

ARTICLE 2

DEFINITIONS

SECTION 201. PURPOSE

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. The present tense shall include the future; the singular number shall include the plural; words used in the masculine gender shall include the feminine and the neuter. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.

SECTION 202. DEFINITIONS

ABUT: To physically touch or border upon; to share a common property line.

ACCESSORY BUILDING: A building detached which is subordinate to, and on the same lot with the main building, and used for purposes customarily incidental thereto.

ACCESS DRIVE: A paved surface, other than a street, which provides vehicular access from a street to a lot.

APPLICANT: A land owner or developer, lessee, optionee or his authorized agent who has filed an application for development including heirs, successors and assigns.

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

AREA, BUILDING: The total area taken on a horizontal plane using outside dimensions at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, FLOOR: The sum of the areas of all floors of a building or structure, measured from the exterior faces of the walls, but not including cellars, unenclosed porches, attics not used for human occupancy, floor space in an accessory building, and floor space in the main building to the extent it is intended or designed for the parking of motor vehicles to meet the off-street parking requirements of this ordinance, or for accessory heating and ventilating equipment.

AREA, SITE: The total area of a proposed development, regardless of the interior lot lines or proposed lots, streets or easements.

AVERAGE SLOPE: The average slope shall mean the slope of a designated area of land determined by dividing horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. Such method shall include sufficient cross sections to demonstrate a true representation of average slope to the satisfaction of the Township Engineer.

BLOCK: An area bounded by streets.

BUILDABLE AREA: That portion of the lot exclusive of the required front, rear, side yard setbacks and open space areas, as established by the Zoning Ordinance, and all required or developer designated exclusion areas.

BUILDABLE SITE AREA: A site contained wholly within the buildable area, of a size not less than 30 feet by 40 feet, to accommodate the primary structure, required parking and drainage resulting from the improvements.

BUILDING: Any construction having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, including covered porches, bay windows and chimneys.

BUILDING HEIGHT: The vertical distance between the average elevation of the proposed finished grade along the entire front of the building, and the highest point of the roof for flat roofs, the deck lines for mansard roofs, and the mean height between eaves and ridges for gable, hip and gambrel roofs, but not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections.

BUILDING LINE: (See SETBACK LINE)

CLEAR SIGHT TRIANGLE: A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

CLEAR WATER SYSTEM: An independent component of a stormwater management system that provides for the efficient and effective disposal of concentrated rainfall runoff from roof drains and area drains, as well as collected ground water from floor drains, footer drains and sump pump pits.

COMMISSION: The Planning Commission of East Pennsboro Township, Cumberland County, Pennsylvania.

COMMON ELEMENTS: Land amenities, parts of buildings, central services and utilities and other elements and facilities owned and used by all dwelling unit owners. These elements include but may not be limited to:

1. the land on which the building is located and portions of the building which are not included in a unit;
2. the foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building;
3. the yards, common open space, parking areas, and driveways;
4. portions of the land and buildings used exclusively for the management, operation or maintenance of the common elements;
5. installations of all central services and utilities;
6. all other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and,
7. such other facilities as are designated as common elements.

COMPREHENSIVE PLAN: An official document adopted by the East Pennsboro Township Board of Commissioners in accordance with the MPC, Act 247, setting forth its policies regarding the long term development of the Township.

CONDOMINIUM AND COOPERATIVE: A method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each dwelling unit, title of which shall consist of ownership of the dwelling unit together with an undivided interest in the common elements.

CONDOMINIUM ASSOCIATION: The association which administers and maintains the common property and common elements of a condominium.

CONTROL CONDITIONS: In a traffic impact study, control conditions refer to the types and specific design of control devices and traffic regulations present on a given facility. The location, type, and timing of traffic signals are important control conditions affecting capacity.

COUNTY: County of Cumberland, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION: The Planning Commission of the County of Cumberland, Commonwealth of Pennsylvania.

COVERAGE, BUILDING : That percentage of the plot or lot area covered by the building.

COVERAGE, LOT: The impervious portion of a lot, usually expressed as a percentage, which is covered by buildings and other impervious materials and surfaces.

COVERAGE, VEGETATIVE: The portion of a lot, usually expressed as a percentage, which is covered by lawn, vegetation and other similar pervious materials and surfaces.

CULVERT: A drain, pipe or conduit not incorporated in a closed system that carries drainage water under a driveway, street, roadway, railroad, pedestrian walk or public way.

CURB: A stone or concrete boundary usually marking the edge of the roadway or paved area.

CURB CUT: The opening along a curb line at which point vehicles may enter or leave a street or roadway.

CUT: (1) an excavation; (2) the difference between a point on the original ground and designated point of lower elevation of the final grade; (3) the material removed in excavation.

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Municipalities Planning Code, Act 247, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of Cumberland County.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such departments as may in the future succeed it.

DETERMINATION: Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder except the following:

1. the governing body
2. the zoning hearing board, or

3. the planning agency only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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.

DEVELOPER DESIGNATED EXCLUSION AREA: The unbuildable portion of a parcel voluntarily designated by the property holder and in excess of the required exclusion area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving, utilities; filling, grading and excavating; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE AREA: That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer or other structure designed, intended to be constructed for the purpose of carrying, diverting or controlling surface water or ground water.

DRAINAGE FIELD (Also SEEPAGE BED): An earth covered pit and/or series of trenches with perforated pipe through which the septic tank effluent may seep or leach into the surrounding soil.

DRIVEWAY: A private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING: Any building which contains one or two "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

DWELLING GROUP: (1) one or more buildings, not more than two and one half (2-1/2) stories in height, containing dwelling units and constituting two (2) or three (3) sides of a court which opens onto a street; (2) A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, INDUSTRIALIZED HOUSING: A structure designed primarily for residential occupancy, and classified within Use Group R in accordance with the standards adopted under §29.41 (of the PA Industrialized Housing Act) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426).

DWELLING, MANUFACTURED: A transportable, single-family detached dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) 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. Also, a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426).

DWELLING, MOBILE HOME: (1) A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. (2) a single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit, or in two units designed to be joined into one 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. It is the original construction which determines whether or not a building or a structure is a "mobile home," and a "mobile home" shall not lose its identity as such by being placed upon a permanent foundation or by otherwise being permanently affixed to the ground, or by being given attributes of permanency of location.

DWELLING, MULTI-FAMILY: A building designed, occupied or used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, SINGLE-FAMILY DETACHED: A building containing one (1) dwelling unit used by one (1) family and having no party wall in common with an adjacent building and having two (2) side yards.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE): A building containing more than two (2) dwelling units and having one (1) or more party walls in common with other dwellings.

DWELLING, SINGLE-FAMILY SEMI-DETACHED: A building containing one (1) dwelling unit used by one (1) family, and having a party wall in common with an adjacent building and having one (1) side yard.

DWELLING, TWO-FAMILY DETACHED (DUPLEX): A building on a separate lot containing two (2) dwelling units each of which is totally separate from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior wall to exterior wall, which may or may not have a common entrance or a stairwell independent of both dwelling units.

DWELLING, TWO-FAMILY SEMI-DETACHED: A building containing two (2) dwelling units with one (1) dwelling unit being wholly or partly over the other, which has a party wall in common with an adjacent building and which may not have a common entrance.

DWELLING UNIT: Living quarters consisting of one or more rooms arranged for the use of one or more individuals living as an independent housekeeping unit, with cooking, living, sleeping and sanitary facilities.

EASEMENT: A grant of one (1) or more property rights by a property owner to and/or for the

use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION: An easement for the preservation of natural features that precludes or restricts future or additional development to the land.

EASEMENT, DRAINAGE: An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation and/or maintenance of a natural stream, swale, watercourse or other drainage facility.

EASEMENT, PEDESTRIAN (Also, INTERIOR WALK): (1) An easement for pedestrian use extending from a street into a block or across a block to a public area or street(s); (2) An easement(s) for pedestrian use for access to the rear portion of lots with attached structures.

EASEMENT, UTILITY: An easement required for the installation of public/private utility services (i.e. water, electric, telephone, cable television, gas, sanitary sewers, etc.) and/or required for the preservation and/or maintenance of utility corridors.

ENERGY DISSIPATER: A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

ENGINEER, PROFESSIONAL: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering as defined by the Registration Act of the Commonwealth of Pennsylvania, 63 P.S., 148 et seq., as amended.

ENGINEER, TOWNSHIP: A professional engineer designated by the East Pennsboro Township to perform the duties of engineer as herein specified.

ENGINEERING SPECIFICATIONS: The engineering criteria of the Township regulating the installation of any required improvements or for any facility installed by a developer which are subject to public and/or private use, as set forth in the "Standard Material and Construction Specifications for Public Improvements, 1995 as amended" and all current specifications adopted by the Pennsylvania Department of Transportation (PennDOT).

EROSION: The natural process of detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

EROSION, ACCELERATED: The removal of the surface of land through the combined action of man's activities and the natural processes at a rate greater than would occur because of natural process alone.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include conditions resulting therefrom.

EXCLUSION AREA, REQUIRED: The unbuildable portion of a parcel based upon critical area factors including, but not limited to, building setbacks, open space, wetlands, watercourses, buffers, screening, easements, rights-of-way, flood plain, and other protected resources or habitats.

FILL: (1) any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; (2) the difference in elevation between a point on the original ground and the designated point of higher elevation of the final grade; (3) the material used to make fill.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, BASE (ONE-HUNDRED YEAR FLOOD): A flood that has an elevation with a one (1) percent chance of being equaled or exceeded in magnitude any given year. (Contrary to popular belief, it is not a flood occurring once every 100 years.)

FLOOD BOUNDARY AND FLOOD WAY MAP: An official flood map of a community depicting detailed and non-detailed delineations of flood way and flood plain areas in the Township and in the former Borough of West Fairview issued by the Federal Emergency Management Agency (FEMA).

FLOOD FRINGE DISTRICT (FF): The area inundated by the one-hundred (100) year flood which is not included within the Flood Way District, which has been adopted as a part of this Ordinance, and which is shown on the current Official Flood Way and Flood Fringe Map.

FLOOD INSURANCE RATE MAP (FIRM): An official map, in paper or digital form, on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the Township and the former Borough of West Fairview.

FLOOD PLAIN: That low land area adjacent to any watercourse and subject to flooding which consists, as a minimum, of the Flood Fringe and the Flood Way Districts when delineated and/or which may include areas with no detailed flood profiles or elevations, frequently referred to as the General Floodplain Area (FA), as shown on the current FIRM.

FLOOD PLAIN AREA, GENERAL (FA): The areas identified on the current FIRM for which no one hundred (100) year flood elevations have been provided.

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

FLOOD WAY DISTRICT (FW): That area, inundated by the one-hundred (100) year flood, required to carry and discharge flood waters without causing a rise in the elevation of the flood of more than one (1) foot adopted as a part of this Ordinance, and shown on the current Official Flood Way and Flood Fringe Maps.

FRONTAGE, BLOCK: The number of lineal feet of land abutting upon a street, measured between two (2) intersecting streets, at their respective right-of-way lines.

GOVERNING BODY: The Board of Commissioners of East Pennsboro Township, Cumberland County, Commonwealth of Pennsylvania.

HOME OWNERS ASSOCIATION: A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common elements, open space or other facilities

HYDROGEOLOGIC STUDY: An inventory of the source, quantity, yield and use of ground water and surface water resources within the Township.

IMPERVIOUS MATERIAL: Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered.

IMPERVIOUS SURFACE: A surface that does not absorb water, including all buildings and other structures, parking areas, driveways, roads, sidewalks, swimming pools, storage areas and areas of concrete, nonporous asphalt and other such stabilized areas as shall be determined to be nonporous by the Township Engineer.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

IMPROVEMENT/MAINTENANCE GUARANTEE: Any security which may be in lieu of a requirement that certain improvements be made before the Board of Commissioners approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

LAND DEVELOPMENT:

A. Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) a group of two (2) 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
 - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

B. The exclusion of certain land development from this definition of land development is permitted only when such land development involves:

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building on a single family residential lot or farm.

LANDOWNER: For the purpose of this Ordinance, 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 owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner.

LAND USE: A description or classification of how land is currently or intended to be utilized or occupied.

LEVEL OF SERVICE (Vehicular): A qualitative measure describing operational conditions within a vehicular traffic stream as perceived by motorists and/or passengers. The level of service (LOS) generally describes vehicular conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six levels of service are defined for each type of facility for which analysis procedures are available:

1. LOS "A" represents free flow and motorists are virtually unaffected by the presence of other vehicles,

2. LOS "B" represents a stable flow of vehicular movement, but other users of the traffic stream begin to be noticeable;
3. LOS "C" is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream;
4. LOS "D" represents high-density but stable flow. Speed and freedom to maneuver are severely restricted and the driver/pedestrian experiences a generally poor level of comfort and convenience;
5. LOS "E" represents operating conditions at or near the capacity level characterized by all speeds are reduced to a low, but relatively uniform value and freedom of movement is severely restricted and pedestrian/driver comfort and convenience levels are poor and frustrations are high;
6. LOS "F" is used to define forced or breakdown of traffic flow. Queues form and "stop and go waves" are prevalent and extremely unstable.

LIGHTING, DIFFUSED: An illumination technique where the light produced from the source passes through a translucent cover or shade.

LIGHTING, DIRECT OR FLOOD: An illumination technique where the light source is concentrated and directed toward the place or object to be illuminated.

LIGHTING, INDIRECT: An illumination technique where the light source is entirely hidden and the light produced is projected to a suitable reflector from which it is redistributed and directed to the place or object to be illuminated.

LOADING BERTH/SPACE: An off-street parking area on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles for unloading or loading merchandise or materials.

LOT: A designated parcel, tract or area of land established by a recorded plan or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA: The area contained within the property lines of individual parcels of land, excluding any area within an alley or street right-of-way but including the area of any easement or future rights-of-way.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT DEPTH: The average distance between the street line and the rear lot line.

LOT, DOUBLE FRONTAGE (Also THROUGH LOT): An interior lot which abuts upon two (2) streets at opposite ends.

LOT, INTERIOR: A lot, the side lot lines of which do not abut on a street.

LOT LINE: A boundary line of a lot.

LOT LINE, REAR: A lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line. In the case of a lot of an odd shape, the lot line furthest in average distance from any street.

LOT LINE, SIDE: Any lot line which is neither a street line nor a rear lot line.

LOT, NONCONFORMING: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Land Development Ordinance, or Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements.

LOT OF RECORD: A lot which has been properly recorded in the Office of the Recorder of Deeds of Cumberland County, Commonwealth of Pennsylvania.

LOT, REVERSE FRONTAGE: A lot between an arterial or collector street and a minor street with vehicular access only from the minor street.

LOT, TRIANGULAR: A lot having three (3) lot lines, but which does not qualify as a corner lot.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the street line at the minimum required building setback line. The width of a lot on a cul-de-sac is measured as the chord distance length at the minimum required building setback line.

LOT WIDTH, MINIMUM: The required minimum lot width at the building setback line.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

MAINTENANCE GUARANTEE: Any security accepted by East Pennsboro Township for the maintenance of any improvements required by the Land Development Ordinance.

MANUFACTURED/MOBILE HOME LOT: 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 and leased or rented by the occupant.

MANUFACTURED/MOBILE HOME PARK: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

MARKER: A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MONUMENT: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L 382, No. 164), known as the "Municipalities Authority Act of 1945."

MUNICIPALITIES PLANNING CODE: Act of Assembly of July 31, 1968, P.L 805, as reenacted and amended.

MUNICIPALITY: The East Pennsboro Township, Cumberland County, Commonwealth of

Pennsylvania.

NATURAL DRAINAGE: The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements.

OBSTRUCTION, DRAINAGE: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, culvert, building, fence, stockpile, refuse, fill, structure, or other matter located within, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of water might carry the debris down stream.

ON-SITE STORM WATER MANAGEMENT: The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

OPEN SPACE: An area within a development or community designed and intended to provide light, air, environmental protection, scenic and/or recreational functions. Open space often includes, but is not limited to, lawns, decorative plantings, walkways, natural resource protection areas, active and passive recreation areas, playgrounds, fountains, wooded areas, bodies of water and watercourses. Open space generally does not include the minimum required lot area, driveways, parking lots, or other areas and surfaces designed and intended for vehicular travel, buffers, existing and future road rights-of-way.

OVERLAY ZONE: A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zone.

OWNER (See LANDOWNER)

PACKAGE TREATMENT PLANT: Small self contained sewage treatment facility built to serve development areas beyond the service area of larger regional sewage treatment plants.

PARKING LOT, PUBLIC: Any lot municipally or privately owned and used for off-street parking or for the transient storage of motor vehicles, whether or not such parking is provided as a free service or for a fee.

PARKING AREA: Any public or private land area designed and used for the purpose of temporary or long term parking of motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING GARAGE: A building or similar structure designed for and consisting of one or more levels and used to store motor vehicles.

PARKING LOT: Any area not within a building where motor vehicles may be stored temporarily, daily, or overnight. A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.

PARKING SPACE: An area on a lot, street and/or within a parking lot or building at a size established by the Zoning Ordinance for temporary storage of a personal vehicle.

PARKING SPACE, OFF-STREET: A temporary storage area for a motor vehicle, trailer, or vessel that is directly accessible to a driveway or access drive, and which is not located within a street right-of-way.

PERVIOUS SURFACE: A surface that generally permits the infiltration of water into the ground.

PLAN (Also PLAT): A map or plan of a subdivision or land development whether sketch, preliminary or final.

PLAN, AS BUILT: A corrected plan depicting the original final approved public facilities described in the subdivision and land development or construction improvement plan and any variations and changes made during the construction process as required by this Ordinance.

PLAN, CONSTRUCTION IMPROVEMENT: A component of a subdivision and/or land development plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements for review by the Township Engineer, as required by the Subdivision and Land Development Ordinance.

PLAN, FINAL: A complete and exact land development plan, with full detail prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN, GRADING: A component of a land development plan, when required, showing by contour lines the existing topographic configuration of a site and the proposed alterations to the site.

PLAN, LAND DEVELOPMENT: The graphic and written provisions for development including a planned residential development (PRD), a subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

PLAN, LANDSCAPE: A component of a land development plan when required on which is shown the proposed landscaping description of plant species (i.e. number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and other relevant information.

PLAN, PRELIMINARY: A tentative land development plan, in lesser detail than a final plan, showing approximately proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SITE IMPROVEMENT: A component of a land development plan or zoning permit which graphically depicts the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for Township officials to determine compliance with this Ordinance, Zoning Ordinance or appropriate provisions of other such ordinances, as they may apply.

PLAN REVIEW BOARD: A group or body established and created by ordinance or resolution, and having the membership, powers and duties set forth therein.

PLAN, SKETCH: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed development.

PLAN, SOIL EROSION AND SEDIMENT POLLUTION CONTROL: A component of a land development plan for controlling erosion and sediment pollution during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLAN, STORMWATER MANAGEMENT: (1) a component of a land development plan, when required, that describes the planned control of runoff to allow water falling on a given site to be absorbed or retained on the site so that after development the peak rate of discharge leaving the site is not greater than if the site had remained undeveloped; and (2) a plan showing all present and proposed grades and facilities for stormwater management.

PLANNING COMMISSION: Unless clearly indicated otherwise, the Planning Commission of the East Pennsboro Township, Cumberland County, Commonwealth of Pennsylvania.

PRIVATE: Not publicly owned or operated.

PRIVATE ROAD: An easement or right-of-way, other than a street or alley, which provides vehicular access to a lot which has not been dedicated to or accepted by the Township.

PUBLIC GROUNDS: Includes but may not be limited to: (1) parks, playgrounds, and other public area; and (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; (3) publically owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code, Act 247, as amended.

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) consecutive weeks in a newspaper of general circulation in East Pennsboro Township, Cumberland County, Commonwealth of Pennsylvania. 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 be not more than thirty (30) days, and the second publication shall be not less than seven (7) days, from the date of the hearing.

PUBLIC OR PRIVATE UTILITY: (1) any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service; (2) a closely regulated private enterprise with a franchise for providing a public service.

PUBLIC OR PRIVATE UTILITY FACILITIES: Telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a public or private utility.

REGULATORY FLOOD: The flood that has one chance in one hundred (or a one percent chance) of being equaled or exceeded in any year, which is, for the purposes of this ordinance, the one hundred (100) year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in Flood Insurance Study, Township of East Pennsboro and/or Borough of West Fairview, Cumberland County, Commonwealth of Pennsylvania.

REGULATORY FLOOD ELEVATION: The elevation of the regulatory flood at a given point.

REPORT: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom.

Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESERVE STRIP: A strip of land adjacent to a street intended to control access to the street from an adjacent property.

RE-SUBDIVISION: Any subdivision designed as a change to a recorded plan where changes to property lines or public right-of-way lines are proposed.

RIGHT-OF-WAY: Land set aside for use as a street, alley, private road, other means of travel or utilities.

RIGHT-OF-WAY, EXISTING: The legal right-of-way established by the Commonwealth of Pennsylvania or other appropriate governing body, and currently in existence.

RIGHT-OF-WAY, FUTURE: (1) right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) a right-of-way established by the Township Comprehensive Plan or other means to provide future access to or through undeveloped land for streets or utilities.

RIGHT-OF-WAY LINE (Also STREET LINE): The dividing line between a street and a lot or land abutting the street; also known as a street line.

ROADWAY CONDITIONS: In a traffic impact study, roadway conditions refer to the construction and geometric characteristics of the street, highway and intersection, including such items as the type of facility and its development environment, the number of travel lanes (by direction), lane and shoulder width, road surface type and quality, lateral clearances, design speed, and horizontal and vertical curves.

RUNOFF: The amount of precipitation that does not percolate into the soil, but runs off the surface of the land.

SANITARY SEWER: A pipe for conveying sewage and excluding storm, surface and ground water.

SANITARY SEWER, PRIVATE: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is not owned and operated by a governmental agency, governmental authority, or public utility company.

SANITARY SEWER, PUBLIC: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is owned and operated by a governmental agency, governmental authority, or public utility company.

SEDIMENT: Soils or other materials transported by surface water as a product of natural or accelerated erosion.

SEDIMENTATION. (1) the accumulating mineral or organic matter as a result of erosion, and (2) the action or process of depositing sediment in rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water or parts thereof, whether natural or artificial.

SEDIMENT BASIN: A temporary man-made pond or reservoir built down slope from earth moving activity for the purpose of capturing and treating of sediment laden water.

SEPTIC SYSTEM: An underground system with a septic tank (s) used for the decomposition of domestic wastes.

SEPTIC SYSTEM, ON LOT: An underground system with a septic tank(s) used for the decomposition of domestic wastes of a single dwelling unit or multiple dwelling units on the same lot.

SEPTIC TANK: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SETBACK LINE: The line within a property defining the required minimum distance between any structure and an adjacent right-of-way or property line.

SHOULDER: The portion of a roadway (cartway) between the curb or gutter and the travel way intended for emergency and parking use.

SIGHT DISTANCE: The length of street, measured along the center line, which is continuously visible from any point three and one-half (314) feet above the center line to an object four (4) inches above the road surface.

SLOPE: The face of an embanked or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

SLOPE CLASSIFICATION MAP: A map prepared by a registered professional engineer or surveyor, on a contour map, showing at a minimum, those areas with a slope of twelve (12) percent to fifteen (15) percent, areas with a slope of fifteen (15) percent to twenty (20) percent, areas with a slope of twenty (20) percent to twenty-five (25) percent, and areas with a slope greater than twenty-five (25) percent as a calculation between every contour interval on said map.

SOIL PERCOLATION TEST: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for an on-lot septic system.

SOIL PROBE: A field test conducted to determine the types and depths of soils located on a given lot and/or study area.

SOIL STABILIZATION: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STORM FREQUENCY: The probability of occurrence of storms of a specific duration and intensity.

STORMWATER DETENTION: Any storm drainage technique that retards or detains runoff, such as detention or retention ponds, parking lot storage, rooftop storage, porous pavement, geoblocks, dry wells or any combination thereof.

STORMWATER DETENTION POND: A vegetated pond designed to drain completely after storing runoff water for a given storm event and releasing it at predetermined rates. It is also known as a "dry pond".

STORMWATER MANAGEMENT FACILITIES: Facilities designed to reduce peak flows and/or volumes of stormwater such as stormwater detention ponds, underground storage, rooftop storage, pervious parking areas, etc.

STORMWATER RETENTION POND: A pond containing a permanent pool of water designed to store runoff for a given storm event and to release it at a predetermined rate.

STORMWATER "STORM" SEWER: A pipe, open ditch or drainage channel for conveying rain water, surface water, condensate, cooling water, and similar liquid waste, exclusive of sewage or industrial waste to a natural watercourse or other outlet as approved.

STREAM: A natural watercourse with a definite bed and banks which confine and convey continuously or intermittently flowing water.

STREAM, INTERMITTENT: A natural watercourse which carries water during the wet seasons but may be seasonally dry.

STREAM, PERENNIAL: A natural watercourse that is present during all seasons of the year

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private and for the purpose of this ordinance shall be classed as follows:

- A. **INTERSTATE HIGHWAY:** Limited access streets designed for traffic between major regional areas or urban communities of fifty thousand (50,000) residents or more, which extend beyond state boundaries, and with respect to which access and egress are limited to interchanges.
- B. **ARTERIAL, PRINCIPAL:** A street which provides land access while retaining a high degree of thru traffic mobility and serves major centers of urban activity and traffic generation. They provide a high speed, high volume network for travel between major destinations in both rural and urban areas.
- C. **ARTERIAL, MINOR:** A street which gives greater emphasis to land access, and which has a lower level of thru traffic mobility than a principal arterial, and which serves larger schools, industries, hospitals and small commercial areas not incidentally served by a principal arterial.
- D. **COLLECTOR:** A street which gives minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, neighborhood penetration, and which serves minor traffic generators such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal or minor arterials.
- E. **LOCAL:** A minor street which gives the lowest level of mobility, which is characterized by low travel speeds and often where through traffic movement is deliberately discouraged. Local streets provide direct access to abutting land and access to higher order streets. Local streets may consist of the following:
 - a. Cul-de-sac: A street open at one end for vehicular or pedestrian access with the opposite end terminating in a vehicular turnaround.
 - b. Partial Street (Also Half Street): A street generally parallel and adjacent to a property line having lesser pavement and/or right-of-way width than required for satisfactory improvement and use.

- c. Marginal access streets: Are minor streets which are parallel to and adjacent to primary streets and which provide access to abutting properties and protection from through traffic.
- d. Alleys: Are minor ways, whether or not legally dedicated, which are used primarily for vehicular service access to the back or the side of properties, which otherwise abut on a street, and not intended for the purpose of through traffic.

STREET LINE: The dividing line between a street and a lot or land abutting the street; also known as a right-of-way line.

STREET PROFILE: A graphical depiction of the center line of the finished surface of a street, which shall be midway between the sidelines of the street. The street profile is part of the construction improvement plan and indicates street grade, but may include other elements of a finished street.

STREET WIDTH: The shortest distance between street lines at a given point.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBDIVISION, MAJOR: Any subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR: A subdivision where the land is being transferred to be combined with an existing lot, or where no more than three (3) lots are proposed, provided that: (1) the application is not a land development plan; (2) the lots are subdivided on an existing street and no new streets are proposed; (3) existing public utilities are present and no extensions are proposed; (4) the installation of public infrastructure improvements is not proposed by the applicant or required by this Ordinance.

SUBSTANTIALLY COMPLETED: Where in the judgment of the Township Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR: A Professional Land Surveyor licensed to practice surveying as defined by the Registration Act of the Commonwealth of Pennsylvania, 63 p.s. & 148, et seq. as amended.

SWALE: A natural or man-made low-lying stretch of vegetative land characterized as a depression and used to carry surface runoff.

TOPOGRAPHIC MAP: A map showing the elevations of the ground by contour lines or spot elevations.

TOP SOIL: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris.

TRAFFIC CONDITIONS: In a traffic impact study, traffic conditions refer to the characteristics of the traffic stream using the facility such as the distribution of vehicle types in the traffic stream, the amount and distribution of traffic in available lanes of a facility, and the directional distribution of the traffic.

TRAFFIC IMPACT STUDY: A report studying the effect of increased traffic volume from a proposed land development on the existing roadway network surrounding the proposed site and its vicinity.

TRIP: Within the context of a traffic impact study, a single or one-way vehicle movement either to or from a subject property or study area.

TRIP ENDS: The total vehicle trips entering and leaving a specific land use or site over a designated period of time.

WATERCOURSE: A stream of water, river, brook, creek; a channel, swale or ditch for water, whether natural or man-made.

WATER FACILITY: Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide and distribute potable water.

WATER FACILITY, PRIVATE: An on-lot water generation system which serves only the lot upon which it is located.

WATER FACILITY, PUBLIC: Any municipally or privately owned water generation, collection and distribution system or facility which serves more than one building or lot.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetland Inventory of Pennsylvania, the United State Fish and Wildlife Service Wetland Inventory maps, as utilized by the Pennsylvania Coastal Zone Management Plan and any wetland designated by a river basin commission.