

ARTICLE II

DEFINITIONS

§. 201 Intent

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning given herein:

§. 202 General Usage

- a. Words used in the present tense imply the future tense.
- b. Words used in the singular imply the plural.
- c. The word "person" includes a partnership or corporation as well as an individual.
- d. The word "shall" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

§. 203 Specific Words and Phrases

Agent - Any person, other than the developer, who, acting for the developer submits to the Township commissioners land development plans for the purpose of obtaining approval thereof.

Agricultural Purposes - The use of land for farming, dairying, pasturage, agriculture, horticulture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

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 start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

Average Lot Price - This amount is determined by taking the arithmetic average of all open market residential lot sales in Penn Township for the previous year. Open market sales shall not

include multiple property/single consideration, nominal consideration, family member, forced sale or partial interest sales as defined by the York County Assessor's Office. This figure will be calculated on annual basis and established by the Board of Commissioners.

Block - An area bounded by streets.

Cartway - The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic.

Clear Sight Triangle - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

Comprehensive Plan - The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of Penn Township, as amended from time to time.

Corner Lot - A lot with two (2) adjacent sides abutting on streets which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Crosswalk - A right-of-way, municipally or privately owned, at least twelve feet (12') wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Curb - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

Curb Line - The outside edge of the cartway.

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 Costs Factor - This figure is a percentage of the total average lot price that development actually costs on a per lot basis. The figure would include the costs for streets, sidewalks, curbing, utilities, etc. This value expressed as a percentage in the fee in lieu of land dedication formula would be established by the Township Engineer.

Double Frontage Lot - A lot fronting on two streets other than a corner lot.

Drainage Facility - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any land development or contiguous land areas.

Driveway - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Dwelling Unit - Any structure, or part thereof, designed to be occupied as living quarters for one family.

Easement - A limited right of use granted in private land for public or quasi-public purpose.

Engineer - A Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

Flood Plain or Floodway Area - That area along a natural watercourse which is periodically overflowed by water therefrom and defined by the U.S. Geologic Survey and alluvial soils as established by the Soil Conservation Service, or the 100 year flood plain as defined by engineering data.

Frontage - The horizontal or curvilinear distance along the street line upon which a lot abuts.

Future Right-of-way - (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Grade - The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Gutter - That portion of a right-of-way carrying surface drainage.

Improvements - Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

Land Development - (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- a) a group of two or more residential or nonresidential buildings, whether proposed initially or cummulatively, 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 or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features; or

c) a subdivision of land.

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.

Location Map - A map showing the site with relation to adjoining areas.

Lot - A designated parcel, tract or area of land established by a plot 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 an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement.

Lot Width - The required distance between the side property lines measured along the front setback line.

Minor Subdivision - A subdivision involving five (5) lots or less and involving no new streets or other public improvements.

Mobilehome - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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.

Mobilehome Lot - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

Mobilehome Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Multiple Dwelling Building - A building providing separate living quarters for three or more families.

Owner - The owner of record of a parcel of land.

Performance Bond - An agreement by and between a contractor and a bonding company in favor of the developer and the Township Board of Commissioners guaranteeing the completion of physical improvements.

Plan - The map or plan of a subdivision or land development, whether sketch, preliminary or final.

- a) Plan, Sketch - An informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.
- b) Plan, Preliminary - A tentative land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- c) Plan, Final - A complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

Public Grounds - Includes:

- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) publicly owned or operated scenic and historic sites.

Recreation - Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including, but not limited to =

- 1.) Sports (individual, dual, team, co-recreational, and combative), athletics; both land and water-based.
- 2.) Arts and crafts, spectating, picnicking, nature study, and board games.
- 3.) Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

Recreation, Active - Any activity that requires some physical exertion on the part of the participant. See Recreation, Sections 1 and 3 for general examples.

Recreation Area, Active - Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

Recreation, Passive - Any activity that requires little or no physical exertion on the part of the participant. See recreation, Sections 2 and 3 for general examples.

Recreation, Area, Passive - Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

Recreation Area Accessibility - Any area which can be easily approached, entered and used by the citizens of a particular residential development provided that the area is within six miles of the development.

Recreation Area Required - The amount of land in any given subdivision that would be dedicated for recreation where the fee in lieu of land dedication provision is not being utilized.

Resubdivision - Any land development which has been approved by the Township which changes, or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

Reverse Frontage Lot - A lot extending between and having frontage on an arterial street and a minor street with vehicular access solely from the latter.

Right-of-way - Land opened for use as a street, alley or crosswalk.

Setback - The required horizontal distance between a setback line and a property or street line.

- a) Setback, Front - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."
- b) Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard."

- c) Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."

Setback Line - A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

Sidewalk - A paved walkway, continuous for a reasonable distance and an integral part of the roadway, with or without a grass strip between the curb or cartway edge and sidewalk, constructed solely for use by pedestrians.

Street - 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. Streets are further classified as follows:

- a) Major Arterials - Limited access highways that are important in the inter-regional transportation system, with a major portion of the vehicular movements being through traffic. Major arterials in Penn Township include ~~Baltimore Street~~, Carlisle Street, York Street and Frederick Street.
- b) Minor Arterials - Highways that are important in the regional transportation system, and while carrying mostly regional traffic, serve some local or Township origins and destinations. Minor arterials in Penn Township include Broadway Street, Grandview Road and Blooming Grove Road.
- c) Collectors - Roadways serving primarily local traffic and provide the connection between the residential, commercial and industrial developments and the minor arterial system. Collectors in Penn Township include Moulstown Road, Ridge Avenue, Westminster Avenue, Black Rock Road, Beck Mill Road and Clover Lane.
- d) Local Roads - Roadways serving local traffic and connect to collectors or minor arterials. Local roads in Penn Township include all roads not classified as major arterials, minor arterials, collectors or cul-de-sacs.
- e) Cul-de-sac - A street with an end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Street Grade - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street Line - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose whether immediate or future of lease, 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 or residential dwellings shall be exempted.

Substantially Completed - A subdivision or land development can be considered substantially completed, where, in the judgement of the Township Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) 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.

Undeveloped Land - Land in parcels sufficiently large for future land development which is presently in agriculture, woodland or lying fallow.