nonconforming uses, structures, buildings, lots, and signs as defined below:

- A. **Nonconforming Use.** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the enactment of this Ordinance or amendments.
- B. **Nonconforming Structure.** A structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height, and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of this Ordinance or amendments. Such structures include, but are not limited to, buildings, fences, and swimming pools.
- C. **Nonconforming Lot.** A lot or site which does not comply with the applicable dimensional regulations, including those related to site area, lot area, and lot width, in this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to enactment of this Ordinance or amendments.
- D. **Nonconforming Sign.** Any sign legally existing at the time of the enactment of this Ordinance that does not conform in use, location, height, or size to the regulations of Article IX.

**SECTION 1302 CONTINUATION**

Any lawful building or other structure or any lawful use of a building, structure, land, or sign legally existing at the time of the enactment of this Ordinance or any amendment thereof, or authorized by a building permit issued prior thereto, may be continued in the form it existed at the time of adoption of this Ordinance or any amendment thereof.

**SECTION 1303 NONCONFORMING USES**

Except as provided in this Article, any use lawfully existing at the time of enactment of this Ordinance, or any amendment thereto, may be continued, subject to compliance with the following provisions:

- A. **Change of Use.** A non-conforming use may be changed to another non-conforming use by grant of special exception only upon determination by the Zoning Hearing Board that the proposed new use will be no more detrimental to the objectives and purposes of this Ordinance or to the character, neighborhood and surrounding areas of the Township than the existing use. In determining what is detrimental, the Zoning Hearing Board shall consider, among other things, whether additional traffic might be generated; any nuisance characteristics, such as the emission of noise, dust and smoke; fire hazards; potential environmental degradation; the hours and manner of operation; and hardship(s) facing the owner.
- B. **Expansion.** A nonconforming use of a building, structure, portion of a building or structure, or lot shall not be enlarged, extended or structurally altered, unless required to assure the structural

safety of the building, or unless the Zoning Hearing Board grants a special exception authorizing such a limited extension of a non-conforming use. The Zoning Hearing Board may grant such a special exception provided that:

1. Such an exception will not be materially detrimental to the objectives and purposes of this Ordinance or to the character, neighborhood, and surrounding areas of the Township, as defined in Section 1303.A., above.
2. The area devoted to the nonconforming use will in no case be increased cumulatively by more than thirty (30) percent.
3. Any extension of a building, structure, or of a lot having a nonconforming use shall conform to the area, height, setback, and other applicable dimensional regulations of the district in which it is situated.
4. Where a non-conforming use is conducted entirely on or in unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to the provisions of this Ordinance, shall be erected.

C. **Discontinuance or Abandonment.** Whenever a non-conforming use, building, structure, lot or sign is discontinued for one (1) year, such non-conformity shall not thereafter be reestablished and all future uses shall be in conformity with the provisions of this Ordinance.

D. **Reconstruction.** A structure containing a nonconforming use involuntarily destroyed by fire, explosion, flood, or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

1. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed within one (1) year of the date reconstruction commenced.
2. The reconstructed structure shall not exceed the area and bulk of the damaged or destroyed structure, except as provided for in Section 1303.B, above.

#### SECTION 1304 NONCONFORMING BUILDINGS AND STRUCTURES

The continuation, alteration or extension of a non-conforming building or structure shall comply with the following requirements:

A. **Alteration or Enlargement.** A nonconforming building or structure which is used, or proposed to be used, for a conforming purpose may be continued, altered, or enlarged provided the alteration or enlargement does not increase the nonconformity of the building or structure with respect to the existing setback, land coverage or density requirements of this Ordinance.

B. **Restoration.** A nonconforming building or structure damaged or destroyed by fire or other casualty may be reconstructed in its former location to its former dimensions and be used for the same purpose for which it was used before its damage or destruction, provided that such reconstruction shall be commenced within one (1) year from the date of damage or destruction, and shall be completed within two (2) years of the date of such damage or destruction.

- C. **Voluntary Demolition and Abandonment.** Where a nonconforming building or structure housing a non-conforming use is voluntarily demolished or destroyed, except for reconstruction and/or modernization, the nonconforming use as well as the nonconforming structure shall be deemed to have been abandoned and discontinued and any use thereafter shall conform to the provisions of this Ordinance.

#### SECTION 1305 NONCONFORMING LOTS

Except as provided in this Article, any lot lawfully existing at the time the enactment of this Ordinance, or any amendment thereto, may be utilized subject to the following provisions:

- A. A nonconforming lot held in single and separate ownership at the effective date of this Ordinance, or of any amendment hereto, which is not of the required minimum area or width, may be used for the construction, reconstruction, or alteration of a building or structure or may be otherwise used if the construction, reconstruction, alteration, or other use is itself in compliance with the use, yard, setback, density and other provisions of this Ordinance.
- B. An owner of two (2) or more contiguous, nonconforming lots which, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a building permit.
- C. No lot area shall be reduced so that the area, width, or the applicable setback dimensions of the lot shall be smaller than herein prescribed.

#### SECTION 1306 NONCONFORMING SIGNS

Except as provided in this Article, any nonconforming sign lawfully existing at the time of enactment of this Ordinance, or any amendment thereto, may be continued, subject to compliance with the following provisions:

- A. **Moving.** A nonconforming sign shall not be moved to a position where such sign remains nonconforming except by special exception.
- B. **Area.** The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment to this Ordinance by which any sign shall be made nonconforming, shall not be increased.
- C. **Repair or Replacement.** Nonconforming signs, once removed or damaged by more than sixty (60) percent, including structural framing or bracing, shall be replaced with conforming signs. Signs with damage of sixty (60) percent or less may be repainted or repaired, provided that their nonconformities are not hereby increased.
- D. **Discontinuance.** Whenever any nonconforming use ceases, as described in Section 1303.C, all signs accessory to such use shall be removed within thirty (30) days from the date such use terminates.

**SECTION 1307 NONCONFORMING USES AND STRUCTURES IN THE FLOOD HAZARD DISTRICT**

A structure or use of a structure or premises which lawfully existed before the enactment of the Flood Hazard District provisions of this Ordinance, but which is not in conformity with those provisions, shall be subject to the requirements of Section 402 of this Ordinance.



**ARTICLE XIV**

**DEFINITIONS**

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**SECTION 1401 LANGUAGE INTERPRETATION**

Unless otherwise expressly stated, for the purposes of this Ordinance the following words shall be interpreted as indicated in the following clauses:

- . The present tense includes the future.
- . The singular includes the plural and the plural the singular, except that such interchange of meaning shall not apply where numbers in the text refer to specific minimum and maximum quantities.
- . The masculine gender includes the feminine and neuter.
- . The word "shall" or "must" indicates a mandatory requirement.
- . The word "person" includes an individual, corporation, partnership, firm, organization, association, incorporated association or any other similar entity.
- . The word "Township" shall mean Highland Township, Chester County, Pennsylvania.
- . The term "Board of Supervisors" shall mean the Board of Supervisors of Highland Township.
- . The term "Zoning Hearing Board" shall mean the Zoning Hearing Board of Highland Township.
- . The word "Commission" and the words "Planning Commission" shall mean the Highland Township Planning Commission.
- . The word "building" includes "structure" and any part thereof.
- . The word "used" includes the words "designed, arranged, or intended to be used".
- . The word "occupied" includes the words "designed, or intended to be occupied".
- . The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

**SECTION 1402 DEFINITION OF TERMS**

**ABANDONMENT** – The relinquishment of a use without the intention to resume the said use as provided for in Article XIII, Nonconforming Uses, Buildings, Structures, Lots, and Signs.

**ACCESSORY AGRICULTURAL DWELLING** – An accessory dwelling unit intended to be occupied by one (1) or more of the following: 1) a tenant or 2) employees and their immediate family members, who are engaged in the conduct of a principal agricultural use carried out on the premises on which the dwelling unit is situated.

Article XIV Definitions

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**ACCESSORY BUILDING OR STRUCTURE** – A subordinate building or structure located on the same lot as a principal building and the use of which is clearly incidental and subordinate to the principal building. Any portion of a building or structure devoted or intended to be devoted to an accessory use is not an accessory building.

**ACCESSORY USE** – A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.

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

**ADVERSELY AFFECT** – Raise, lower or in any way influence the level of the surface water of the 100 year flood or in any way the topography of any watercourse, drainage ditch or drainage facility.

**AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or consistent with technological development within the agricultural industry.

**AGRICULTURE** – The cultivation of the soil, and the raising, harvesting and/or storage of the products of the soil (no matter where raised), including but not by way of limitation: nurserying, horticulture, forestry and the breeding, raising and maintenance of livestock.

**AGRICULTURE, INTENSIVE<sup>1</sup>** – Agricultural uses involving the processing or production of agricultural products with densities which meet either the United States Environmental Protection Agency’s definition for Concentrated Animal Feeding Operations (CAFOs) or the Pennsylvania Department of Agriculture’s definition for Concentrated Animal Operations (CAOs).

**AGRICULTURE, NONINTENSIVE** – The cultivation of soil, and the raising and harvesting of products of the soil, including nurseries, horticulture, commercial greenhouses, forestry, and the raising of animals and poultry not to exceed a combined total of one thousand (1,000) pounds per acre or one (1) animal equivalency unit (AEU) per acre, but excluding intensive agriculture.

**ALLEY** – A minor way, which may or may not be legally dedicated, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a road.

**ALLUVIAL SOILS** – Areas subject to periodic flooding as defined in the Chester and Delaware Counties, Pennsylvania Soil Survey, 1963, No. 19, as amended, and reclassified in the Soil Survey Geographic Database for Chester County, PA, U.S. Department of Agriculture, Natural Resources Conservation Service, 1997.

Chewacla silt loam (Ch)  
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<sup>1</sup> Federal and State legislation set forth the criteria for “Intensive Agriculture.” The Township may not regulate more or less stringently.

**ALTERATION** – Any change or rearrangement, other than a repair, in the supporting members of an existing building, such as the 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.

**ANIMAL EQUIVALENCY UNIT (AEU)** – One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

**ANIMAL EQUIVALENCY UNIT (AEU) PER ACRE** – An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.

**ANTENNA ARRAY** – One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip), directional antennae (panel) and parabolic antennae (disc), but not the Support Structure as defined herein.

**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.

**APPLICANT** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** – Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including, but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**ARCHITECTURAL FEATURE** – A prominent or significant part or element of a building, structure, or site.

**ATTACHED WIRELESS COMMUNICATIONS FACILITY (Attached WCF)** – An Antenna Array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

**AUTOMOBILE SERVICE STATION/GAS STATION** – A facility used for the retail sale of motor fuel and lubricants and services, and the incidental sale, installation or minor repair of tires, batteries or other automobile accessories.

**BASEMENT** – An enclosed area partly underground, but having one half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground which shall be considered a story for the purpose of height measurements or determining square footage and floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet or if used for business or dwelling purposes.

**BED AND BREAKFAST** – A building occupied by a resident innkeeper containing four (4) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities.

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Article XIV Definitions

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**BILLBOARD** – A sign upon which advertising matter of any character is printed, posted or lettered, except for a sign indicating a business or profession conducted on the premises. A billboard may be either freestanding or attached to a surface of a building or other structure.

**BLOCK** – A tract of land bounded by streets, public parks, railroad right-of-way or corporate boundary lines of the Township or any combination thereof.

**BOARD** – The Board of Supervisors of Highland Township.

**BUFFER** – An area which provides year-round visual and sound attenuation between uses through the application of such means as plantings, earthen berms, depressions, fences or walls.

**BUILDING** – A combination of materials forming a permanent structure having walls and a roof. Manufactured homes and trailers for human habitation are included in this definition.

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

**BUILDING HEIGHT** – The vertical distance measured from the elevation of the proposed finished grade at the front of the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires and those buildings and structures accessory to agriculture (excluding residences). See Figure 14-C.

**BUILDING PERMIT** – An approval statement signed by the Code Officer, indicating compliance with this Ordinance and any other ordinances or regulations, authorizing the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building or structure within the Township.

**BUILDING SETBACK LINE** – The line established within a lot, measured from the street right-of-way and parallel thereto, defining the minimum distance in which no building may be constructed. In the case of an existing interior lot not fronting a street for its entire width, the building setback line shall be a line parallel to the street right-of-way measured from the property interior line nearest the street, defining the minimum distance in which no building may be constructed. Also known as the minimum front yard setback. See Figure 14-A.

**BULK** – The term used to describe the size of buildings or other structures and their relationship to each other, to open areas, such as yards and to lot lines, and the size, height and floor areas of buildings or other structures; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); all open areas in yard space relating to buildings and other structures.

**CALIPER** – The diameter of a tree trunk measured at a point six (6) inches above ground level.

**CARTWAY** – The paved portion of a road or right-of-way intended for vehicular use.

**CEMETERY** – Land used or intended to be used for burial of deceased persons or animals, including mausoleums and mortuaries when operated in conjunction with the cemetery and within its boundaries.

**CENTERLINE** – (See **ROAD, CENTERLINE OF**).

**CHURCH** – (See **RELIGIOUS WORSHIP, PLACE OF**).

**CLEARCUTTING** - The indiscriminate removal of all trees on a site or portion thereof.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at a road intersection, defined by lines of sight between points at a given distance from the intersection down the center lines of the road. See Figure 14-B.

**CLUSTER DEVELOPMENT** – An arrangement of dwellings that allows for reducing lot area and yard requirements and incorporating the remaining area as permanent open space.

**CO-LOCATION** – Use of a common Wireless Communication Facility (WCF) or common Support Structure by two or more wireless communication license holders or by one wireless communications license holder for more than one type of communications technology, or, placement of a WCF on a structure owned or operated by a utility or other public entity, or, placement of an Attached WCF.

**COMMERCIAL** – A use of land, or improvements thereto, for the purpose of engaging in retail, wholesale or service activities for profit.

**COMMON OPEN SPACE** – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including roads, off-street parking areas, and areas set aside for public facilities.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding.

**COMPOST** – Relatively stable decomposed organic material.

**COMPOSTING** – A controlled process of degrading organic matter by microorganisms. .

**COMPOSTING, COMMERCIAL** – A composting operation where the compost produced is not intended primarily for use on the premises where it is prepared. .

**COMPREHENSIVE PLAN** – The Comprehensive Plan of Highland Township, as adopted and amended.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** –Agricultural operation with more than one thousand (1,000) animal equivalency units (AEUs); agricultural operation with a discharge to surface waters during a storm event of less than 25-year/ 24-hour storm intensity; or a CAO with greater than three hundred (300) animal equivalency units (AEUs).

**CONCENTRATED ANIMAL OPERATION (CAO)** – Agricultural operations where the animal density exceeds two (2) animal equivalency units (AEUs) per acre on an annualized basis.

**CONDITIONAL USE** – Uses permitted by the Board of Supervisors pursuant to the provisions of Article X of this Ordinance.

**CONDOMINIUM** – A type of ownership wherein each apartment or dwelling unit is owned in fee by its occupant, 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, of the developer or any organization holding title to such land and appurtenances in accordance with the Pennsylvania Uniform Condominium Act of 1980 (68 Pa.C.S. §§ 3101-3404). The unit may be any permitted dwelling type.