

## **ARTICLE 2 DEFINITIONS**

### **§180-201. Definitions**

All terms not defined in this Ordinance but which are defined in the Lower Paxton Township Zoning Ordinance shall have the meaning therein defined. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

**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.

**ACCELERATED RUNOFF** - runoff occurring at rates in excess of rates occurring under natural, undisturbed conditions.

**AGRICULTURAL OPERATIONS** - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural 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. Construction of new buildings or impervious area is not considered an agricultural activity.

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

**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, 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.

**AS-BUILT PLANS** - plans prepared and certified by a Professional Land Surveyor depicting the exact location, orientation, and elevation of all site improvements which exist as a result of construction activities. As-Built Plans are also referred to as Record Drawings or Record Plans.

**BASE FLOOD ELEVATION** - the one hundred (100) year flood elevation as indicated in a Flood Insurance Study (FIS), as revised, for the Township of Lower Paxton, Dauphin County,

Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration that indicates the water surface elevation resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year.

**BLOCK** - an area bounded by streets.

**BMPs (BEST MANAGEMENT PRACTICES)** - activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Earth Disturbance Activities; to meet State Water Quality Requirements; to promote ground water recharge; and to otherwise meet the purposes of this Ordinance. BMPs include, but are not limited to: infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

**BOARD OF SUPERVISORS** - the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania.

**BUILDING LOT** - A designated parcel, tract or area of land established by plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**BUILDING SETBACK LINE** - the line within a property defining the required minimum distance between any principal or accessory structure and adjacent right-of-way, and the line defining side and rear yards, where required.

**CARTWAY** - the portion of a street which is improved, designated or intended for vehicular use.

**CHAIRMAN** - the Chairman of the Lower Paxton Township Board of Supervisors.

**CHANNEL** - a passage for water (or other fluids) to flow through.

**CHANNEL EROSION** - the widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

**CHANNEL, MAIN** - the downstream later receiving channel designated in the Act 167 Plans that accepts the discharge of un-detained post-development peak runoff without causing any harm for the given design storm.

**CISTERN** - an underground reservoir or tank for storing rainwater.

**CLEAR SIGHT TRIANGLE** - a triangular shaped portion of land established at street or driveway intersections in 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.

**COMMON ELEMENTS** - land amenities, parts of building, central services and utilities, and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include, but are not limited to:

- A. The land on which the building is located and portions of the building which are not included in a unit.
- B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building.
- C. The yards, parking area and driveways.
- D. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.
- E. Installations of all central services and utilities.

- F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use.
- G. Such other facilities as are designated as common elements.

**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 and enjoyment of residents of a development, not including streets, off street parking areas and areas set aside for public facilities.

**CONDOMINIUM** - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners for those portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners,

**CONDOMINIUM ASSOCIATION** - the community association which administers and maintains the common property and common elements of a condominium.

**CONSERVATION DISTRICT** - the Dauphin County Conservation District.

**COUNTY** - County of Dauphin, Pennsylvania.

**CROSS-WALK** - a right-of-way, publicly or privately owned, intended to furnish access to pedestrians.

**CUL-DE-SAC** - a minor street open at one (1) end for vehicular and pedestrian access with the opposite end terminating in a vehicular turnaround.

**CULVERT** - a pipe, conduit or similar structure, including appurtenant works, which carries surface water under a roadway or other structure.

**CURB** - a cut stone, asphalt or concrete boundary usually marking the edge of the roadway, driveway or other paved areas.

**CURB CUT** - the opening along the curb line at which point vehicles may enter or leave the roadway or other paved area.

**CURVE NUMBER** - a numerical designation which reflects amounts of runoff based on land use and hydrological soil group.

**CUT** - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed from an excavation.

**DAM** - any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or any other fluid or semi-fluid or any refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or any other fluid or semi-fluid.

**DEP** - The Pennsylvania Department of Environmental Protection.

**DESIGNEE** - an agent of the governing body involved with the administration, review or enforcement of any provisions of this Ordinance by employment, contract, or memorandum of understanding.

**DESIGN STORM** - the magnitude of precipitation from a storm event measured in probability of occurrence and duration and used in computing stormwater management control systems.

**DETENTION BASIN** - a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**DETENTION FACILITIES, REGIONAL** - a detention facility that detains and treats stormwater runoff for two (2) or more development sites, where the development sites are generally considered to be independent and typically would contain their own separate detention facilities.

**DETENTION POND** - a vegetated pond designed to collect water runoff for a given storm event and release it at a predetermined rate; also known as a "dry pond."

**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 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 development plan" when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

**DEVELOPMENT** - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavating, earth disturbance activity, mining, dredging or drilling operations, the placement of manufactured homes, streets and other paving, utilities and the subdivision of land.

**DEVELOPMENT SITE** - the specific parcel or tract of land for which a development activity is proposed.

**DOWNSLOPE PROPERTY LINE** - that portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.

**DRAINAGE -**

- A. Surface water runoff.
- B. The removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE AREA** - that area in which all of the surface runoff resulting from precipitation is concentrated into a particular point of interest.

**DRAINAGE EASEMENT** - a right granted by a landowner to a grantee, allowing the use of private land for stormwater management or drainage purposes.

**DRAINAGE CONVEYANCE FACILITY** - any ditch, gutter, swale, 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, recreational areas or any parts of any subdivision or land development.

**DRAINAGE FACILITY** - any ditch, gutter, swale, culvert, storm sewer, or other system designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or land development.

**DRAINAGE PLAN** - the documentation of the design and analysis of a stormwater management or drainage system, if any, to be used for a given development site.

**DRAINAGE SYSTEM** - pipes, swales, natural features and manmade improvements designated to carry drainage.

**DRAINAGE WAY** - any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

**DRIVEWAY** - a private access drive providing access for vehicles to a parking area, space, garage, dwelling or other structure, including non-residential structures.

**DWELLING OR DWELLING UNIT** - 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, MOBILE HOME** - 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.

**EARTH DISTURBANCE ACTIVITY** - a construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**EASEMENT** - a right-of-way granted for the limited use of land for public, quasi-public or private purposes.

**EASEMENT, DRAINAGE** - an easement required for the installation and maintenance of storm sewers, drainage ditches, other drainage facilities, and/or required for the preservation or maintenance of a natural watercourse, drainageway, channel or stream.

**ENGINEER, TOWNSHIP/MUNICIPAL** - a registered Professional Engineer in the Commonwealth of Pennsylvania designated by the Township to perform the duties of engineer as herein specified.

**ENGINEER, PROFESSIONAL** - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania 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:

- A. 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; providing, however, that tract perimeter surveys shall be the function of the Professional Land Surveyor.
- B. 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. Geodetic or cadastral survey, underground survey and hydrographic survey.
- C. Erosion & Sedimentation control surveys.

- D. The determination of the quantities of materials.
- E. Tests for water percolation in soils.
- F. The preparation of plans and specifications and estimates of proposed work as described herein.

**ENGINEERING SPECIFICATIONS** - the engineering specifications of the Township regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.

**EROSION** - the process involving the detachment and movement of soil or rock fragments, or the wearing away of the land surface or channels by water, ice, wind, chemical action and gravity.

**EROSION AND SEDIMENT POLLUTION CONTROL PLAN** - a plan which is designed to minimize accelerated erosion and sedimentation.

**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 thereof.

**EXCEPTIONAL VALUE WATERS** - surface waters of high quality, which satisfies Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(b) (relating to anti-degradation).

**EXISTING CONDITIONS** - the initial condition of a project site prior to the proposed subdivision, land development or construction.

**EXISTING GRADE** - the vertical location of the ground surface prior to excavation or filling.

**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 and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and designated point of higher elevation on the final grade. The material used to make a fill.

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

**FLOOD** - a general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the Commonwealth.

**FLOOD, BASE (ONE HUNDRED (100) YEAR FLOOD)** - a flood that on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.) **FLOOD FRINGE** - that portion of the floodplain outside the floodway.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** - an official 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 (1) percent or greater chance of flooding in any given year.

**FLOODPLAIN** - any land area susceptible to inundation by water from any natural source or as delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - mapped as being a special flood hazard area.

**FLOODPROOFING** - any combination of structural and nonstructural additions, changes or adjustments to proposed and existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one hundred (100) year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the one hundred (100) year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to fifty (50) feet from the top of each of the banks of the stream.

**FREEBOARD** - a vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

**FUTURE** - post-development (as with future condition or runoff).

**FUTURE CONDITIONS** - proposed land use.

**FUTURE RIGHT-OF-WAY** -

- A. A right-of-way required for the expansion of existing streets to accommodate anticipated future traffic.
- B. A right-of-way established to provide future access to or through undeveloped land.

**GOVERNING BODY** - the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania.

**GRADE** - a slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. **(To) Grade** - to finish the surface of a roadbed, top of embankment or bottom of excavation.

**GRADE, EXISTING** - see definition, "existing grade."

**GRADE, FINISHED** - see definition, "finished grade."

**GRASSED WATERWAY** - a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

**GROUND WATER RECHARGE** - replenishment of existing natural underground water supplies.

**HEC-HMS MODEL CALIBRATED** - (Hydrologic Engineering Center Hydrologic Modeling System) A computer-based hydrologic model technique adapted to the Paxton Creek, Spring Creek and Multi-Creek Watersheds for the Act 167 Plans. The model has been calibrated by adjusting key model input parameters.

**HIGH QUALITY WATERS** - surface water having quality, which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(a).

**HOMEOWNERS ASSOCIATION** - See Condominium Association.

**HYDROLOGIC SOIL GROUP (HSG)** - infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report, which can be obtained from the local NRCS office or Dauphin County Conservation District office.

**IDENTIFIED FLOODPLAIN OR DISTRICT** - those floodplain areas specifically designated in the Township of Lower Paxton Zoning Ordinance (§504.D.) as being inundated by the one hundred (100) year flood. Included would be areas identified as the Floodway (FW) and the Flood Fringe (FF).

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** - a surface that prevents the percolation of water into the ground. Impervious surfaces include, but are not limited to: any roof, parking or driveway areas, and any new streets and sidewalks. For purposes of storm water runoff analysis, any surface areas existing or proposed to be gravel or crushed stone shall also be assumed to be impervious surfaces.

**IMPOUNDMENT** - a retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

**IMPROVEMENTS** - any manmade, immovable item which becomes part of, placed upon or is affixed to, real estate.

**INFILTRATION STRUCTURE** - a constructed device, such as a seepage pit, trench drain or infiltration pond designed to facilitate the infiltration of runoff into the soil.

**INLET** - a surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

**KARST** - a type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

**LAND DEVELOPMENT** - any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A. group of two (2) 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 or occupants or tenure.
- or -
- 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land development" does not include development which involves:

1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
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 subsection, an amusement park is defined as 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.
4. Where an addition of no more than fifteen (15) percent of the square footage is being added to an existing building, but in no case of an addition of more than two thousand (2,000) square feet, a building permit and site plan approval is required to be obtained from the appropriate officer of the Township but, submission of a land development plan and review by the Planning Commission and approval by the Board of Supervisors may be waived, only when (1) the building is added to the existing structure and is not separated; and (2) there is no change to any street or public way; and (3) there is no interference or substantial change to drainage or the flow of water; and (4) when the appropriate building officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

**LAND/EARTH DISTURBANCE** - any activity involving grading, excavating, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

**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..

**LIMITED ACCESS HIGHWAY** - a street, roadway, or highway which carries a large volume of traffic at relatively high speeds with access controlled at designated points and not specifically from adjacent properties.

**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 street rights-of-ways, but including the area of any easement or utility right-of-way.

**LOT, DOUBLE FRONTAGE** - an interior lot having frontage on two (2) streets.

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

**MAIN STEM (MAIN CHANNEL)** - any stream segment or other runoff conveyance facility used as a reach in the Paxton Creek, Spring Creek or Multi-Creek watershed hydrologic models.

**MAINTENANCE** - provisions to insure proper functioning, safety, structural integrity, weed and pest control, aesthetic appeal or any other measures required to maintain facilities to a standard as approved under the requirements of this ordinance.

**MANNING'S EQUATION (MANNING'S FORMULA)** - a method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

**MINIMUM SEPARATION DISTANCE** - the minimum distance between the discharge of runoff from impervious surfaces and the receiving stream, storm sewer, or property line, whichever is smaller, whether the discharge is from a point or non-point source. It is intended to provide ample, natural, undisturbed vegetated pervious areas to allow for infiltration of increased volumes of runoff caused by development.

**MASTER DEED** - a legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

**MOBILE HOME, DWELLING** - see definition, "dwelling mobile home."

**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 (2) or more mobile home lots for the placement thereon of mobile homes.

**MODIFIED RATIONAL METHOD** - variation of rational methodology. Used to generate hydrographs and required detention volume.

**MUNICIPAL AUTHORITY** - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

**MUNICIPALITY** - any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

**NATURAL DRAINAGE FLOW** - the pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any grading operations.

**NONPOINT SOURCE POLLUTION** - pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**NPDES** - National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

**NRCS** - Natural Resource Conservation Service (previously Soil Conservation Service (SCS)).

**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 the water might carry the same downstream to the damage of life and property.

**OPEN CHANNEL** - a drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

**OPEN SPACE, COMMON** - see definition, "common open space."

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

**OUTFALL** - (i) the point where water flows from a conduit, stream, or drain; (ii) "Point Source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface waters of the Commonwealth.

**OUTLET** - points of water disposal from a stream, river, lake, tidewater, or artificial drain.

**PARKING LOT STORAGE** - the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

**PEAK DISCHARGE** - the maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

**PERSON** - any individual or group of individuals, partnership, copartnership or corporation.

**PERVIOUS SURFACE** - surface such as soil which allows for the infiltration of water to the ground.

**PIPE** - a culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater or other fluids.

**PLANNING COMMISSION** - the committee duly appointed by the Board of Supervisors of Lower Paxton Township to carry out the duties as described herein and to make recommendations to the governing body relative to subdivision, land development and other related matters.

**PLAN, COMPREHENSIVE** - the development policy plan (master plan) and/or future land use plan and/or official map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Township in which the subdivision or land development is located.

**PLAN, 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. In all cases where only one plan is required, it shall be a final plan.

**PLAN, 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, SKETCH** - an informal plan indicating the salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

**PMF (PROBABLE MAXIMUM FLOOD)** - the flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**POINT SOURCE** - any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pennsylvania Code § 92.1.

**POLLUTANT** - any introduced gas, liquid or solid that makes a resource unfit for a specific purpose.

**POLLUTION** - the presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

**PRESENT** - pre proposed development (as with present conditions or runoff).

**PRESENT CONDITIONS** - refer to "existing conditions."

**PRINCIPAL BUILDING or PRINCIPAL USE** - the basic or predominant purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, industrial or public in nature.

**PRIVATE ROAD** - a legally established right-of-way, other than a public street, which provides the primary pedestrian and vehicular access to one (1) or more lots and constructed to the design standards contained in this Chapter.

**PROFESSIONAL CONSULTANTS** - persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

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

**PROJECT SITE** - the specific area of land where any Regulated Activity in the Township is planned, conducted or maintained.

**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.
- C. Publicly owned and operated scenic and historic sites.

**PUBLIC HEARING** - a formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and/or obtain public comment, prior to taking action in accordance with this Chapter.

**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."

**PUBLIC NOTICE** - notice published once a week for two (2) consecutive 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 thirty (30) days and the second publication shall not be less than seven (7) days from the hearing.

**QUALIFIED PROFESSIONAL** - a Professional Engineer licensed by the Pennsylvania Department of State, and other persons licensed or otherwise qualified by law to perform the work required by the Ordinance.

**RATIONAL FORMULA** - a rainfall-runoff relation used to estimate peak flow.

**REAL ESTATE** - any fee, leasehold or other estate or interest in, over and under land, including structures, fixtures and other improvements and interests by which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

**REDEVELOPMENT** - development activities on land which has previously been developed.

**REGULATED ACTIVITIES** - actions or proposed actions, which impact upon proper management of stormwater runoff and which are governed by Chapter 170, as specified in §170-105.C.

**REGULATED EARTH DISTURBANCE ACTIVITY** - earth disturbance activity one (1) acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development.

**REGULATORY FLOOD ELEVATION** - the one hundred (100) year base flood elevation as either indicated in a Flood Insurance Study (FIS), as revised, for the Township of Lower Paxton, Dauphin County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, or in the absence of a Flood Insurance Study, the one hundred (100) year flood elevation computed using acceptable hydrologic and hydraulic engineering principles without respect to a computed floodway.

**RELEASE RATE** - the percentage of the existing conditions peak rate of stormwater runoff for a development site to which the future conditions peak rate of runoff must be controlled to protect downstream areas.

**RELEASE RATE DISTRICT** - those subwatershed areas in which post-development flows must be reduced to a certain percentage of pre-development flows as required to meet the plan requirements and the goals of Act 167.

**RESERVE STRIP** - a strip of land adjacent to a street intended to control access to the street from an adjacent property.

**RETENTION BASIN** - an impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

**RETURN PERIOD** - the average interval in years over which an event of a given magnitude can be expected to recur. For example, the twenty-five (25) year return period rainfall or runoff event would be expected to recur on the average once every twenty-five (25) years, or have one (1) out of twenty-five (25) (four (4) percent) chance of occurring in any given year.

**REVERSE FRONTAGE LOT** - see definition, "lot, reverse frontage."

**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.

**RISER** - a vertical pipe or structure extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

**ROAD MAINTENANCE** - earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities.

**ROOFTOP DETENTION** - temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

**RUNOFF** - that part of precipitation which flows over the land.

**RUNOFF CAPTURE VOLUME** - the volume of runoff that is captured (retained) and not released into surface waters of the Commonwealth during or after a storm event.

**SCS** - Soil Conservation Service, U.S. Department of Agriculture.

**SANITARY SEWAGE SYSTEM (COMMUNITY)** - a sanitary sewage collection method serving more than one lot within a subdivision or land development owned and operated by a private entity in which sewage is carried from the site by a system of pipes to a privately owned and operated centralized treatment and disposal facility.

**SANITARY SEWER (PUBLIC)** - a sanitary sewage collection method owned and operated by a public utility, municipal authority, or other public entity, in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SEDIMENT BASIN** - a barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**SEDIMENT POLLUTION** - the placement, discharge, or any other introduction of sediment into Waters of the Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

**SEDIMENTATION** - the process by which mineral or organic matter is accumulated or deposited by wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

**SEEPAGE PIT/SEEPAGE TRENCH** - an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

**SEMIPERVIOUS SURFACE** - a surface such as stone, rock or other materials which allows some infiltration of water to the ground.

**SEPARATE STORM SEWER SYSTEM** - a conveyance or system of conveyances (including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

**SEPTIC SYSTEM** - an underground sewage disposal system with a septic tank and drain field used for the decomposition and disposal of domestic wastes. Also referred to as an "on-lot system."

**SERVICE DRIVE (PRIVATE)** - a service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.

**SETBACK LINE** - see definition, "building setback line."

**SHEET FLOW** - runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

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

**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 or other objects.

**SLOPE** - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizontal. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SOIL COVER COMPLEX METHOD** - a method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**SOIL STABILIZATION** - chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

**SPEED, DESIGN** - the selected speed for which the horizontal and vertical alignment, sight distances and other engineering elements of a roadway are planned and designed.

**SPEED, OPERATING** - the speed at which vehicles routinely travel over a portion of a roadway in a free-flow condition. For purposes of this Ordinance, the operating speed shall be considered to be the 85<sup>th</sup> percentile of the distribution of observed speeds of vehicles traveling over the portion of a roadway in question.

**SPEED, POSTED** - the speed limit that is specifically stated for a segment of a roadway by way of regulatory signs placed along said segment of roadway.

**SPILLWAY (EMERGENCY)** - a depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin,

**STATE WATER QUALITY REQUIREMENTS** - as defined under state regulations - protection of "designated" and "existing" uses (See 25 Pennsylvania Code Chapters 93 and 96) - including:

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed, and structural integrity of the waterway, to prevent these impacts.
- D. Protection and maintenance of water quality in special protection streams pursuant to 25 Pennsylvania Code Chapter 93.

**STORAGE INDICATION METHOD (MODIFIED PULS)** - a reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage for a give time interval) and based on outflow being a unique function of storage volume.

**STORM FREQUENCY** - the number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

**STORM SEWER** - a system of pipes or other conduits and related appurtenances which collects and carries intercepted surface runoff, street water and other wash waters or drainage, but excludes domestic sewage and industrial wastes.

**STORMWATER** - the surface runoff generated by precipitation reaching the ground surface.

**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 DETENTION BASIN** - a vegetated pond designed to drain completely after storing runoff only for a given storm event and releasing it at a predetermined rate; also known as a "dry pond."

**STORMWATER CONTROL FACILITIES** - any structure, device, dam, channel, swale, pit, trench or any other measure taken or method employed to control stormwater runoff.

**STORMWATER CONTROL PLAN (DRAINAGE PLAN)** - the documentation of the design and analysis of proposed stormwater management controls, if any, to be used for a given development site, the contents of which are established in Article 170 - Stormwater Management, Drainage & Erosion Control.

**STORMWATER MANAGEMENT FACILITIES** - any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration structures.

**STORMWATER MANAGEMENT PLAN** - the planned control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not greater than if the site had remained undeveloped; a plan showing all present and proposed grades and facilities for stormwater management and best management practices (BMPs).

**STREAM** - a watercourse with definite bed and banks, which confines and conveys perennially or intermittently flowing water.

**STREAM ENCLOSURE** - a bridge, culvert, or other structure in excess of one hundred (100) feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

**STREET** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**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 WIDTH** - the shortest distance between the lines delineating the cartway or right-of-way for a street.

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

**SUBWATERSHED AREA (SUBAREA)** - the smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.

**SUBDIVIDER** - the owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for transfer, sale or development under the terms of this Chapter.

**SUBDIVISION** - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED** - where in the judgment of the Township Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approval 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 stormwater drainage.

**SURFACE WATERS OF THE COMMONWEALTH** - any and all perennial and intermittent rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, reservoirs, dammed water, wetlands, ponds, springs, natural seeps and estuaries, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries 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 which gathers or carries surface water runoff.

**TIME OF CONCENTRATION ( $T_c$ )** - the time for surface runoff to travel from the-, hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**TOPOGRAPHICAL 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. Top soil is usually found in the uppermost soil layer called the "A" Horizon.

**TOWNSHIP** - the Township of Lower Paxton, Dauphin County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

**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 or other improvements and on which no development or building has occurred.

**UNIT** - a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in common elements, which are assigned to the property, structure or building.

**UTILITY, PUBLIC OR PRIVATE** -

- A. 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, or
- B. A closely regulated private enterprise with a franchise for providing a public service.

**VEGETATIVE COVER** - such cover shall consist of trees, shrubs, flowers, grass or similar natural cover.

**VERGE** - an area adjacent to a roadway and located between the curb and sidewalk which is intended to be maintained in grass cover and used as a planting space for street trees.

**WATERCOURSE** - any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERSHED** - a region or area that contributes surface water to a defined point.

**WATER POLLUTION** - the addition of pollutants to water in concentrations or in sufficient quantities to result in measurable degradation of water quality.

**WATER TABLE** - the upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

**WETLAND** - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)