

## **ARTICLE III.        TERMINOLOGY (Amended by Ordinance 2012-17, dated 11/26/12)**

### **SECTION 301.        WORD USAGE**

Unless otherwise stated, the following words and phrases shall be interpreted and construed throughout this ORDINANCE to have the meaning herein indicated. Terms not herein defined which are defined in the STORMWATER MANAGEMENT ORDINANCE or Zoning ORDINANCE shall have the meanings assigned in such ORDINANCE. Terms not defined in this ORDINANCE or in such other ORDINANCES shall have the meaning customarily assigned to them as found in the most recent edition of Webster's New Collegiate Dictionary.

The following rules of CONSTRUCTION and interpretation shall be used in this ORDINANCE.

1.        Words in the present tense may imply the future tense.
2.        Words used in singular imply the plural, and the plural shall include the singular.
3.        The masculine gender includes the feminine and the neuter genders.
4.        The word "person" includes a partnership, firm, association, corporation, organization, trust, estate, company or any other legally recognized entity as well as an individual and the officers of any corporation and the members of any partnership and shall include both singular and plural.
5.        The word "shall" or "must" is to be interpreted as mandatory; the work "may" is discretionary.
6.        References to codes, ORDINANCES, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ORDINANCES, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the TOWNSHIP or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

### **SECTION 302.        DEFINITIONS**

As used in this ORDINANCE, the following terms shall have the meanings indicated:

**ACCELERATED EROSION.** The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

**ACCESS.** A way or means of approach for vehicle and/or pedestrian traffic from a STREET, RIGHT-OF-WAY, public AREA or community facility, to a LOT.

**ACCESS DRIVE.** A private drive providing pedestrian and vehicular ACCESS between a public or PRIVATE STREET and a parking AREA(s) within a LAND DEVELOPMENT and any

**DRIVEWAY** servicing two or more units of occupancy on a single LOT or contiguous LOTS. The ACCESS DRIVE is not intended to include any portion of the travel lane abutting parking AREAS (See also STREET).

**ACCESSORY BUILDING.** A detached subordinate BUILDING, the use of which is customarily incidental and subordinate to that of the PRINCIPAL BUILDING, and which is located on the same LOT as that occupied by the PRINCIPAL BUILDING.

**ACT.** The FLOODPLAIN Management ACT, ACT No. 166, October 4, 1978, P.L. 851, as amended and supplemented, and all regulations promulgated thereunder.

**ADT.** Average Daily Trip.

**AGRICULTURE.** The tilling of the soil, the raising of crops, forestry, horticulture, and gardening, including the keeping or raising of livestock and poultry, and including sale of crops and agricultural, dairy and horticultural farm products incidental to the operation of a farm.

**ALLEY.** A minor RIGHT-OF-WAY, privately owned, primarily for secondary means of ACCESS to the rear or sides of properties.

**APPLICANT.** A LANDOWNER or DEVELOPER, as hereinafter defined, who has filed an APPLICATION FOR DEVELOPMENT, including his heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT.** Every application, whether preliminary or final, required to be filed and APPROVED prior to start of CONSTRUCTION or DEVELOPMENT including but not limited to, an application for a BUILDING PERMIT, for the approval of a SUBDIVISION PLAT or plan or for the approval of a DEVELOPMENT PLAN. Every APPLICATION FOR DEVELOPMENT must include the form designated by the TOWNSHIP and all other plans and information required by this ORDINANCE.

**APPROVED.** APPROVED by the recognized authoritative agency or official as specified in the respective regulations.

**AREA.** The extent of surface contained within the boundaries or extremities of land or BUILDING.

**AUTHORITY.** The General Municipal AUTHORITY of the TOWNSHIP of Manheim and any successor thereto.

**BASEMENT.** Any AREA of the BUILDING having its floor subgrade (below ground level) on all sides.

**BICYCLE LANE.** A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

**BIKE PATH.** A pathway that is exclusively used by bicyclists, where a separate, parallel path is

provided for pedestrians and other wheeled users. Most pathways are shared between bicyclists and other users. See non-motorized paths. (Added by Ordinance 2012-17, dated 11/26/12)

**BIKEWAY**. A pathway or lane designed to be used by bicyclists.

**BLOCK**. A tract of land bounded by three (3) or more **STREETS**.

**BUILDING**. Any **STRUCTURE** used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, **MOBILEHOMES** and similar **STRUCTURES**, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

**BUILDING PERMIT**.

A. The permit required for:

- (1) The erection, **CONSTRUCTION**, placement, reconstruction, alteration, replacement, restoration, or conversion of any **STRUCTURE** or **BUILDING** or;
- (2) A change of use;
- (3) Percentage of use or extension or displacement of the use of any **STRUCTURE** or **BUILDING**.

B. The term **BUILDING PERMIT**, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation or other **IMPROVEMENTS** to an existing **STRUCTURE**, rebuilding a damaged or destroyed **STRUCTURE**, or a change in use provided there is no increase in gross **FLOOR AREA** or number of **DWELLING** units resulting therefrom.

**BUILDING SETBACK LINE**. A line defining the minimum required distance within a **LOT** from, and parallel to a **STREET RIGHT-OF-WAY** line and side rear **LOT** lines which designates the minimum location of future **BUILDINGS** and **STRUCTURES**.

**CARTWAY**. The surface of a **STREET**, **ACCESS DRIVE** or **ALLEY** available for vehicular traffic.

**CERTIFICATE OF USE AND OCCUPANCY**. A certificate issued by the **TOWNSHIP** upon completion of the **CONSTRUCTION** of a new **BUILDING** or upon a change or conversion of the **STRUCTURE** or use of a **BUILDING**, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements have been complied with.

**CHANNEL**. A natural or artificial **WATERCOURSE** with a definite bed and banks which confine and conduct continuously or periodically flowing water.

**COMMISSIONERS**. The Board of **COMMISSIONERS** of Manheim **TOWNSHIP**, Lancaster

County, Pennsylvania.

**COMMON OPEN SPACE.** A parcel or parcels of land or an AREA of water, or a combination of land and water within a DEVELOPMENT site and designed and intended for the use or enjoyment of residents of a DEVELOPMENT, not including STREET, off-STREET parking AREAS, and AREAS set aside for public facilities.

**COMPREHENSIVE PLAN.** The COMPREHENSIVE PLAN for Manheim TOWNSHIP, March 2010, and any amendments thereto, indicating the general locations recommended for circulation facilities, community IMPROVEMENTS and land uses. (Amended by Ordinance 2012-17, dated 11/26/12)

**CONDITIONAL USE.** A use permitted in a particular zoning district based upon the location of that use within the district and upon compliance with specific conditions and criteria.

**CONSTRUCTION.** The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a BUILDING or STRUCTURE, including the placement of MOBILE HOMES.

**COUNTY PLANNING COMMISSION.** The Lancaster COUNTY PLANNING COMMISSION.

**CROSSWALK.** A RIGHT-OF-WAY, privately or publicly owned, intended to furnish ACCESS for pedestrians.

**DENSITY.** The proportionate amount of land allocated for each DWELLING unit of permitted use.

**DETENTION BASIN.** A basin designed to drain completely after retarding storm water RUNOFF by temporarily storing the RUNOFF and releasing it at a predetermined rate.

**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, or other activities covered by this ORDINANCE.

**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.

**DOUBLE FRONTAGE LOT.** A LOT with front and rear STREET frontage with possible vehicular ACCESS to both STREETS.

**DRIPLINE**. The line marking the outer edges of the branches of a TREE.

**DRIVEWAY**. A private drive providing ACCESS between a public or PRIVATE STREET or ACCESS DRIVE and a parking AREA for a single unit of occupancy.

**DWELLING**.

- A. BUILDING permanently erected on and attached to a foundation, having a fixed location on the ground, and used for residential occupancy, which BUILDING when so erected and attached, shall, in the normal frame of reference, be immobile. Hospitals, hotels, boarding, rooming and lodging houses, institutional homes, motels, tourist courts, and the like, offering overnight accommodations for guests or patients, shall not be considered DWELLINGS within the meaning of this ORDINANCE.
- B. In addition, in order to qualify as a DWELLING, all of following standards and conditions must be complied with:
  - (1) The foundation for the DWELLING shall be an entire perimeter wall, either of concrete or masonry CONSTRUCTION, extending from below the frost line to the underside of the DWELLING;
  - (2) The DWELLING must be attached to the foundation wall by anchor bolts or similar attachments APPROVED by the TOWNSHIP as contrasted with the mere setting of the DWELLING unit on the foundation wall system;
  - (3) In the event the DWELLING formerly was a MOBILEHOME as defined herein, the entire running gear, as contrasted with just the wheels, must be removed, and;
  - (4) Any towing hitch must be removed from the DWELLING.

**EASEMENT**. A RIGHT-OF-WAY granted for limited use of private land for a public, quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**ENGINEER**. A professional ENGINEER registered in the Commonwealth of Pennsylvania.

**EROSION**. The removal of soil particles by the action of water, wind, ice, or other geological agents.

**FEMA**. The United States Federal Emergency Management Agency.

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

**FINANCIAL SECURITY.** Security posted by a DEVELOPER in accordance with Article V of the MUNICIPALITIES PLANNING CODE and Article V of the ORDINANCE by which a DEVELOPER assures the CONSTRUCTION of IMPROVEMENTS required by this ORDINANCE.

**FLOOD, FLOODED, OR FLOODING.** A partial or complete inundation of normally dry land AREAS from the overflow of a WATERCOURSE or other body of surface water, or from the unusual and rapid accumulation or RUNOFF of surface waters from any source.

**FLOOD OF RECORD.** The FLOOD which has reached the highest FLOOD elevation above MEAN SEA LEVEL at a particular location.

**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, or as defined by FEMA.

**FLOODPROOF, FLOODPROOFED, OR FLOODPROOFING.** Any combination of structural and/or nonstructural provisions, additions, changes or adjustments to STRUCTURES or contents which are designed or adapted primarily to reduce or eliminate FLOOD damage to those STRUCTURES or contents.

**FLOOR AREA.** The maximum amount of usable space within a BUILDING.

**GRADE.** A reference plane representing the average of finished ground level adjoining the BUILDING at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the AREA between the BUILDING and the LOT line or, when the LOT line is more than 6 feet (1829 mm) from the BUILDING, between the BUILDING and a point 6 feet (1829 mm) from the BUILDING.

**GREENWAYS.** Linear Corridors of OPEN SPACE which generally correspond to or link major river or stream corridors (including adjoining FLOODPLAIN, RIPARIAN BUFFERS, and steep slope areas), old railways or ridge tops, and are intended to function as part of an integrated system or network for a variety of purposes, including protecting natural, cultural and scenic resources, providing recreational benefits, enhancing the quality of life in neighborhoods, and stimulating economic development opportunities. The base Trail & Greenway System for Manheim Township is shown on the Trail & Greenway System Map, dated November 2, 2011 and is part of the Manheim Township Comprehensive Recreation, Park, Greenways and Open Space Plan. (Added by Ordinance 2012-17, dated 11/26/12)

**GROUNDWATER RECHARGE.** Replenishment of existing natural underground water supplies.

**IMPERVIOUS SURFACE.** A surface which prevents the percolation of water into the ground.

**IMPROVEMENTS.** Those physical additions and changes to the land that may be necessary to produce usable and desirable DEVELOPMENT.

ITE. Institution of Transportation ENGINEERS.

LAND DEVELOPMENT.

- A. The IMPROVEMENTS 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. DEVELOPMENT in accordance with the following shall be excluded from LAND DEVELOPMENT procedure:
  - (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 the purposes of this ORDINANCE, 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 rights of the LANDOWNER, or other persons having a proprietary interest in land.

LANDSCAPE ARCHITECT. A LANDSCAPE ARCHITECT registered by the Commonwealth of Pennsylvania.

LEVEL OF SERVICE. A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to

maneuver, traffic interruptions, comfort and convenience, and safety.

**LINEAR PARK AND TRAIL GREENWAYS (LINKAGES).** AREAS set aside for recreational activities like walking, biking and horseback riding. These greenways usually follow the path of a natural feature such as a stream or mountain or a manmade feature such as an abandoned railroad bed or roadway.

**LINEAR TRAIL.** A NON-MOTORIZED pathway, separated from the road, designed for recreational activities like walking, biking and horseback riding. See NON-MOTORIZED PATH. (Added by Ordinance 2012-17, dated 11/26/12)

**LOT.** A parcel of land held in single and separate ownership, occupied or capable of being occupied by BUILDINGS, STRUCTURES, ACCESSORY BUILDINGS or STRUCTURES, signs, and uses customarily incidental to it, including such OPEN SPACES as are required, and which is described by reference to a recorded PLAT or by metes and bounds.

**LOT AREA.** The AREA contained within the property lines of the individual parcels of land.

**LOT COVERAGE.** A percentage which when multiplied by the LOT AREA will determine the permitted LOT AREA to be covered.

**LOT SIZE.** The required AREA of a LOT.

**MEAN SEA LEVEL.** The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

**MOBILE/MANUFACTURED 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.

**MODIFICATION.** A change, an alteration or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.

**MULTI-USE PATH.** A pathway usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

**MUNICIPAL ENGINEER.** A professional ENGINEER licensed as such in the Commonwealth of Pennsylvania, duly appointed as the ENGINEER for the TOWNSHIP of Manheim. (See TOWNSHIP ENGINEER).

**MUNICIPALITIES PLANNING CODE.** The Pennsylvania MUNICIPALITIES PLANNING CODE, ACT of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.

MUNICIPALITY. Manheim TOWNSHIP, Lancaster County, Pennsylvania.

NON-MOTORIZED PATH. A path intended for use by pedestrian and bicyclist, but not by any motorized vehicles. It is a path that runs parallel to the STREET but is separated from it. (Amended by Ordinance 2012-17, dated 11/26/12)

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, refuse, FILL, STRUCTURE, or other matter in, along across or projecting into any CHANNEL, WATERCOURSE, or FLOODPLAIN, which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

OPEN SPACE. Any parcel or AREA of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such OPEN SPACE.

ORDINANCE. The Manheim TOWNSHIP SUBDIVISION and LAND DEVELOPMENT ORDINANCE.

PENNDOT. The Pennsylvania Department of Transportation, or any agency successor thereto.

PARKING LOT. An OPEN SPACE other than a public or PRIVATE STREET exclusively for parking of vehicles.

PETROLEUM PRODUCT. Oil or petroleum of any kind and in any form, including crude oil and derivatives or crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PIPE. An enclosed water carrying STRUCTURE of one or more barrels having a total flow AREA equivalent to 48-inch diameter or less.

PLAN, FINAL. A complete and exact SUBDIVISION or LAND DEVELOPMENT PLAN prepared for official recording as required by statute: a FINAL PLAN/PLAT. A FINAL PLAN application is duly filed as of the date of submission provided the application is deemed complete.

PLAN, PRELIMINARY. A tentative SUBDIVISION or LAND DEVELOPMENT PLAN, in lessor detail than the FINAL PLAN, indicating the approximate proposed layout of a SUBDIVISION or LAND DEVELOPMENT as a basis for consideration prior to preparation of the FINAL PLAN(s): a PRELIMINARY PLAN/PLAT. A PRELIMINARY PLAN application is duly filed as of the date of submission provided the application is deemed complete.

PLAN, SKETCH. A plan of a SUBDIVISION or LAND DEVELOPMENT showing the tentative STREET and LOT layout, to be used for informal discussion with the PLANNING COMMISSION/Staff prior to preparation of the preliminary and/or FINAL PLAN(s).

PLANNED RESIDENTIAL DEVELOPMENT. An AREA of land, controlled by a LANDOWNER, to be developed as a single entity for a number of DWELLING units or a combination of residential and non-residential uses, the DEVELOPMENT PLAN for which does not correspond in LOT size, bulk, or type of DWELLING or use, DENSITY, or intensity, LOT COVERAGE and required OPEN SPACE to the regulations established in any one residential district created, from time to time, under the provisions of the TOWNSHIP Zoning ORDINANCE.

PLANNING COMMISSION. The Manheim TOWNSHIP PLANNING COMMISSION.

PLANNING COMMISSION STAFF. The technical staff of the Manheim TOWNSHIP PLANNING COMMISSION.

PLAT. The map or plan of a SUBDIVISION or LAND DEVELOPMENT, whether preliminary or final.

PRINCIPAL BUILDING OR STRUCTURE. A BUILDING or STRUCTURE in which is conducted the PRINCIPAL USE of the LOT on which the BUILDING or STRUCTURE is located.

PRINCIPAL USE. The primary or main use of a BUILDING, STRUCTURE or LOT.

PROFESSIONAL LAND SURVEYOR. A SURVEYOR registered in the Commonwealth of Pennsylvania.

PROJECT SITE. An AREA of land under DEVELOPMENT and within the jurisdiction of this ORDINANCE.

PUBLIC HEARING. A formal meeting held pursuant to PUBLIC NOTICE by the Board of COMMISSIONERS, intended to inform and obtain public comment, prior to taking action in accordance with the TOWNSHIP provisions.

PUBLIC IMPROVEMENTS. All roads, STREETS, sidewalks, gutters, curbs, waterlines, sewers, STORMWATER MANAGEMENT FACILITIES, WALKWAYS and other facilities to be dedicated to or maintained by the TOWNSHIP or a public entity for which plans and specifications must comply with the Manheim TOWNSHIP IMPROVEMENTS Specifications Manual.

PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the TOWNSHIP. 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SEWER. A system of providing sanitary sewage collection and treatment which is owned and/or operated by the AUTHORITY, or any other MUNICIPALITY or public

**AUTHORITY.**

**PUBLIC WATER.** A system of providing potable water which is owned and/or operated by Manheim TOWNSHIP and/or the AUTHORITY or any other MUNICIPALITY or public AUTHORITY.

**REPORT.** Any letter, review, memorandum, compilation or similar writing made by anybody, 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.

**RETENTION BASIN.** A basin 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 extending between and having frontage on two (2) STREETS with vehicular ACCESS solely from the STREET of lower classification.

**RIGHT-OF-WAY.** The total width of any land reserved or dedicated as a STREET, ALLEY, pedestrian way, or for other public or private use.

**RIPARIAN BUFFER.** Undisturbed riparian land adjacent to a natural WATERCOURSE and other bodies of water for the purpose of stabilizing banks, filtering pollutants from runoff and for providing habitat for a variety of wildlife. This is not intended to include man-made swales, infiltration beds, or detention or retention facilities utilized solely for stormwater management from the project site. (Added by Ordinance 2012-17, dated 11/26/12)

**RUNOFF.** That part of precipitation which flows over the land.

**SCREEN.** A STRUCTURE or planting of fencing, berms, and/or evergreen TREES or shrubs providing a continuous view OBSTRUCTION within a site or property.

**SEDIMENT.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**SEDIMENT BASIN.** A barrier, dam, retention or detention basin designed to retain SEDIMENT.  
**SIGHT TRIANGLE.** A triangle shaped portion of land established at STREET intersection on which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SOIL SURVEY.** The latest published version of the United States Department of Agriculture's Soil Survey for Lancaster County, Pennsylvania.

**SPECIAL EXCEPTION.** A use to be permitted or denied, by the Manheim TOWNSHIP Zoning Hearing Board, in a particular zoning district pursuant to expressed standards and criteria.

**STORM SEWER.** A system of PIPES, conduits, SWALES or other similar STRUCTURES

including appurtenant works which carries intercepted RUNOFF, and other drainage, but excludes domestic sewage and industrial waste.

**STORMWATER**. Drainage RUNOFF from the surface of the land resulting from precipitation or snow or ice melt.

**STORMWATER MANAGEMENT**. A program of controls and measures designed to regulate the quantity and quality of storm water RUNOFF from a DEVELOPMENT while promoting the protection and conservation of ground waters and GROUNDWATER RECHARGE.

**STORMWATER MANAGEMENT FACILITIES**. Those controls and measures used to effect a storm water management program.

**STREET**. A strip of land, including the entire RIGHT-OF-WAY, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing ACCESS to abutting properties, which may also be used to provide space for sewer, public utilities, shade TREES, and sidewalks.

**STREET, ARTERIAL**. A STREET whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local STREETS.

**STREET, CUL-DE-SAC**. A local STREET intersecting another STREET at one end and terminating at the other in a vehicular turnaround.

**STREET LINE**. The limit of a STREET RIGHT-OF-WAY.

**STREET LOCAL**. A STREET used primarily to provide ACCESS to abutting properties.

**STREET, COLLECTOR**. A STREET which provides ACCESS to abutting properties and for inter-community travel, connecting borough and unincorporated population centers, and carrying large volumes of traffic to the ARTERIAL STREET system.

**STREET, PRIVATE**. A STREET not offered for dedication or whose dedication was not accepted by the TOWNSHIP.

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

**SUBDIVIDER**. (See DEVELOPER)

**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 or 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 acres, not involving any new STREET or EASEMENT or ACCESS or any residential DWELLING, shall be exempt.

**SUBSTANTIAL IMPROVEMENT.**

- A. Any repair, reconstruction or improvement of a STRUCTURE, the cost of which equals or exceeds fifty (50) percent of the fair market value of the STRUCTURE either:
  - (1) Before the improvement or repair is started or;
  - (2) If the STRUCTURE has been damaged, and is being restored, before the damage occurred.
- B. For purposes of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur upon commencement of the first alteration of any wall, ceiling, floor or other structural part of a STRUCTURE, whether or not that alteration affects the external dimensions of the STRUCTURE.

**SUBSTANTIALLY COMPLETED.** 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 Section 509) 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.

**SURVEYOR.** A SURVEYOR registered in the Commonwealth of Pennsylvania.

**SWALE.** A wide shallow ditch which carries surface water RUNOFF.

**TOWNSHIP.** The TOWNSHIP of Manheim, Lancaster County, Pennsylvania.

**TOWNSHIP ENGINEER.** A duly registered professional ENGINEER, licensed as such in the Commonwealth of Pennsylvania, employed by the TOWNSHIP or engaged as a consultant thereto and appointed as the ENGINEER for the TOWNSHIP of Manheim.

**TOWNSHIP SECRETARY.** The Secretary of the Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania.

**TREE.** Any woody plant that has a single trunk with a caliper of one and one-half (1-1/2) inches at six (6) inches above ground level.

**TREE PROTECTION ZONE.** An AREA that is radial to the trunk of a TREE in which no CONSTRUCTION activity can occur. The TREE PROTECTION ZONE shall be fifteen (15) feet from the trunk of the TREE to be retained, or the distance from the trunk to the DRIPLINE, whichever is greater. Where there is a group of TREES or woodlands, the TREE PROTECTION ZONE shall be the aggregate of the protection zones for the individual TREES.

**UTILITY FACILITY.** Any facility, equipment, or STRUCTURE necessary to conduct a service

by a government, public or private utility.

**WALKWAY**. A paved pedestrian path which is not aligned with vehicular circulation patterns, but which is located on a LOT along proposed or existing pedestrian patterns. (Amended by Ordinance 2012-17, dated 11/26/12)

**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.

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