

ARTICLE II

DEFINITIONS

SECTION 201

General

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below.

SECTION 202

General Terms.

In this Ordinance the following rules of interpretation shall be used:

Words used in the singular imply the plural, and words used in the plural imply the singular.

The male includes the female and neuter genders.

The word "person" indicates a corporation, an unincorporated association, a partnership, estate or any other legally recognized entity, as well as an individual.

The word "may" is directory; the words "shall" and "will" are mandatory.

Words in the present tense may imply the future tense.

SECTION 203

Specific Terms.

Other terms or words used herein shall be interpreted or defined as follows:

Access Drive. An improved cartway designed and constructed to provide for vehicular movement between a public street and a development containing any use other than one (1) single family dwelling unit or farm, or more than two (2) single family detached units utilizing a shared driveway.

AADT. Annual average daily traffic count. Computed by application of a day of the week by month factor to an average 24 hour traffic count. Such information is available in the latest volume of the Pennsylvania Department of Transportation Traffic Data Collection and Factor Development Report.

Agricultural Land. Land used exclusively for the tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats,

poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes lands used exclusively for noncommercial greenhouses and mushroom houses.

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

Applicant. A landowner or developer, including heirs, successors, and assigns, who has filed an application for development.

Architect. An individual licensed within the Commonwealth of Pennsylvania as an architect under the Architects Licensure Law, Act 281 of 1982, as amended.

Block. A tract of land which is entirely bounded by a combination of streets, public parks, cemeteries, railroads, and watercourses.

Board of Supervisors. The Board of Supervisors of Fulton Township, Lancaster County, Pennsylvania.

Building. Any structure with a roof intended for shelter or enclosure of persons, animals or property.

Capacity. The maximum number of vehicles that can be expected to pass over a given section of street or on a specific lane.

Cartway. The surface of a street, access drive or driveway available for vehicular traffic.

Clear Sight Triangle. An area of unobstructed vision at a street intersection defined by a line of sight between points at centerlines.

Community Water Supply. A utility operated by a municipality or a company regulated by the Public Utility Commission which supplies potable domestic water for use by more than one household, business or institution.

Comprehensive Plan. The Solanco Regional Comprehensive Plan, Lancaster County, PA, adopted June 1994, and as subsequently amended.

Condominium. A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on

ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

County Planning Commission. The Lancaster County Planning Commission.

Dedication. The deliberate appropriation of land by a landowner for general public use.

Deed. A written instrument whereby an estate in real property is conveyed.

Deed Restriction. A restriction upon the use of a property placed in a deed.

Density. The number of dwelling units or units of occupancy per acre, exclusive of street rights-of-way.

Design Professional. An architect, engineer, landscape architect or land surveyor.

Detention Basin. A reservoir which temporarily contains storm water runoff and releases it gradually into a watercourse or storm water facility.

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 development, including a planned residential development, 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 Ordinance shall mean the written and graphic materials referred to in this definition.

Double Frontage Lot. A lot with front and rear street frontage.

Drainage Easement. The land required for the installation of storm water management facilities, or required along a natural stream or watercourse

for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

Driveway. An improved cartway designed and constructed to provide vehicular movement between a public street and a lot serving one (1) single family dwelling unit or a farm. Driveway is also defined to include a shared driveway utilized by two (2) single family dwelling units.

Easement. A right-of-way granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the landowner shall not have the right to make use of the land in a manner that violates the right of the grantee.

Elevation. The vertical alignment of a surface as it exists or as it is made by cutting and filling.

- A. **Floor Elevation.** The elevation of the lowest level of a particular building, including the basement.
- B. **Street Grade.** The rate of rise and fall of the surface of a street, measured along the profile of the centerline of the cartway.

Engineer. An individual licensed and registered within the Commonwealth of Pennsylvania as a professional engineer under the Engineer, Land Surveyor and Geologist Registration Law, Act 367 of 1945, as amended.

Fire Lane. A way cleared of obstacles and vegetation at all times so as to allow ingress and egress for vehicles during a fire emergency.

Flaglot. A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the frontage of the lot.

Flagpole. A narrow strip of land on a lot that extends from the buildable area of the lot to the public street right-of-way, and which is not part of the lot area but serves as access to the lot.

Floodplain. An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Flood-proofing. Any combination of structural and nonstructural additions, changes or adjustments to structures or contents which reduce or eliminate flood damage to those structures or contents.

Future Access Strip. A right-of-way reserved for the future improvement of a street.

Half Street. A street of less than the required right-of-way and cartway width, such as a street built from the shoulder edge to the eventual centerline. (See also Street.)

Historic Feature. Any building, site, structure, district or area that:

- A. Is listed on the National Register of Historic Places; or
- B. Has received a Determination of Eligibility for the National Register from the National Park Service; or
- C. Which is listed on the Lancaster County Historic Sites Register or the Comprehensive Site Survey of Lancaster County, both of which are maintained by the Historic Preservation Trust of Lancaster County; or
- D. Which is listed on any officially adopted municipal register or inventory of historic features.

This term shall include the site, principal structures, accessory structures, yards, vegetation, fences, street alignments and signage associated with such features.

Horizon Year. The anticipated opening year of a development, assuming full buildout and occupancy.

Improvement Construction Assurance. The procedures by which a developer assures the construction of improvements required by this Ordinance.

Improvements. Physical changes to the land, including but not limited to, grading, paving, curbs, gutters, storm water management facilities, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

Infill. The development of remnants of land created by the previous development of a site.

Influence Area. An area which contains eighty percent (80%) or more of the trips that will be attracted to a development.

Land Development. The development of land as specified below:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) 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
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land Development" shall not include:
 - (1) the conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, 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 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 condition), a lessee if he is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

Landscape Architect. An individual licensed and registered within the Commonwealth of Pennsylvania as a landscape architect under the Landscape Architects' Registration Law, as amended.

Land Surveyor. An individual licensed and registered within the Commonwealth of Pennsylvania as a professional land surveyor under the Engineer, Land Surveyor and Geologist Registration Law, Act 367 of 1945, as amended.

Level of Service. A measure of the effect of traffic on the capacity of 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 Add-On Plan. See Plan, Lot Add-On Plan.

Lot Area. The area contained within the lot lines of individual lots, excluding any area within a street right-of-way, but including the area of any easement.

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

Lot Frontage. That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

Lot Line Marker. A metal plate or pin used to identify lot line intersections.

Lot Width. The horizontal distance measured between side lot lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite lot line.

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 has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monument. A concrete or stone monument used to identify street line intersections.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted by Act 170 of 1988, and as subsequently amended.

Non-Site Traffic. Vehicle trips passing within the study area as defined in the traffic impact study that do not enter or exit the development and are generally the result of through traffic and traffic generated by other developments.

Official Map. An ordinance adopted and amended from time-to-time pursuant to Article IV of the Municipalities Planning Code.

Ordinance. The Fulton Township Subdivision and Land Development Ordinance of 1997 and as subsequently amended.

Pass-by-Trips. (See Shared Trips)

Peak Hour. The hour during which the heaviest volume of traffic occurs on a street.

Pedestrian Way. A right-of-way, publicly or privately owned, intended for human movement by walking.

Performance Guarantee. Any financial security which may be accepted in lieu of certain improvements being made prior to Final Plan approval.

Plan. A drawing, together with supplementary data, that describes property.

- A. **Final Plan.** A complete and exact subdivision or land development plan, including all supplementary data.
- B. **Lot Add-On Plan.** A complete and. exact subdivision plan, including all supplementary data, the sole purpose of which is to increase the lot area of an existing lot.
- C. **Preliminary Plan.** A subdivision or land development plan, including all supplementary data, intended to show the configuration of all proposed lots, streets, building locations and all other improvements, as they relate to the subject tract.
- D. **Record Plan.** A final plan which contains the original endorsement of the Planning Commission, the Board of Supervisors and the County Planning Commission, which is intended to be recorded with the Lancaster County Recorder of Deeds.
- E. **Sketch Plan.** An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings.

Planning Commission. The planning agency appointed by the Board of Supervisors.

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Public Grounds. Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

Renewable Energy Source. Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Retention Basin. A reservoir designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

Reverse Frontage Lot. A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

Right-of-Way. A corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting lots, including but not limited to streets and sidewalks.

Runoff. The surface water discharge and rate of discharge of a given watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

Sedimentation. The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

Service Street. See Street, Alley (Service Street).

Setback Line. A line within a lot and parallel to a lot or street line which delineates the required minimum distance between some particular use and that lot or street line.

Shared Trips. Vehicle trips entering and exiting a development which were using the facility on the adjacent streets and therefore did not generate new trips on the street.

Sight Distance. The length of street visible to the driver of a vehicle at any given point in the street when viewing is unobstructed by traffic.

Soil Survey Report. The most recent edition of the Soil Survey of Lancaster County, Pennsylvania, published by the U.S. Department of Agriculture, Soil Conservation Service.

Storm Water Management Data. The plan information, including narrative, calculations, charts and maps, which identifies design and

construction details for managing the quantity and quality of storm water runoff.

Storm Water Management Facilities. Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) used to implement a storm water management program.

Street. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic or pedestrians. Streets shall conform to one of the following categories:

- A. **Principal Arterial.** An interregional street in the street hierarchy system which carries vehicle traffic to and from the region as well as any through traffic. This street may be a controlled access street.
- B. **Minor Arterial.** A street that interconnects with the principal arterial system, and it provides connections between boroughs, larger villages, major resort areas and other traffic generators which develop substantial volumes of traffic.
- C. **Collector.** A street that provides connections with local access and arterial streets. They may serve a traffic corridor connecting villages, small boroughs, shopping points, mining and agricultural areas on an intra-county or municipal basis.
- D. **Local Access.** A street that provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems.
- E. **Alley (Service Street).** A service street that provides secondary means of access to lots. Alleys are on the same level as a local access street and are used in cases of narrow lot frontages.
- F. **Cul-de-sac.** A local access street with a single means of ingress and egress and having a turnaround.
- G. **Marginal Access Street.** A service street that runs parallel to a higher order street and provides access to abutting lots and separation from through traffic. A marginal access street may be designed as a local access street or collector according to anticipated daily traffic:

- H. **Divided Street.** A street in which the traffic directions are physically separated.
- I. **Stub Street.** A short dead-end street which is a portion of a street which has been approved in its entirety. Stub streets may extend to the boundary line of the subject tract to permit connection of streets in adjoining subdivisions.

Street Line (Right-of-Way Line). A line defining the edge of a street right-of-way and separating the street from abutting lots. The street line shall be the same as the legal right-of-way line currently in existence.

Street, Private. A street not accepted for dedication by the Board of Supervisors.

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

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

Subject Tract. An existing lot of record which is proposed for development.

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

Surface Drainage Plan. A plan showing all present and proposed grades and facilities for storm water drains.

Swale. A wide shallow ditch which gathers or carries surface water.

Township. Fulton Township.

Township Staff. Employees of Fulton Township, including but not limited to the Zoning Officer, the Township Engineer and the Township Secretary, designated by the Board of Supervisors to process or review the contents of an application for development.

Township Zoning Ordinance. The Fulton Township Zoning Ordinance of 1994, and as subsequently amended.

Trip. A single or one-directional vehicle movement.

Unit of Occupancy. An allocation of space within a building that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

Unbuildable Site. A portion of a lot which due to physical or environmental conditions cannot support or is inappropriate for construction of a street, structure, or any other man-made improvement. Examples include wetlands, sinkholes, landslides, endangered species habitats, and hazardous waste dumps.

Waiver. A process for alleviating specific requirements imposed by this Ordinance.

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.

Watershed. All the land from which water drains to a particular watercourse.

Wetlands. 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 saturate soil conditions, including swamps, marshes, bogs and similar areas.

Zoning Officer. The Fulton Township Zoning Officer.