

ARTICLE

II

ARTICLE II
DEFINITIONS

201. Tense, Gender and Number

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter.

202. General Terms

The words "applicant," "person," "subdivider," "developer" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

203. Terms or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204. Specific Terms

A. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

1. Agricultural Purposes. Land used, or available for use without substantial change, for farming activities such as raising of crops or livestock. Agricultural Purposes do not include extracting of any rock or mineral; or timbering or raising of forestry products; or processing, sorting or grading agricultural products not raised on the property in question.

2. Applicant. A Landowner or Developer who has filed an application for a Subdivision or Land Development, including his agents, heirs, successors and assigns. The term Applicant includes Landowner, Developer, Subdivider and their agents or assigns.

3. Application. The Application Form, Plans and any other data or documentation submitted on behalf of a Subdivision or Land Development (See Appendix No. 1 - Application Forms).

4. Architect. A licensed architect in the Commonwealth of Pennsylvania.

5. Area of Concern. An official recognition by the Commission of certain Development Limitations and certain Sensitive Areas which because of their unique environmental characteristics may influence, alter or preclude the Subdivision or Development of land within particular areas of Centre County as more fully defined and described in the Preamble Statement of this Ordinance.

6. Block. A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, undivided land or by any combination of the above.

7. Board of County Commissioners. The elected Commissioners of the County of Centre, Commonwealth of Pennsylvania.

8. Boundary Line. The line which encloses that tract or portion of a tract which delineates the lots intended to be subdivided or developed, and specifically does not include those portions of the original tract which are not intended to be a part of the land being subdivided or developed.

9. Bridge. A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a tract or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than twenty (20) feet between undercroppings of abutments or extreme ends of openings for multiple boxes.

10. Building. Any combination of materials forming any structure which is designed, intended or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

11. Building Setback Line. The line within a property defining the minimum required distance between any building to be erected and on adjacent right-of-way, a property line, an easement, or other feature which requires that buildings be

located at a certain distance from said feature. Such line shall be measured at right angles from the street right-of-way, the property line, the easement or other feature which abuts or crosses the property upon which said building is located and shall be parallel to said right-of-way, property line, easement or feature.

12. Cartway. The improved surface of a street right-of-way which is available for vehicular traffic, including parking lanes but excluding shoulders and drainage swales.

13. Chairman. The Chairman of the Centre County Planning Commission.

14. Clear Sight Triangle. An area of unobstructed vision at a street intersection. It is defined by lines of sight between points at a given distance from the intersection of the street centerlines.

15. Commission or County Planning Commission. The Centre County Planning Commission and, where appropriate, its Staff.

16. Comprehensive Plan. Any development plan, or parts thereof, also called a Master Plan, which have been adopted by the County, a Municipality, or a planning commission, including plans for future land use, parks, transportation, urban development and public facilities and services. Official maps, applicable ordinances and capital improvement programs shall also be considered a part of the Comprehensive Plan.

17. County. The County of Centre, Commonwealth of Pennsylvania.

18. Cul-de-sac. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

19. Culvert. Any structure not classified as a bridge which provides an opening under the roadway.

20. 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. The term "Developer" includes a Subdivider.

21. Development Limitations. Those land characteristics including flood-plains, mine subsidence, soil resources, carbonate geology and sloping land as more fully defined and described in the Preamble Statement and Article XI of this Ordinance or of its subsequent Amendments.

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

23. Dwelling. A building designed for human living quarters.

24. Dwelling Unit. A dwelling used by one family.

25. Dwelling Types. (See below)

A. Single Family - A single dwelling unit occupying the building ground to roof.

B. Two Family - Two dwelling units, one above the other.

C. Multi-Family - Three or more dwelling units, with the units stacked one above the other.

D. Detached - Each dwelling unit has open space on all sides.

E. Semi-detached - One side of each dwelling unit is a party wall in common with an adjoining dwelling unit.

F. Attached - Both side walls of all except the dwelling units at the end of the building are party walls.

26. Easements. Any and all existing, recorded or proposed easements for utilities, drainage, access or other purposes; including existing easements of access by prescription.

27. Engineer. A licensed professional engineer registered by the Commonwealth of Pennsylvania.

28. Floodplain. Areas subject to inundation, at frequent or occasional intervals, as a result of storm water runoff or overflowing streams.

29. Governing Body. The council in boroughs; the board of supervisors in townships of the second class; the board of commissioners in counties, or as designated in the law providing for the form of government.

30. Improvements. Those physical additions and changes to the land and any structures that may be necessary to produce usable and desirable lots.

31. Land Development. (i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings; 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; (ii) a Subdivision of land.

A. Residential Land Development. A Land Development as defined above, the principal use of which is for residential purposes.

B. Non-Residential Land Development. A Land Development as defined above, the principal use of which is for any use or combination of uses which are not residential; including but not limited to, commercial and industrial uses.

C. Mobile Home Land Development. A Mobile Home Land Development includes the improvement and development of land, normally under single ownership, for the placement of mobile homes for non-transient use, consisting of two or more mobile home spaces.

D. Major Recreation Land Development. A Major Recreation Land Development includes the improvement and development of land for seasonal or leisure time activities (not intended now or in the future for year-round dwelling purposes) including cottages, cabins, second homes, travel trailers and other forms of camping accommodations, and land intended for various outdoor recreation activities such as hunting and fishing.

Campground. Any portion of land, used for the purpose of providing a space or spaces for travel trailers, tents or other forms of living accommodations, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of such space.

Organized Camp. Any combination of program 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.

E. Open Space Land Development. An Open Space Land Development is defined as the lease or transfer of land use rights, not including any proposed public streets, for the purpose of (1) Agricultural Resource Uses which are not exempt from other provisions of this Ordinance (as more fully defined under Section 302 "Agricultural Exemption"), (2) Forest Resource Uses, and (3) Mineral Resource Uses (See Article X for definition of Agricultural Resource Use, Forest Resource Use, and Mineral Resource Use).

32. Land Disposition Map. A Subdivision or Land Development Plan which delineates, in part, lots and/or land development which have been sold, transferred or otherwise improved without the prior approval of the Centre County Planning Commission.

33. Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

34. Lot. A plot, parcel, tract or other area of land which is, or in the future may be offered for sale, conveyance, transfer, use or improvement, regardless of the method or methods in which title or other right to use is conveyed.

35. Lot Area. The area contained within the property lines of the individual parcels of land as shown on a Subdivision Plan, excluding space within any street right-of-way, but including the area of any easement.

36. Mobile Home. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into an 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.

37. Mobile Home Park. A parcel of land usually under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

38. Municipality. The officially elected body of a municipality, a borough or a township which is located within Centre County (State College is recognized as a municipality). For the purpose of this Ordinance the term Municipality is synonymous with municipal and local municipality.

39. Plan, Sketch. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision prepared by the Subdivider, an Engineer or a Surveyor, or other qualified professional such as a landscape architect.

40. Plan, Preliminary. A tentative Plan (including all required supplementary data), in a 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, prepared by a Surveyor or Engineer, or other qualified professional such as a landscape architect.

41. Plan, Final. A complete and exact Plan (including all required supplemental data) prepared for official recording as required by statute, to define property rights and proposed streets and other improvements, prepared by a Surveyor and Engineer, where applicable.

42. Plat. The map or plan of a Subdivision or Land Development, whether Preliminary or Final.

43. Public Street. See Streets, Public.

44. Record Plan. The Final Plan recorded in the office of the Recorder of Deeds.

45. Recreation Subdivision. See Subdivision, Recreation.

46. Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

47. Resubdivision. The change of lot lines between existing lots of separate ownership or between subdivided lots of common ownership.

48. Reverse Frontage Lot. A lot which abuts a Collector or Arterial street on one side and a Local Street on another side, and which has access only to the Local Street.

49. Right-of-Way. The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semipublic purposes, including, but not limited to, the area reserved for cartway, shoulders, drainage and easements.

50. Sensitive Areas. Those land areas and other natural or man-made conditions including Agricultural Land, Mineral Resources, Forests, Water Resources, Climate and Air Resources, and Unique Cultural and Natural Resources as more fully defined and described in the Preamble Statement and Article XI of this Ordinance or of its subsequent Amendments.

51. Sewage Disposal Report. A report on the feasibility of providing sewage disposal, which report shall be prepared pursuant to applicable municipal, county or state regulations in effect at the time of application, including the provisions and regulations adopted pursuant to the Pennsylvania Sewage Facilities Act, Act No. 537, adopted January 24, 1966, P.L. 1535 (35 P.S. 750 et seq.), as amended (See Appendix No. 4 - Sewage Disposal Report).

52. Soil Erosion and Sedimentation Control Plan. The Plan required to be provided in all instances where earth moving activities are proposed, pursuant to the provisions of the regulations of the Department of Environmental Resources (25 Pennsylvania Code 102, et seq, as amended).

53. Soil Percolation Test. A field test conducted to determine the suitability of the soil for individual sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

54. Soil Test Pit. A field test conducted to determine the suitability of soil for individual sewage disposal facilities by the excavation of a pit approximately eight (8) feet deep or to the top of a limiting zone and the subsequent describing of the various horizons of the soil profile characteristics.

55. Staff. The executive director of the Planning Commission or his designee(s).

56. Street. A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation (For additional definitions see below).

A. Alley. A public or private Street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

B. Arterial Street. Streets which carry or are designed and intended to carry large volumes of high speed traffic, and which are used primarily to connect communities.

C. Collector Street. Streets which carry traffic from Local Streets to Arterial Streets or to major facilities or developments.

D. Local Street. Streets designed and intended to provide access to abutting properties.

E. Marginal Access Street. Streets which are parallel and adjacent to Arterial or limited access streets and which are intended to provide access to abutting properties.

F. Partial or Half Streets. Streets, generally parallel and adjacent to a property line, having a lesser total right-of-way width.

G. Private or Non-Public Street. All Streets which are not Public, including but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established; and including all private driveway access easements or right-of-way for access.

H. Public Street. Streets ordained or maintained or dedicated and accepted by a Municipality, the County, the State or the Federal Governments, and open to public use.

57. Subdivider. The person, corporation, partnership, joint venturers, association or other group which subdivides or causes a Subdivision or Land Development. The term "Subdivider" includes a Developer.

58. Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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.

A. Major Residential Subdivision. A Subdivision for residential purposes of six (6) lots or more, or a subdivision for residential purposes of five (5) lots or less which does not qualify for the Single Plan Procedure under the Minor Residential Subdivision Article.

B. Minor Residential Subdivision. A Subdivision of five (5) lots or less for residential purposes not involving any new streets or easements of access.

C. Non-Residential Subdivision. A Non-Residential Subdivision includes the subdivision of land which is intended now or in the future for any use or combination of uses which are not residential. A Non-Residential Subdivision is further defined as a Major or Minor Land Development.

D. Mobile Home Subdivision. A Mobile Home Subdivision includes the improvement and development of land for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

E. Recreation Subdivision. A Recreation Subdivision includes the transfer or sale of land for seasonal or leisure time activities (not intended now or in the future for year-round dwelling purposes) including cottages, cabins, second homes, travel trailers and other forms of camping accommodations, and land intended for various outdoor recreation activities such as hunting and fishing.

i. Major Recreation Subdivision. The division of a tract of land into six (6) or more lots or the division of a tract of land into five (5) lots or less which does not otherwise meet the definition of a Minor Recreation Subdivision.

ii. Minor Recreation Subdivision. The division of a tract of land into five (5) lots or less where the average lot size is greater than ten (10) acres, where each lot, where appropriate, will be served with on-lot sewer and water improvements, and where access is to be provided by existing public Streets and/or an existing or proposed private access road.

F. Open Space Subdivision. An Open Space Subdivision is defined as the transfer or sale of land, not involving any proposed public streets, for the purpose of (1) Agricultural Resource Uses which are not exempt from other provisions of this Ordinance (as more fully defined under Section 302 "Agricultural Exemption"), (2) Forest Resource Uses, and (3) Mineral Resource Uses (See Article X for definition of Agricultural Resource Use, Forest Resource Use, and Mineral Resource Use).

59. Surveyor. A licensed professional land surveyor, registered by the Commonwealth of Pennsylvania.

60. Tract. A parcel of land or a lot.

61. Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. The term "travel trailer" also includes collapsible trailer, pickup camper, chassis-mount camper, tent trailer, motor home, and conversion unit.

62. Travel Trailer Park. A Land Development designed and intended for use for travel trailers.