

## ARTICLE II – DEFINITIONS

### **Section 200. General.**

For the purpose of this Ordinance, the following words and phrases shall have the meaning as given in this Article.

### **Section 201. Word Usage.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning herein indicated:

- A. The singular shall include the plural and the plural shall include the singular.
- B. Words used in the present or past tense shall include the future tense.
- C. The words “person,” “applicant,” “subdivider” and “Owner” shall include a corporation, unincorporated association, trust, partnership or other legal entity, as well as an individual.
- D. The words “shall” and “will” are always mandatory. The word “may” is optional and at the discretion of the Township.

### **Section 202. Definitions.**

**ACCESS DRIVE** – A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING/STRUCTURE** – A subordinate building or structure, serving a purpose customarily incidental to the use of the principal building or structure and located on the same lot as the principal structure or use.

**ACCESSORY USE** – A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ADT** – Average Daily Trip.

**AGRICULTURAL PURPOSES** – The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding livestock and for housing equipment. The use of land for a dwelling site is not an agricultural purpose.

**ALLEY** – A public thoroughfare primarily for service access to the rear or sides of properties and is not intended for general traffic circulation.

**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 or final, required to be filed and approved prior to start of construction or development including, but not limited to, the approval of a subdivision plat or plan or for the approval of a development plan.

**AUTHORITY** – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164) known as the “municipality Authorities Act of 1945” now found in 53 Pa.C.S. §5601, et seq.

BLOCK – An area bounded by streets.

BOARD OF SUPERVISORS – The Board of Supervisors of Liberty Township.

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

CARTWAY (ROADWAY) – The area of a road or other street, within which vehicles are permitted, including travel lanes but not including shoulders, curbs, gutters, sidewalks, or drainage swales.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision (at height of 36”) at the intersection of all major/minor streets and/or access drives further defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMMON OPEN SPACE – See Open Space.

COUNTY – Adams County, Pennsylvania.

CROSSWALK – A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CUL-DE-SAC – A street with access closed at one end, provided with a vehicular turn-around at the closed end.

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

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN – The provisions for the development, including a plat of 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 the development plan” when used in this act, shall mean the written and graphic materials referred to in this definition.

DRAINAGE – The flow of surface water runoff and the methods of directing such flow which include but are not limited to a) the removal of surface water or groundwater from land by drains, grading, or other means which includes runoff controls to minimize erosion and sedimentation during and after construction and; b) the means for preserving the water supply and; c) the prevention or alleviation of flooding.

DWELLING – A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

1. Single-family detached – A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and one (1) side and rear yards. Mobile homes can be considered single-family detached

dwelling if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

2. Duplex (two-family; single-family semi-detached) – A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on or upon common grounds shall have one front and rear yard and two (2) side yards for those utilizing an over-and-under configuration. Those units constructed on individual lots shall have one front, side and rear yard for those utilizing a side-by-side configuration.
3. Multiple Family – A building containing three (3) or more dwelling units, at least one of which must be located above or below the remaining units.
4. Townhouse – A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

EASEMENT, UTILITY – An easement granted for the limited use of land for public or quasi-public purposes, including the placement or installation of utilities; also the land to which such right(s) pertain.

ENGINEER – A professional engineer as licensed and registered in the Commonwealth of Pennsylvania.

ENGINEERING SPECIFICATIONS – The written specifications of the municipality as prepared by a registered professional engineer, regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION – The removal of surface material by the action of natural elements.

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

FILL – Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FLOOD – A general, but temporary condition or partial or complete inundation of normally dry land area from the overflow of streams, rivers, or other waters of the Commonwealth.

1. FLOODPLAIN (100 –Year) – The 100-year floodway and the maximum area of land that is likely to be flooded by the 100-year flood as shown on the Flood Insurance Study Map.
2. FLOOD PRONE AREA - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, area

subject to the unusual and rapid accumulation or runoff of surface waters from any source.

3. FLOODWAY - The portion of the flood plain, including the watercourse itself and any adjacent land area that must be kept open in order to carry the water of the 100-year flood. At a minimum, any floodway must be large enough to carry the water of the 100-year flood without causing and increase of more than one (1) foot in the elevation of the existing 100-year flood.
4. ONE HUNDRED (100) YEAR FLOOD - The flood magnitude expected to be equaled or exceeded on the average of once in one hundred (100) years. It may also be expressed as the flood having a one (1%) percent chance of being equaled or exceeded in a given year.
5. REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

GOVERNING BODY – The Liberty Township Board of Supervisors.

GREENWAY – An area within the subdivision’s conservation area, which is devoid of building and structures and lies in a natural state.

HYDRIC SOILS – Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

IMPERVIOUS SURFACE(S) – A surface that prevents the infiltration water into the ground. Impervious surfaces (or cover) shall include, but are not limited to, roofs, additional indoor living spaces, decks, patios, garages, storage sheds and similar structures, parking or driveway areas and any new streets or sidewalks. Any area initially designated to be gravel or crushed stone shall be assumed to be impervious surface.

IMPROVEMENTS (PUBLIC OR PRIVATE) – Physical additions and changes to land, such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, streets, earthworks, street lights, street trees, other plantings, and other structures.

IMPROVEMENT SPECIFICATIONS – Minimum standards for the construction of the required improvements, such as streets, curbs, sidewalks, water mains, sewers, drainage, public utilities and other items required to render the land suitable for the use proposed. For purposes of this ordinance the term Improvement Specifications shall refer to any specifications which shall be adopted by Liberty Township or that are referenced from outside agency sources and incorporated herein.

LAND DEVELOPMENT – Any of the following activities: the improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or 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; and a subdivision of land

**LAND USE PERMIT** – A permit issued indicating that a proposed use, building, or structure is in accordance with the provisions of the Liberty Township Zoning Ordinance or with an order of the Zoning Hearing Board and authorizing the applicant to proceed with said use.

**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 authorized under the lease to exercise the rights of the landowner, or other person having propriety interest in land, including and individual, partnership, association, limited partnership association or corporation.

**LANDSCAPED AREA** – That portion of a tract or lot in which plantings are installed including buffers or landscape screen planting, as well as plantings which serve as functional and/or aesthetic purpose when located around and between buildings, streets, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like.

**LEVEL OF SERVICE (LOS)** - Describes the operating conditions of an intersection and is derived by comparing traffic volumes with roadway capacity. LOS “A” represents the best traffic operation, LOS “F” represents the worst.

**LOOP ROAD** - A street with one end open for public vehicular and pedestrian access and the other end looping around to intersect itself.

**LOT** – A designated parcel, tract or area of land established by a plat 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 a street right-of way, but including the area of any easement.

**LOT, REVERSE FRONTAGE** – A lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

**LOT, THROUGH OR DOUBLE FRONTAGE** – An interior lot having frontage on two parallel or approximately parallel streets.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILE HOME** – 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.

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

MOBILE HOME PARK – A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MPC – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as amended from time to time.

MUNICIPAL/TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Liberty Township, Adams County.

MUNICIPALITY – Liberty Township, Adams County.

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 streets, off-street parking areas, and areas set aside for public facilities.

PLAN, CONSTRUCTION – A final plan and/or drawing prepared by a registered engineer or surveyor showing the construction details of streets, sewers, bridges, culverts and other improvements as required by this chapter.

PLAN, SKETCH - An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.

PLAN, PRELIMINARY - A proposed subdivision of land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

PLAN, FINAL - A complete and exact subdivision or land development plan prepared for official recording as required by statute.

PLAN, OFFICIAL – The Comprehensive Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant to ordinance or statute, for the area of the township in which the subdivision is located.

PLAN, OFFICIAL SEWAGE – The Liberty Township comprehensive plan of sewage facilities adopted in compliance with Pennsylvania Act 537.

PLANNING COMMISSION – The Planning Commission of Liberty Township.

PLAT – The map or plan of the subdivision or land development, whether preliminary or final.

PROFESSIONAL CONSULTANT – Person or firm who may provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC GROUND(S) - Parks, playgrounds, trails, paths and other recreational areas and other public areas and sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and publicly 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 Pennsylvania Municipalities Planning Code.

**PUBLIC MEETING** – a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), know as the “Sunshine Act,” 65 Pa.C.S.A. Section 701 *et. seq.*

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

**RIGHT-OF-WAY**– A corridor of owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line.

**RIGHT-OF-WAY, ULTIMATE** – The expected future right-of-way width for a public street, computed from the centerline of an established right-of-way and delineated by a line parallel to the center line.

**RUNOFF** – Any part of precipitation that flows over land.

**SEDIMENTATION** – The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment”.

**SETBACK** – The required horizontal distance between a setback line and a property or street right-of-way line.

1. Setback, Front – The distance between the street line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”
2. Setback, Rear – The distance between the rear lot line and rear setback line projected the full width of the lot. Commonly called “required rear yard.”
3. 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 “required side yard.”

**SIGHT DISTANCE** – The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. The distance necessary at intersections to allow the driver of a vehicle stopped at the intersection to have sufficient view of the intersecting roadway to determine when to safely turn onto the intersecting roadway. Any reference to sight distance in this Ordinance shall be deemed to incorporate the regulations of the Pennsylvania Department of Transportation regarding sight distances.

**SLOPE** – The face of an embankment 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.

**STEEP SLOPE**- An area of land that is characterized by a change in elevation of fifteen (15%) percent or more over a horizontal distance of two (2) feet or greater.

**STOPPING SIGHT DISTANCE** – The distance necessary along each roadway so that the drivers have a view of the roadway (including intersecting roadways) that is sufficient to allow drivers to stop, if necessary, under prescribed conditions.

**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, MAJOR**

1. **Arterial Street:** A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
2. **Collector Street:** A major street or highway which carries traffic from neighborhood collectors and/or minor streets to abutting collectors and/or arterials. For classification purposes, collector streets shall generally have an ADT greater than one thousand (1,000).
3. **Neighborhood Collector -** A major street or highway which carries traffic from minor streets and/or other neighborhood collectors to abutting neighborhood collector and/or collector streets. For classification purposes, collector streets shall generally have an average daily trip (ADT) greater than five hundred (500) but less than one thousand (1,000).

#### **STREETS, MINOR**

1. **Minor Neighborhood Street -** A street or roadway which primarily collects and conveys traffic from abutting properties and/or streets.
2. **Minor Street -** A street or roadway used primarily for access to abutting properties. For classification purposes, minor streets shall generally have an average daily trip (ADT) less than two hundred (200).
3. **Alley -** A minor right-of-way privately or publicly owned, used for service to the rear or sides or abutting properties, not intended for general traffic circulation.

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

1. **Structure, Accessory** – A structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility shed, etc.).
2. **Structure, Principal** – A structure associated with a primary use.



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

**SUBSTANTIALLY COMPLETED** – Where, in the judgment of the municipal 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.

**SURFACE DRAINAGE PLAN** – A plan showing all present and proposed grades and facilities for storm water drainage.

**SURVEYOR** – A licensed surveyor registered by the Commonwealth of Pennsylvania.

**TOP SOIL** – Surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the “A” horizon.

**TOWNSHIP** – Liberty Township.

**TREE MASSES** – Area in excess of one thousand (1,000) square feet of contiguous tree canopy with predominantly (eighty (80%) percent or more) of trees with trunk sizes of six (6) inches or larger.

**UNDEVELOPED LAND** – Any lot, tract, or parcel of land that has not been graded or in any other manner improved.

**WATERCOURSE** – A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

**WETLAND** - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in 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 Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any wetland area designated by a river basin commission.

**YARD** – An area between the permitted structures and the property lines.

1. Yard, Front: The area contained between the street right-of-way line and the principal structure. On corner lots, there shall be two (2) front yards, being the area contained between the street right-of-way lines and the principal structure.

2. Yard, Rear: The area contained between the rear property line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address.
3. Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).