

# Milford Township Subdivision and Land Development Ordinance

## Article II - Definitions

### § 100-12. General.

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of these Regulations are defined as mandatory.

For the purpose of these regulations, the following terms shall be considered interchangeable:

- A. The words Ordinance and regulation(s).
- B. The terms Township and Milford Township
- C. The terms subdivider and developer.

Unless otherwise expressly stated, the following definitions shall, for the purpose of these Regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

### § 100-13. Glossary of Terms.

The following is a list of specific terms, found elsewhere in the Ordinance, along with definitions of their intended meaning:

**Agent** - Any person other than the subdivider who, acting for the subdivider, submits to the Planning Commission subdivision and land development plans for the purpose of obtaining approval thereof.

**All-Weather Surface** - The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone or other state-approved surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the review of the Township Engineer and Roadmaster as well as approval by the Township Board of

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Supervisors. Pennsylvania Department of Transportation specifications shall also be applicable.

**Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

**Berm or Shoulder** - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

**Block** - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Township, or by any combination of the above.

**Body of Water** - A natural or artificial lake, pond, reservoir, swamp, marsh or wetland as defined by the high water mark.

**Building** - A structure formed of any combination of materials designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. A multi-family building divided by unpierced masonry walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for the purpose of this Ordinance.

**Building Setback Line** - An open unoccupied space, except for such accessory activities and uses as may be otherwise permitted, which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front set backs shall be measured from the edge of the highway right-of-way and other set backs from property lines.

**Campsite** - A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes. Campsites in transient developments may be clustered and not necessarily specifically defined, however, provided the gross density does not exceed that permitted herein.

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**Cartway** - The graded or paved portion of a street used for vehicular travel, excluding shoulders.

**Central or Community Sewage** - A sewage system designed to serve more than one dwelling unit or building.

**Central Water or Community Water** - A water supply system designed to serve more than one dwelling unit or building; not including the use of a single well for two dwellings in the same lot.

**Clear Sight Triangle** - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street centerlines.

**Cluster Development** - See Conservation Subdivision definition.

**Commercial, Industrial and Other Non-residential Land Development** - Improvement of a property for any purpose other than residential development (dwellings) or recreational land development (as defined herein), that is not exempted by Section 100-38 hereof.

**Commonwealth** - The Commonwealth of Pennsylvania and any of its Departments or agencies.

**Common Open Space** - A parcel or parcels of land or an area of water, or a combination of land and water, within or part of a development site and designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

**Common Property** - All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Township for approval.

**Completion Guarantee** - See Performance or Completion Guarantee definition.

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**Conditional Approval** - A special approval of a subdivision or land development granted by Board of Supervisors with conditions attached thereto.

**Conservation Subdivision (Cluster Development)** - A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant extra land is devoted to open space.

**County** - The County of Pike, Commonwealth of Pennsylvania, and its Planning Department.

**Crosswalk or Interior Walk** - A right-of-way or easement for pedestrian travel across or within a block.

**Cul-de-sac** - A minor street providing a single access to a group of lots with a turnabout area at the end of such street.

**Dedication** - The deliberate appropriation of land by its owner for any general and public, or limited public use reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

**Developer** - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or land development or any of the activities covered by this Ordinance, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of this project may vary.

**Drainage Facility or Structure** - Any ditch, gutter, pipe, 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 right-of-ways, parks, recreational areas, or any part of any subdivision or contiguous land areas.

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**Driveway** - A defined private access from an individual lot or dwelling unit to a public or approved private right-of-way, not including any access designed to service more than two (2) single-family dwellings.

**Dwelling** - A building or portion of a building that is arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- A. **Single-Family:** A building arranged, designed and intended, for and occupied exclusively by, one family.
- B. **Two-Family:** A building arranged, designed and intended for and occupied by two families living independently.
- C. **Multi-family:** A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.

**Easement** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**Filing Date** - The date of the regular meeting of the Planning Commission next following the date an application for preliminary or final approval of a subdivision or land development is received by the Planning Commission Secretary, provided the application has been timely filed under § 100-15. If said next regular meeting occurs more than thirty days following its receipt, the filing date shall be the thirtieth day following its receipt by the Secretary. Submissions lacking information required by this Ordinance as shall be determined by the Planning Commission will not be considered filed.

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**Flag Lot** - A lot not fronting on a street or abutting a street or with very limited frontage, where access to the street is by a private driveway constructed to Township standards and shared with another property that does front on or abut the street.

**Frontage** - That side of a lot abutting on a street or way.

**Land Development** - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, timesharing units or other features.
- B. A subdivision of land.
- C. Development in accord with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

**Lot** - A designated parcel 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.

- A. **Lot Area** - The area of land contained within the limits of the property lines bounding that lot, excluding any area within a highway right-of-way.
- B. **Lot Width, Average** - The average of the widths of a lot at the building setback line and the rear lot line.

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**Lot Improvement** - The combination of preexisting approved lots to create one or more larger lots or a lot line adjustment to reallocate land area between or among the lots..

**Major Improvements** - Streets, recreational facilities, offsite sewage facilities; offsite water facilities, stormwater management facilities and similar facilities intended to render a property usable for intended developments.

**Manufactured/Mobile Home** - A transportable, single family dwelling of intended for permanent occupancy, contained in one unit, or in two 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. The term Manufactured/Mobile Home shall not include recreational vehicles or any unit of less than forty feet in length or ten feet in width.

**Manufactured/Mobile Home Lot** - A parcel of land in a manufactured/mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile home. The manufactured/mobile home lot in a manufactured/mobile home park may be either owned by the occupant of the manufactured/mobile home or leased from the manufactured/mobile home park owner.

**Manufactured/Mobile Home Park** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes.

**Manufactured/Mobile Home Site** - That part of an individual lot which has been reserved for the placement of the manufactured/mobile home, appertaining structures or additions.

**Mobile Home** - See Manufactured/Mobile Home definition.

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**Modification** - A relief of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. See Section 100-06.

**Official Wastewater Facilities Plan** - A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of such systems, and submitted to and approved by the State Department of Environmental Protection, as provided by the Pennsylvania Sewage Facilities Act and Chapter 71, Rules and Regulations, promulgated thereunder.

**On-site Sewage** - Any sewage system designed to treat sewage by subsurface means within the boundaries of an individual lot.

**On-site Water** - Any water supply system designed to provide water by means of a drilled well, spring, cistern, artesian well or other means within the boundaries of the lot being served.

**Open Space** - The area of land required to be set aside and preserved in an acceptable form of common ownership. Open space shall not contain improvements (including storm drainage facilities or sewage disposal areas) unless such improvements are part of recreational facilities.

**Parcel** - An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

**Pavement** - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards herein or Pennsylvania Department of Transportation specifications, as the case may be.

**Performance or Completion Guarantee** - A surety bond, certified check or other security meeting the requirements of Act 247 (Pennsylvania Municipalities Planning Code), and the terms of which are satisfactory to the Township Solicitor, guaranteeing the subdivider will install all required or planned improvements.



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**Person** - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

**Plan or Plat** - A map or chart indicating the subdivision, re-subdivision or lot improvement subdivision of land, which in its various stages of preparation can include the following:

- A. **Sketch Plan** - An informal plan, identified as such with the title "Sketch Plan" on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for consideration by the Township.
- B. **Preliminary Plan** - A complete plan prepared by a registered professional engineer, registered landscape architect, registered surveyor or other qualified individual, identified as such with the wording "Preliminary Plan" in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. **Final Plan** - A complete and exact plan, identified as such with the wording "Final Plan" in the title, with professional engineer's or registered surveyor's seal affixed, and prepared for official recording.

**Recreation Areas** - A portion of the required Open Space area suitable for active recreation facilities and which shall not include wetlands, floodplains, or areas considered stone fields, and shall not exceed the applicable maximum slopes.

**Recreational Land Development** - The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

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- A. **Transient Recreational Subdivisions or Land Developments** – are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.
  
- B. **Non-transient Recreational Subdivisions or Land Developments** – are planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tents and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

**Recreational Vehicle** - A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use which either has its own motive of power or is mounted on or drawn by another vehicle. The basic types of recreation vehicles are:

- A. **Travel Trailers** - A vehicular unit, mounted on wheels, of such size or weight as not to require special highway moving permits when drawn by a motorized vehicle designated and constructed to provide temporary living quarters for recreational, camping, or travel use, and a size of no more than three hundred (300) square feet.
  
- B. **Truck Camper** - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck and constructed to provide temporary living quarters for recreational, camping or travel use.
  
- C. **Motor Homes** - A vehicular unit built on a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping or travel use.
  
- D. **Camper Trailer** - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another

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vehicle and unfold at the campsite and designed to provide temporary living quarters for recreational, camping or travel use.

- E. **Tent** - A movable shelter made of canvas or other similar material and supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.
- F. **Self-Contained Unit** - A unit that; can operate independent of connections to external sewer, water and electrical systems; has a toilet and holding tank for liquid waste; contains water storage facilities; and may contain a lavatory, kitchen sink and/or both bath facilities connected to the holding tank.

**Right-of-Way** - Land set aside for use as a street, alley or other means of travel.

**Setback** - A line, parallel to a property boundary or the edge of a highway right-of-way, which defines an area within which buildings and improvements (fences and utility lines excepted) are restricted.

**Street** - A highway, road or other vehicular way that serves as a designated public or private thoroughfare, is depicted on an approved subdivision or land development plat or is otherwise depicted or described in legal documents recorded in the office of the Pike County Recorder of Deeds, including the following:

- A. **Major Street** - An arterial street with signals or stops signs at important intersections that collects traffic from collector streets and is generally expected to carry 5,000 vehicles or more of annual average daily traffic.
- B. **Collector Street** - A street that collects traffic from minor streets, delivers it to major streets and is generally expected to carry 1,000 to 5,000 vehicles or more of annual average daily traffic.
- C. **Minor Street** - A street that offers access to abutting properties, has little or no through traffic and is generally expected to carry less than 1,000 vehicles or more of annual average daily traffic.

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- D. **Interior or Marginal Access Street** - A street intended to provide access to lots bordering a public right-of-way to which access has been limited or prohibited, and generally running parallel to such right-of-way.
- E. **Service Way/Alley** - A service drive providing a secondary means of access to abutting properties and not intended for general traffic circulation, including interior access streets not accessible to the public.

**Stone Field** - Any area where the land surface is stone and void of fines between stones.

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

**Supervisors, Board of** - The Milford Township Board of Supervisors.

**Surveyor** - A registered land surveyor licensed by the Commonwealth of Pennsylvania.

**Township** - Milford Township, Pike County, Pennsylvania.

**Township Engineer** - A Professional Engineer licensed as such by the Commonwealth and appointed or hired on a consulting basis to provide engineering advice to the Township.

**Travelway** - The street cartway plus shoulders.

**Trip-end** - The starting point or destination associated with any trip by vehicle. All trips have both a beginning and ending trip-end (two trip-ends).

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**Waiver** - A relief of one or more procedural requirements of this Ordinance if the requirements pertaining to the same are not applicable because of peculiar conditions pertaining to the application or land in question, provided that such waiver will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. See Section 100-06.

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