PART 3

DEFINITIONS

Section 301. LANGUAGE INTERPRETATION

Unless otherwise expressly stated, the following words shall for the purposes of this Ordinance have the meaning herein indicated. Words expressed in the plural include their singular meanings; the present tense shall include the future; words used in the masculine gender shall include the feminine and the neuter; the words "shall", "must", and "will" are mandatory; the words "should" and "may" are permissive. For those words utilized in this Ordinance not defined herein the definitions found in the most recent edition of Webster's Unabridged Dictionary apply.

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ABUT OR ABBUTTING: A building(s) which physically touch; Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

ACCESS DRIVE: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

ACCELERATED EROSION: The removal of the surface of the land through the combined action of human activity and the natural processes at a rate greater than would occur because of the natural process alone.

ACRE: A measure of land area containing 43,560 square feet.

ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

AGENT: Any person other than the applicant who, acting on the landowner(s) authorized behalf, submits a subdivision or land development application.

AGRICULTURE: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, vitaculture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. (See Horticulture)

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

ALLEY: A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS, LAND: As applied to land, a change in topography as a result of moving soil and rock from one location or position to another; changing of the surface conditions by causing the surface to be more or less impervious; land disturbance.

ALTERATIONS, STRUCTURAL: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMENDMENT: An official change to this ordinance in accordance with Section 505 of the PA MPC.

APARTMENT: A structure containing three or more dwelling units.

APPLICANT (Also see DEVELOPER and SUBDIVIDER): A landowner or developer, as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, 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, an application for a building permit, for the approval of a subdivision plat, or for approval of a land development plan.

AREA, BUFFER: See BUFFER AREA.

AREA, BUILDING: The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, GROSS: The total lot area, including public right-of-way.

AREA, NET: The total lot area, less public right-of-way.

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

AWNING: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, and can be periodically retracted onto the face of a building.

AZIMUTH: The horizontal angle of an observer's bearing in surveying, measured clockwise from a referenced direction.

BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for (municipality) of the 100-year flood.

BEST MANAGEMENT PRACTICES (BMPs): State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to nonpoint source pollution control.

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOARD OF SUPERVISORS: The Miller Township Board of Supervisors, Perry County, Pennsylvania.

BUFFER AREA: A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING, ACCESSORY: A building incidental and subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

BUILDING, ADDITION: A structure added to the original structure at some time.

BUILDING AREA: See AREA, BUILDING.

BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

BUILDING INSPECTOR: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer.

BUILDING LINE: A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located, and is not an accessory building.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

CALIPER: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CAMP OR CAMPGROUND: A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

CAMPING SITE: A parcel of land in an organized camp or campground for the placement of a single trailer and/or tent and the exclusive use of its occupants.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

CARTWAY OR ROADWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

CENTERLINE: A line located exactly in the center width of a road or street cartway, right-of-way, easement, or access.

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

CLUSTER: A development technique utilized for the purpose of concentrating building construction in specific areas of a site while allowing the remaining land area to remain open space for the preservation of environmentally sensitive features, recreation, or other.

CLUSTER SUBDIVISION (DEVELOPMENT): A form of development that permits a reduction in lot area and bulk requirements, provided that unless otherwise authorized, there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

COMMISSION: The Miller Township Planning Commission.

COMMON AREA: The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

COMMON (JOINT-USE, SHARED) DRIVEWAY: A driveway serving two lots.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the "Pennsylvania Municipalities Planning Code", Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that

constitutes decisions about the physical and social development of the County or municipality, as amended from time to time.

CONDOMINIUM: A building, or group of buildings, in which dwelling units, offices, or floor area owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

CONDOMINIUM ASSOCIATION: The community association that owns, administers, and maintains the common property and common elements of a condominium.

CONSERVATION DISTRICT: The Perry County Conservation District.

CONSISTENCY: An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRUCTION: The erection, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONTRACTOR: The party, person, firm, partnership and/ or corporation who or which performs construction work on a building, structure, driveway or any roadway, including all agents, officers or employees of said party, person, firm, partnership and/ or corporation.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

COOPERATIVE: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

COUNTY: Perry County, Pennsylvania.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE: That portion or percentage of the plot or lot area covered by the building and other impervious areas as appropriate.

CROSS-WALK: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC: See STREET, MINOR / CUL-DE-SAC.

CULTURAL FEATURE: An establishment that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological of a natural, historic, educational, or cultural interest.

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

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

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DECIDUOUS: Plants that drop their leaves before becoming dormant in winter.

DEDICATION: The deliberate appropriation or donation of land or property by its owner for any general or public uses, reserving no other rights. Acceptance of any such dedication is at the discretion of the municipality.

DEED: A legal document conveying ownership of real property.

DEED COVENANT OR RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction(s) usually runs with the title of the land and is binding upon subsequent owners of the property. The municipality is not responsible for enforcing such deed restrictions, unless the restriction(s) resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP: Pennsylvania Department of Environmental Protection. (See also PADEP)

DETENTION BASIN: A structure designed to detain and release runoff in excess of volumes allowed at a controlled rate.

DETERMINATION: Final action by an officer, body, board, or agency charged with the administration of any land use ordinance or applications there under. Determinations shall be appealed only to the boards designated as having jurisdiction for such appeal.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development or submit a development plan under the terms of this Article.

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 placements or removal of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining, dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT PLAN: The provisions for a planned 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.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DRAINAGE: (1) Surface water runoff; (2) The removal of surface water or ground water from lands by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.

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

DRAINAGE FACILITY: Any ditch, gutter, 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, recreation areas, or any part of any subdivision or contiguous land areas.

DRAINAGE PLAN: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours, and topography.

DRAINAGE SYSTEM: Pipes, swales, natural features and other improvements designed to hold or convey drainage.

DRIVEWAY (PRIVATE): A private access for vehicles to park in a parking space, garage, dwelling or other structure.

DUPLEX: See DWELLING, SINGLE FAMILY, SEMI-DETACHED.

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.

DWELLING, EARTHEN SHELTERED: Any completed building or structure that was designed to be built partially or wholly underground. A completed building or structure, which was not intended to serve as a substructure or foundation for a building.

DWELLING, MOBILEHOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

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 ATTACHED (ROW/TOWNHOUSE): A building used by one (1) family and having two (2) party walls in common with other buildings, except that end units have only one party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, TWO FAMILY DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, TWO FAMILY SEMI-DETACHED: A building used by two (2) families with one dwelling unit arranged over the other, having one (1) side yard, and having one (1) party wall in common with another building.

DWELLING UNIT: One (1) or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.

EARTHMOVING ACTIVITY: Activity resulting in movement of earth or stripping of vegetative cover from the earth.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EASEMENT, DRAINAGE: See DRAINAGE EASEMENT.

EASEMENT, UTILITY: A right-of-way granted for the limited use of land for public or quasi-public purposes.

ENGINEER: A registered professional engineer in Pennsylvania to perform the duties of engineer as herein specified.

ENGINEER, MUNICIPAL: A registered professional engineer in Pennsylvania designated by the municipality.

ENGINEER, PROFESSIONAL: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENGINEERING LAND SURVEYS: Surveys for (1) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment: provided, however, that tract perimeter surveys shall be the functions of the Professional Land Surveyor; (2) the determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (3) geodetic or cadastral survey, underground survey and hydrographic survey; (4) sedimentation and erosion control surveys; (5) the determination of the quantities of materials; (6) tests for water percolation in soils; and (7) the preparation of plans and specifications and estimates of proposed work as described in this subsection.

ENGINEERING, PRACTICE OF: (1) Shall mean the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines,

equipment, processes, works or engineering systems, and the consultation, investigation, evaluation, engineering surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under the laws of the Commonwealth as professional engineers unless exempt under other provisions of the laws of the Commonwealth. (2) The term "Practice of Engineering" shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, construction, maintenance and research but licensure under the laws of the Commonwealth to engage in or perform any such related acts and services shall not be required.

ENGINEERING SPECIFICATIONS: The engineering specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

ENVIRONMENTAL CONSTRAINTS: Natural and cultural features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

EROSION: The removal of surface materials 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.

EXISTING GRADE: The vertical location of the ground surface prior to excavation or filling.

FARM: An area of land used for agricultural purposes, as defined in “agricultural operation”.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term “lot line” is used in relation to fences it shall be synonymous with “rear yard lot lines”, “side yard lot lines”, or “front yard lot lines”.

FILL: 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. It shall include the conditions resulting there

from. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.

FINISHED GRADE: The proposed elevation of the land surface of a site after completion of all site preparation work.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD BOUNDARY, FIVE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, and the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this boundary.

FLOOD BOUNDARY, ONE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

FLOOD INSURANCE RATE MAP (FIRM): See FLOOD HAZARD BOUNDARY MAP.

FLOOD, FIVE-HUNDRED-YEAR: A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1% chance of being equaled or exceeded in any given year. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD): A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

FLOOD FRINGE: That portion of the floodplain outside the floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official floodplain map of a community, issued by the Federal Insurance Administration.

FLOOD HAZARD, AREAS OF SPECIAL: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

FLOODPLAIN: Either (1) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one-hundred-year-design-frequency storm; or (2) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to proposed and structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "flood proofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

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

FLOODWAY FRINGE: Those portions of land within the FP-Floodplain District subject to inundations by the one-hundred-year flood, beyond the floodway in areas where detailed study and profiles are available.

FORESTRY (TIMBER HARVESTING): The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FREEBOARD: The vertical difference between the crest of an embankment or drainage structure and the design water surface.

FUTURE RIGHT-OF-WAY: (1) 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.

GOVERNING BODY: The Miller Township Board of Supervisors of Perry County, Pennsylvania.

GREENWAY: A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROSS BUILDING AREA: The total area of a building available for construction or use, as measured from the exterior walls or the building. The gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GUARANTEE, MAINTENANCE: Any financial security that may be required of a developer by a municipality after final acceptance by the municipality of improvements installed by the developer. Such security may include, but not limited to, irrevocable letters of credit, bonds, restrictive accounts, or escrow accounts from approved Federal, State, or Commonwealth lending institutions.

GUARANTEE, PERFORMANCE: Any financial security that may be required of a developer by the municipality in lieu of a requirement that certain improvements be made prior to final approval of the subdivision or land development plan. Such security may include, but is not limited to, those instruments cited above as acceptable as maintenance guarantees.

HALF OR PARTIAL STREET: A street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than required for improvement and used as a street in accordance with the Ordinance.

HISTORIC STRUCTURE: Any structure that has received preliminary determination or received National designation by the Secretary of the Department of the Interior and

1. Meets the requirements for individual listing on the National Register;
2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district;
3. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program or directly by the Department in states without approved programs.

HOMEOWNERS ASSOCIATION: A community association, which is, organized in a development in which individual owners share common interests in open space or facilities.

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

so covered. The following items shall be deemed to consist of impervious material: Buildings, sidewalks, driveways, parking lots, swimming pools.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVED PUBLIC STREET: Any street for which a municipality or the Commonwealth has maintenance responsibility, and which is paved with an approved hardtop surface.

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 other public utilities, and street shade trees, and improvements to existing water courses.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LAND DEVELOPMENT (See SUBDIVISION):

(1) The improvement of one 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 cumulatively, or a single non residential building on a lot or lots regardless of the number of occupants or tenure; or

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features,

(2) A subdivision of land.

(3) The following are exempted from the definition of Land Development:

(a) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

(b) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

(c) The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally

as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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 conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance.

LANDSCAPE PLAN: A component of a development plan, if required, on which is shown proposed landscape species (such as 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 any other information that can reasonably be required in order that an informed decision can be made by the governing body.

LIGHTING, DIFUSED: That form of lighting wherein the light passes from the source through a translucent cover or shade.

LIGHTING, DIRECT OR FLOOD: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

LIGHTING, INDIRECT: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

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 a lot as shown on a subdivision plan excluding space within any public street right-of-way, but including the area of any easement. The calculation of minimum lot area must reflect contiguous acreage and not separated by a street.

LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads.

LOT, IMPERVIOUS COVERAGE: A lot which has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area

includes the building area inclusive of rooftop, parking lot, sidewalks, and access drive, divided by lot total gross area.

LOT, DEPTH: The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT, DOUBLE FRONTAGE: See LOT, REVERSE FRONTAGE.

LOT, FLAG (PAN HANDLE): A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary lines of a lot as defined herein.

(1) FRONT LOT LINE: The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one (1) side, there shall be two front lot lines.

(2) REAR LOT LINE: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two (2) front lines, and two (2) side lot lines.

(3) SIDE LOT LINE: Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lines, and two (2) side lot lines.

LOT, MINIMUM WIDTH: The horizontal distance between the side lines of a lot measured at the front building setback line.

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

LOT, NONCONFORMING: The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH): A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway.

LOT, THROUGH (DOUBLE OR REVERSE FRONTAGE): See LOT, REVERSE FRONTAGE.

MAJOR SUBDIVISION: See SUBDIVISION, MAJOR

MANUFACTURED HOME: Factory-built single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. c. Sec. 5401) commonly known as HUD (U.S. Department of Housing and Urban Development) code. Also see "DWELLING, MANUFACTURED HOUSING".

MANUFACTURED HOME LOT: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also "MOBILE HOME LOT")

MINOR SUBDIVISION: See SUBDIVISION, MINOR.

MOBILEHOME: See DWELLING, MOBILEHOME:

MOBILEHOME LOT: See LOT, MOBILEHOME.

MOBILEHOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION: Relief from this ordinance's provisions granted by the Miller Township Board of Supervisors for relief from the strict application of a specific requirement or provision of this ordinance, which if literally enforced would exact undue hardship on the applicant. Modification/waiver decisions are required to be based on unique or peculiar conditions pertaining to the land. All modification/waiver requests are required to be submitted in writing and constitute the least possible relief necessary. (Additional considerations for modification(s)/waiver(s) are in Article IX.)

MODULAR HOME: A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

MONUMENT: A tapered, permanent survey reference point of stone or cement having a round top four inches (4") on each side with a length of twenty-four (24") inches.

MUNICIPALITY: A borough, township, or county, including Miller Township, Perry County.

NATURAL FEATURE: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those, which, if disturbed, may cause hazards or stress to natural habitats, property or the natural environment.

NONCONFORMING LOT: See LOT, NONCONFORMING.

NONCONFORMING STRUCTURE OR BUILDING: A structure or part of a structure manifestly not designed to comply with building setback provisions in this subdivision and land development ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NPDES: The National Pollutant Discharge Elimination System.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, 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 same down stream to the damage of life and property.

OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

ON-LOT SEPTIC SYSTEM: See SEPTIC SYSTEM.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON: See COMMON OPEN SPACE.

OPEN SPACE, PRIVATE: Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR LIGHTING: An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be "outdoor lighting."

OWNER: See LANDOWNER.

PADEP: The Pennsylvania Department of Environmental Protection.

PARCEL: Any lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING AREA: See PARKING LOT.

PARKING GARAGE: A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

PARKING LOT: Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PENNDOT: The Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (PAMPC): Act 247 of 1968, as reenacted and amended.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater.

PLAN: See PLAT.

PLAN, CONSTRUCTION IMPROVEMENT: A plan prepared by a registered engineer or surveyor showing the construction details of streets drains, sewers, bridges, culverts, and other improvements as required by this Ordinance.

PLAN, COMPREHENSIVE: See COMPREHENSIVE PLAN.

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

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

PLAN OR PLAT, PRE-APPLICATION (SKETCH): An informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development. The pre-application (sketch) plat or plan does not constitute a formal submission of a preliminary or final plat and is voluntarily offered to all applicants for guidance.

PLANNING AGENCY: A planning commission, planning department, planning office, or a planning committee of the governing body.

PLANNING COMMISSION: The Miller Township Planning Commission, Perry County, Pennsylvania.

PLAT: The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.)

PRE-APPLICATION CONFERENCE: An initial meeting between developers and the zoning officer and/or codes enforcement officer and/or municipal Engineer which affords applicants and/or developers the opportunity to present their proposals informally.

PRIME AGRICULTURAL LAND: Land consisting of those soils designated by the USDA Natural Resource Conservation Service as prime soils.

PRINCIPAL BUILDING: See BUILDING, PRINCIPAL.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE RIGHT-OF-WAY: A legally established right-of-way, no less than fifty (50) feet wide, which provides the primary pedestrian and vehicular access to no more then 3 lots and constructed to the minor street design standards except for the top coat of materials.

PRIVATE STREET/ROAD: See STREET, PRIVATE:

PROFILE LINE: Means the profile of the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

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;

(3) Publicly owned or operated scenic and historic sites.

PUBLIC LAND: Owned, operated or controlled by a government agency, whether federal, state, or local, and including any corporation created by law for the performance of certain specialized governmental functions, or any public school district.

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 65 PA. C.S., CH 7 (Relating to open meetings).

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

PUBLIC PARKS AND RECREATION AREAS: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by the municipality, county, state or federal governments and open to public use.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games. It can also mean open space for nature walks and observation.

RECREATIONAL VEHICLE: A vehicular type unit, portable and without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATIONAL VEHICLE PARK OR CAMPGROUND: A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use, thereby constituting a land development.

RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT: A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use on recreational vehicle or campground lots rented for such use, together with such open space as is required under the provisions of this ordinance having not less than the minimum area and width required by this ordinance for a recreational vehicle park or campground lot.

REGULATORY FLOOD ELEVATION: The 100-year flood elevation plus a freeboard safety factor or one and one half (1½) feet.

REPORT: Any letter, review, memorandum, compilation or similar writing made by a 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 there from. 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 narrow parcel of ground separating a street from other adjacent properties.

RETENTION BASIN: A reservoir, formed from soil or other material, which is designed to detain temporarily, a certain amount of storm water from a catchment area and which may also be designed to permanently retain additional storm water runoff from the

catchment area. Retention basins may also receive freshwater from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer and other similar uses.

RIGHT-OF-WAY, STREET: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

RIPARIAN BUFFER AREA: An area of land adjacent to a perennial or intermittent stream, subject to the regulations of the municipal zoning ordinance.

RIPARIAN LAND: Land that is traversed or bounded by natural watercourse or adjoining tidal lands.

RIPARIAN RIGHTS: Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

ROAD: See STREET.

RUN OFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SANITARY SEWER: Pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

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".

SEPTIC SYSTEM: An individual underground system designed for sewage disposal, which includes system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a septic retaining or holding tank. Also, see on-lot sewage disposal system.

SCREENING: The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar-type materials.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties. The structures and uses on the premises on which the screen planting is located.

SETBACK LINE: See BUILDING SETBACK LINE.

SEWAGE DISPOSAL SYSTEM (ON-LOT): Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

SEWAGE DISPOSAL SYSTEM (OFF-LOT): Any system designed to eliminate sanitary sewage outside the boundaries of the lot the system serves.

SEWAGE DISPOSAL AND TREATMENT SYSTEM (PUBLIC OR COMMUNITY): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SHOULDERS: See STREET SHOULDERS.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

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.

SIGHT TRIANGLE: See CLEAR-SIGHT TRIANGLE.

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN: See PLAN OR PLAT, PRE-APPLICATION (SKETCH).

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 100 feet of horizontal distance. For severe slope see: STEEP SLOPE.

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

SQUARE FOOTAGE: The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development; the length of a lot in feet multiplied by the width of the lot in feet.

STAFF: The technical staff of Miller Township as designated by the Miller Township Board of Supervisors.

STEEP SLOPE: Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 \, I \times L}{A}$$

S = Average percent slope of site
I = Contour interval in feet
L = Sum of the length of contours in feet
A = Land area in areas of parcel being considered

STOPPING SIGHT DISTANCE: A line of unobstructed vision from the height of a driver's eye three and one-half (3.5) feet above the surface of a road-way to see an object on the roadway at a height of one-half (0.5) feet high.

STORMWATER: Water that surfaces, flows or collects during and subsequent to rain or snowfall.

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

STORMWATER MANAGEMENT PLAN: A plan for managing the storm water runoff from a proposed subdivision or land development, including data and calculations, prepared by the developer in accordance with the standards of this ordinance, or any applicable municipal or watershed stormwater management ordinance.

STREAM: A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

STREET: A public or private right-of-way which affords primary vehicular or pedestrian access to abutting properties, including street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways however designated.

STREET CENTERLINE: See CENTERLINE, STREET.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint 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: The dividing line between the street or road and the lot, also known as the right-of-way line.

STREET, MAJOR:

1. PRINCIPAL ARTERIAL HIGHWAY: A principal arterial provides land access while retaining a high degree of through traffic mobility and serves major centers of urban activity and traffic generation. These highways provide a high-speed, high-volume network for travel between major destinations in both rural and urban areas.

2. MINOR ARTERIAL HIGHWAY: A minor arterial gives greater emphasis to land access with a lower level of through traffic mobility than a principal arterial and serves larger schools, industries, hospitals and small commercial areas not incidentally served by principal arterials.

3. COLLECTOR HIGHWAY: A collector road serves dual functions, collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal and minor arterials.

4. STREET, ARTERIAL: 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.

5. STREET, COLLECTOR: A major street or highway which carries traffic from minor streets to arterial streets including the principle entrance streets of a residential development and streets for circulation within such a development.

6. LIMITED ACCESS HIGHWAY: A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

STREET, MARGINAL ACCESS: A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street used primarily for access to abutting properties. Minor streets include the following:

1. STREET, CUL-DE-SAC: A street intersecting another street at one end terminating at the other in a vehicular turn-around.

2. STREET, DEAD END: A street or portion of a street with only one vehicular outlet, but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

3. STREET, LOCAL: Streets which are used primarily for access to abutting properties, including streets with subdivisions or development s, usually characterized by low operating speeds and dedicated or accepted for municipal ownership and maintenance.

4. STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

5. STREET, PUBLIC: All streets open to the public and maintained by, or dedicated to and accepted by the municipality, the County, the State or the Federal Government.

STREET, PAPER: A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, SHOULDERS: The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

STREET, WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principle building, structure or use.

STRUCTURE, PRINCIPAL: The main or primary structure on a given lot, tract or parcel.

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

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

SUBDIVISION (See LAND DEVELOPMENT): 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 residential dwellings, shall be exempted.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to PAMPC, Section 509) of those improvements required as a condition for the final approval have been completed in accordance with the approved plan, so that the project will be able to be used and operated for its intended use.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for stormwater drainage.

SURVEYING, PRACTICE OF LAND: Shall mean the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors or agents any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the Commonwealth as a professional land surveyor unless exempt under other provisions of the laws of the Commonwealth.

SURVEYOR, PROFESSIONAL LAND: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

SWALE: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TENT: a portable lodging unit usually made synesthetic, plastic, canvas, or cloth stretched and usually sustained by poles, and is dependent upon separate toilet and lavatory facilities.

TOPOGRAPHIC MAP: A map showing the elevations of the ground by contours or elevations.

TOPOGRAPHY: The configuration of a surface area showing relative elevations.

TOPSOIL: Surface soils and subsurface soils, which presumably are fertile, soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

TOWNSHIP: Miller Township, Perry County, Pennsylvania.

TRAILER: A vehicular portable structure to be mounted on a chassis or wheels and towed or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and vacation commonly known as travel trailers, pick-up coaches, motor homes, camping trailers or recreational vehicles.

UNDEVELOPED LAND: Any lot, tract or parcel of land, which has not been graded or in any other manner prepared for the construction of a building.

UNIT: See DWELLING UNIT.

USCOE: United States Army Corps of Engineers

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

1. USE, ACCESSARY: A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with this principal building or structure.

2. USE, PRINCIPAL: The main or primary use of property, buildings or structures.

UTILITY, PUBLIC OR PRIVATE: (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 an exclusive franchise for providing a public service.

VIEWSHED: That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

VILLAGE: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

WAIVER: See MODIFICATION.

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

WATERCOURSE: A stream of water, river, brook, creek, or a channel or ditch for water whether natural or man-made. Such features may also provide intermittent flows.

WATERSHED, STORM WATER MANAGEMENT PLAN: A plan for managing storm water runoff from and from within a particular watershed area.

WATER SYSTEM: A water facility providing potable water to individual lots or to the public for human consumption.

WATER SYSTEM, NONPUBLIC: All water systems which are not public water systems.

WATER SYSTEM, OFF-LOT: An approved water system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the same lot as the dwelling or building.

WATER SYSTEM, ON-LOT: A well or other approved system designed to provide potable water to a dwelling or building located on the same lot as the source.

WATER SYSTEM, PUBLIC: A water system, as defined by the Pennsylvania Department of Environmental Protection, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least 60-days out of the year.

WATER SURVEY: An inventory of the source, quantity, yield, and use of groundwater, creek, channel, ditch, whether natural or man-made.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that are under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

For the purposes of this ordinance, the term includes but is not limited to, wetland areas listed in the State Water Plan, the US Forest Service Wetland Inventory of Pennsylvania, the US Fish and Wildlife National Wetlands Inventory, and wetlands designated by the Susquehanna River Basin Commission.

YARD, BUFFER: See BUFFER YARD.

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such

projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.