

ARTICLE II DEFINITIONS

§ 14-201. Strict Construction

Unless otherwise expressly stated or where the context clearly indicates otherwise, the following words shall, for the purpose of this Chapter have the meaning herein indicated:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes a corporation, partnership or similar legal entity as well as an individual.
- D. The word "lot" includes the word "plot" or "parcel".
- E. The term "shall" is always mandatory.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

§ 14-202. Definitions

- 1. **APPLICANT:** A landowner or developer who has filed an application for approval of a subdivision or land development including his heirs, successors and assigns.
- 2. **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 land development plat or plan.
- 3. **BERM:** That portion of a street lying on either side of a cartway between the edge thereof and the adjacent road ditch, intended primarily for stopping and parking purposes.
- 4. **BUILDING:** See "Structure."
- 5. **BUILDING LINE:** A line parallel to the front, side or rear lot line set so as to provide the required yard (building setback).
- 6. **BUILDING, PRINCIPAL:** The building or portion thereof housing the main or primary use of the land.
- 7. **CARTWAY:** That portion of a street or alley which is improved, designated, intended, used or capable of being used for vehicular travel.

8. **CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.
9. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of a parcel of land and water within the development site, designed and intended for the common use or enjoyment of the residents of a development not including streets, off-street parking areas and areas set aside for public facilities.
10. **COUNTY:** The County of Butler, Commonwealth of Pennsylvania.
11. **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 in excavation.
12. **DENSITY** (Conventional or clustered subdivision): The area of a lot or group of lots computed exclusive of any portion of the right-of-way of any road, divided by the number of families housed on the lot or group of lots.
13. **DEVELOPER:** Any landowner, agents 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.
14. **DEVELOPMENT PLAN:** The written and graphic provisions describing a proposed development in sufficient detail so that its compliance with the requirements of this Chapter may be conclusively judged.
15. **DISTRICT, ZONING:** A section of the municipality for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are established.
16. **DRAINAGE:** See "Watercourse."
17. **DWELLING UNIT:** Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit, including mobile home, cottages, camp trailers, tents or other such facility whether or not occupied or intended to be occupied on a permanent basis.
18. **EASEMENT:** A grant of the specified use of a parcel of land to the public, a corporation or a person.
19. **ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania.
20. **EROSION:** The removal of surface materials by the action of natural elements.
21. **EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any conditions resulting therefrom.

22. **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 condition resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
23. **FLAG LOT:** A parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon, which has frontage on a public (or private) street by a narrow strip of land, not less than fifty feet (50') wide. The building line of such lot shall be measured from the point where the lot widens, as measured from the street right-of-way. (See Figures #10 and 18)
24. **FLOOD:** The temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters and/or (b) the unusual and rapid accumulation of runoff of surface waters from any source.
25. **FLOODPLAIN:** The area adjacent to a watercourse or other water body which is periodically or likely to be flooded.
26. **FRONTAGE:** Lot boundary lines that are adjacent to a street.
27. **IMPROVEMENTS:** Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to: grading, paving, curb, gutter, stormwater sewers, individual sanitary sewage system, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems, sanitary sewage treatment plant facilities and construction or demolition of a structure.
28. **IMPROVEMENT BOND:** Surety, in a form acceptable to the Township Solicitor, in the form of cash, a certified check or irrevocable letter of credit from a federal or Commonwealth-chartered lending institution, a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the commonwealth, which guarantees the satisfactory completion of improvements required by this Chapter.
29. **LANDFILLS:** The use of land for the disposal of solid, municipal, residual or hazardous waste as such terms are defined and such use is regulated by the Solid Waste Management Act, the act of July 7, 1980, P.L. 380, Number 97, 35 P.S. 6018.101 et seq., as amended, or its successor statute.
30. **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:
 - i) 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 of occupants or tenure;
or

- ii) 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. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and subsequent amendments thereto.

- 31. **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 to exercise the rights of the landowner, or other person, partnership, corporation or association having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Chapter.
- 32. **LOT:** A tract or parcel of land held in single or separate ownership, that is described by reference to a recorded plat or by metes or bounds, and is intended as a unit for transfer of ownership, use, improvement, dedication or for development.
- 33. **MANUFACTURED HOUSING:** Any factory-built single-family structure, including mobile and modular homes, manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in sections, or built on a permanent chassis and titled, and is used as a place of human habitation. (*Ord 2010-11-03, 11/8/10, §1*)
- 34. **MEDIATION:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- 35. **MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again 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. (*Ord 2010-11-03, 11/8/10, §3*)
- 36. **MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. (*Ord 2010-11-03, 11/8/10, §3*)

37. **MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. (*Ord 2010-11-03, 11/8/10, §3*)
38. **MODIFICATION OR WAIVER:** Relief from the literal provisions of this Chapter when the subdivider can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to and due to topographical or other conditions peculiar to the site, and in the opinion of the Planning Commission, a modification or waiver may be made without destroying the intent of such provision, the Planning Commission recommends such a modification or waiver. The Board of Supervisors may authorize such relief through the granting of a modification or waiver from the strict application of the provision causing the unnecessary hardship. Any relief thus authorized shall be entered in the minutes of the Board of Supervisors along with the reasons justifying the modification or waiver. (Section 14-301)
39. **MUNICIPALITY:** The Township of Center, Butler County, Pennsylvania.
40. **NET ACREAGE:** That land remaining on a parcel or tract following the subtraction of areas identified as rights-of-way, easements, stormwater management facilities and systems, and land classified as a wetland. (*Ord 2010-11-03, 11/8/10, §2*)
41. **NET DENSITY:** The maximum number of dwelling units which can be built on a parcel or tract of land after subtracting land used for rights-of-way, easements, stormwater management facilities and systems, and land classified as a wetland, floodplain or in excess of twenty-five percent (25%) slope. (*Ord 2010-11-03, 11/8/10, §2*)
42. **OFFICIAL MAP:** The adopted map of Center Township, identifying existing and proposed rights-of-way, watercourses, public property, parks, pedestrian ways, utility and drainage easements and floodplains, and stormwater management areas.
43. **OFF-STREET PARKING:** A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.
44. **PARCEL:** See "Lot."
45. **PARKING:** Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a one family or two family dwelling.
46. **PLANNED RESIDENTIAL DEVELOPMENT:** (42 Repealed by Ordinance No. 2004-12-09, December 8, 2004)
47. **PLANNING COMMISSION OR COMMISSION:** The duly appointed Planning Commission of the Township of Center, Butler County.

48. **PLAT:** The map or plan of a subdivision or land development, whether preliminary or final.
49. **PLOT:** See "Lot."
50. **PROFESSIONAL CONSULTANT (S):** A person or 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.
51. **PUBLIC GROUNDS:** Includes (1) parks, playgrounds and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
52. **PUBLIC HEARING:** A formal meeting held pursuant to public notice by the governing body or planning agency or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.
53. **PUBLIC IMPROVEMENTS:** All roads, streets, walkways, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Township for which plans and specifications must comply with the standards and specifications of the Township.
54. **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".
55. **PUBLIC NOTICE:** A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
56. **RECREATION:** Those types of land use classified as recreational as per the provisions of the Center Township Zoning regulations (Chapter 20).
57. **RECREATIONAL VEHICLE PARK:** Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles for temporary living quarters for recreation or vacation purposes. (*Ord 2010-11-03, 11/8/10, §2*)
58. **RIGHT-OF-WAY:** Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds Office. For purpose of this Chapter, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public right-of-way. When a lot abuts a right-of-way of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

59. **ROAD:** The entire right-of-way of a public or private street or highway.
60. **RUNOFF:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
61. **RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM:** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or comprehensive plan.
62. **SEDIMENTATION:** The process by which mineral or organic matter is assimilated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".
63. **SETBACK:** The minimum distance that a structure can be located from a right-of-way or property front, rear and side line or another structure, thereby creating a required open space on the lot.
64. **SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon vertical difference in feet per one hundred feet (100') of horizontal distance.
65. **STABILIZATION:** Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.
66. **STREET:** Street includes street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private and for the purposes of this Chapter shall be classified as follows:
 - A. Arterial streets are those which are used primarily for through, fast or heavy traffic at high volumes.
 - B. Collector streets are those which carry traffic at moderate volumes from minor streets to a major system of arterial streets, including principal entrance streets, of a residential development and streets for major circulation within such developments.
 - C. Minor streets are those which are used primarily for access to the abutting properties and which accommodate low volumes of traffic.
 - D. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.
 - E. Private drives, including alleys, are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

67. **STRUCTURE (Building):** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures include, but are not limited to, buildings, sheds, signs and landfills.
68. **SUBDIVIDER:** See "Developer."
69. **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 any changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, 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 dwellings, shall be exempted.
70. **SUBDIVISION, MINOR:** Any subdivision abutting or accessible to, by a minimum fifty foot (50') right-of-way, an existing public street or road involving not more than four (4) lots plus residual land area which *must* also be a conforming lot for area and dimensions, parcels of land, or other division of which does not require a new street, the installation of sanitary sewers, stormwater sewers, water mains or pipes, or other public improvements.
71. **TOWNSHIP:** The Township of Center, Butler County.
72. **TOWNSHIP ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Center Township.
73. **TRACT:** A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.
74. **USE:** The purpose of the activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained. The term "permitted use" or "use by right," or its equivalent, shall not be deemed to include any nonconforming use.
75. **WATERCOURSE:** A permanent or intermittent stream, river, brook, creek, or a channel or ditch for the collection and conveyance of water, whether natural or man-made.
76. **WETLANDS:** Those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does support, a prevalence of vegetative or aquatic life requiring saturated soil conditions for growth and reproduction. Wetlands shall be determined by applicable State and Federal regulations.
77. **YARD:** An unoccupied space open to the sky, on the same lot with a building or structure.
78. **ZONING MAP:** The official Zoning Map or Maps of Center Township, which are part of the Center Township Zoning Ordinance, and all amendments thereto.

79. **ZONING OFFICER:** The duly appointed administrative officer designated to administer the Zoning Ordinance and issue zoning or building permits.