

ARTICLE 2

DEFINITIONS

- 200 Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:
- 201 Words in the singular include the plural and those in the plural include the singular.
- 202 Words in the present tense include the future tense.
- 203 The words "person", "developer", "subdivide", and "owner" include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.
- 204 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
- 205 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- 206 The word "Township" means Lower Nazareth Township, Northampton County, Pennsylvania.
- 207 The term "Board of Supervisors" means the Board of Supervisors of Lower Nazareth Township.
- 208 The term "Planning Commission" means the Planning Commission of Lower Nazareth Township.
- 209 The term "Board" means the Zoning Hearing Board of Lower Nazareth Township.
- 210 If a word is not defined in this Ordinance, but is defined in the Township Zoning Ordinance, as amended, the definition in that Ordinance shall apply. If a word is defined in both this Ordinance and another Township Ordinance, each definition shall apply to the provisions of each applicable Ordinance.
- 211 Any word or term not defined in this Ordinance or in the Township Zoning Ordinance, as amended, shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
- 212 The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- 213 All undefined terms used in this ordinance which are defined in the Pennsylvania Storm Water Management Act of 1978, or the Stormwater Management Ordinance of Lower Nazareth Township as adopted in 1988, shall have the meaning defined in said Act or Plan. In the event that terms are defined both in this ordinance, and in the Act or Stormwater Ordinance, the definitions contained in this Ordinance shall prevail over the definitions contained in the Act and the Stormwater Ordinance. Other terms or words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING. A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

ACCESSORY STRUCTURE. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ACCESSORY USE. A use separated from, subordinate to and customarily incidental to the use of the principal building and situate on the same lot.

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

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

BLOCK. Property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

BUILDING. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than 16 square feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING SETBACK LINE. A line, which designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the street right-of-way or property line, whichever is closer.

Front Yard Building Setback Line. The line parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in the Lower Nazareth Township zoning Ordinance. All yards adjacent to a public or private street right-of-way shall be considered front yards, except in double frontage lots.

Side Yard Building Setback Line. The line parallel to the side lot line and equal to the minimum depth of the side yard designated for each district in the Lower Nazareth Township Zoning Ordinance.

Rear Yard Building Setback Line. The line parallel to the rear lot line and equal to the minimum depth of the rear yard designated for each district in the Lower Nazareth Township Zoning ordinance.

CARTWAY. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

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 predetermined distance from the intersection of the center lines, measured at two (2) feet in height.

CLOSED DEPRESSION. A part of the land surface of a lot, parcel or tract which drains internally, and which generally has sunk to a variable depth and is generally characterized by a downward movement of soil into bedrock voids without breaking the ground surface.

COMPREHENSIVE PLAN. The document entitled the "Lower Nazareth Comprehensive Plan," or any part thereof, adopted by the Board of Supervisors, as amended.

CUT. An excavation. The difference between a point on the original ground a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DESIGN STORM. The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. 50-year storm) and duration (e.g. 24 hour), and used in computing storm water management control systems.

DETENTION BASIN. A basin designed, intended or used to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DWELLING UNIT. A room or group of rooms located within a residential building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating by one family.

EASEMENTS. A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose, subordinate to, but not inconsistent with, the owner's general property rights.

ENGINEER. A Professional Engineer licensed by the Commonwealth of Pennsylvania.

EROSION. The removal of surface materials by the action of natural elements.

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 a designated point of higher elevation on the final grade. The material used to make a fill.

FLOOD PLAIN. A relatively flat or low lying area adjoining a river, stream or watercourse which is subject to partial or complete inundation during a 100-year design frequency storm or an area subject to the accumulation or runoff of surface waters from any source, as more fully defined by the current edition of the Lower Nazareth Township Flood Insurance Rate Map and associated Flood Plain Study.

GRADING. Changing existing topography through cutting or filling by two (2) feet or more in elevation over an area exceeding 1,000 square feet.

HYDRIC SOILS. Poorly drained soils that can support hydrophytic plants, but may not necessarily do so.

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

KARST. A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage.

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:
 - (i) 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
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.
- (c) Development in accordance with Section 503.1.1 of the Municipalities Planning Code, as amended.

LANDOWNER. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a leasee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

LEHIGH VALLEY PLANNING COMMISSION. The Planning Commission of Lehigh and Northampton Counties.

LOT. A separate parcel of land that is recorded or that will be recorded after Township approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

LOT AREA. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot area shall not include the following:

- A. Areas within future or existing street rights-of-way.
- B. Areas that are currently or will be dedicated as common open space or,
- C. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

MAINTENANCE GUARANTEE. Any security which may be accepted by the Board of supervisors to insure the structural integrity of accepted improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a period of twelve (12) months.

MARKER. A metal pipe or pin of at least three-quarters (3/4) inches outside diameter and at least thirty (30) inches in length.

MOBILE/MANUFACTURED HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of 2 or more mobile/manufactured homes for nontransient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

MONUMENT. A stone or concrete monument with a flat top at least four (4) inches in diameter or square. The bottom sides or radius shall be at least two (2) inches greater than the top to minimize movements caused by frost. The monument shall contain a steel dowel and be at least thirty (30) inches in length.

OPEN SPACE. That part of a lot, parcel or tract which is unoccupied and unobstructed by any structure or impervious cover, except recreational and utility structures, which are permitted. The term "open space" shall not include any area designed, maintained or used for streets, roads, highways, driveways or parking areas.

OPEN SPACE, COMMON. A parcel or parcels of land, within a tract which meets all of the following standards:

- (a) is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- (b) is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- (c) will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation, and
- (d) does not use any of the following areas to meet minimum open space requirements:
 - 1) existing or established future street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Township for agricultural preservation,
 - 7) land beneath or within 50 feet of each side of each of the following: a) overhead electrical transmission lines of 35 kilovolts or greater capacity, b) the towers/poles supporting such lines,

- 8) for land intended to be open to the public, that does not have provisions for entry with a 20 feet minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
- 9) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
- 10) portions of land that have a width of less than 20 feet,
- 11) land that includes commercial recreation uses, except as may specifically be permitted to be counted towards a common open space requirement by a specific provision of this Ordinance, and
- 12) land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

PA DEP. The Pennsylvania Department of Environmental Protection, or its successors, and its subparts.

PENNDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

PERFORMANCE GUARANTEE. Any security which may be accepted by the Board of Supervisors to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the Plan.

PLAN, FINAL. A complete and exact plan, with professional engineer's seal and/or professional land surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.

PLAN, PRELIMINARY. A tentative plan, in lesser detail than a Final Plan, showing proposed streets and lot layout and such other information as required by this Ordinance.

PLAN, RECORD. The copy of the Final Plan which contains the original endorsements of the Lehigh Valley Planning Commission and the Township Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH. An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision. A sketch plan is not mandatory and is not a preliminary plan.

PUBLIC NOTICE. Notice as required by the Municipalities Planning Code.

RECREATION LAND. Land dedicated to the Township or other entity approved by the Township for the use of the Township's residents, which is suitable for active uses such as playing fields. Recreation lands shall not include areas within the 100 year flood plain, power line or pipeline rights-of-way, quarries, road rights-of-way, buffer zones, or stormwater management facilities. Recreation lands shall not include areas characterized by wetlands, hydric soils, slopes in excess of five (5%) percent, or woodlands.

REVERSE FRONTAGE LOT. A parcel designed such that individual residential uses abut a street on both the front and the rear, with vehicular access from only one street. A lot will only be deemed a reverse frontage lot if access is from a local street.

RIGHT-OF-WAY. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

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

SALDO. The Lower Nazareth Township Subdivision and Land Development Ordinance of 2001.

SANITARY SEWAGE DISPOSAL, ON-LOT. An "on-lot" septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot, and provided in compliance with Pennsylvania Department of Environmental Resources' regulations or regulations of the Township, whichever may be more stringent.

SANITARY SEWAGE DISPOSAL SYSTEM, PUBLIC. A public or private utility system designed to collect, centrally treat and dispose of sewage from more than one customer, in compliance with Pennsylvania Department of Environmental Resources' regulations or regulations of the Township, whichever may be more stringent.

SEDIMENTATION. The process by which mineral or organic matter is accumulated 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".

SIGHT DISTANCE. The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made between a point 3.5 feet above the centerline of the road surface and a point 3.5 feet above the centerline of the road surface.

SINKHOLE. A localized sinking of land surface to a variable depth generally characterized by a roughly circular outline and a downward movement of soil into bedrock voids.

SLOPE. The vertical change of an area of land divided by the horizontal change, measured in percent.

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

STORM SEWER. A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORM WATER MANAGEMENT PLAN. The plan for managing storm water runoff adopted by Northampton County for the Monocacy Creek Watershed and the Bushkill Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act".

STREET. A strip of land intended for use as a means of vehicular or pedestrian traffic, whether public or private.

ARTERIAL STREET. A major regional highway designed to carry heavy vehicular traffic onto, out of, or through the regional area; subject to necessary control of entrances, exits and curb use.

COLLECTOR STREET. A street designed to carry a moderate volume of traffic to intercept local streets, to provide routes to arterial roads and to community facilities and to provide a limited amount of access to the abutting properties.

CUL-DE-SAC. A local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

DEAD END STREET. A street with a single connection with the surrounding road network, which fails to meet the definition of "stub street."

EXPRESSWAY. A major highway designed for large volumes and high speed traffic with access limited to grade separated intersections.

LOCAL STREET. A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

LOOP STREET. A street which intersects only with itself, except for a single connection with the surrounding road network.

MARGINAL ACCESS STREET. A local street which is parallel to and adjacent to an expressway, or an arterial road, and which provides access to abutting properties and protection from through traffic.

PUBLIC STREET. A street which has been accepted for dedication by Lower Nazareth Township for public use.

STUB STREET. A street or road within a subdivision terminating at the subdivision boundary with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adequate connecting street system.

STREET RIGHT-OF-WAY LINE. The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that: (1) the street right-of-way line shall be not less than 16-1/2 feet from the centerline of any existing road or street, and (2) where a future right-of-way width for a road or street has been officially established, then the street right-of-way shall be the side line of the future right-of-way so established.

STRUCTURE. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post or pier mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.

- B. Any structure shall be subject to the principal or accessory setbacks of the Lower Nazareth Township Zoning ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by the Lower Nazareth Township Zoning ordinance.

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 that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBDIVISION, MINOR. A subdivision which does not by itself or in combination with previous subdivision plans, involve more than a total of three (3) lots, and does not involve the provision of any new street or easement for access (i.e. one in which all proposed lots will have frontage on an existing public street), or a boundary line adjustment between property owners where no new lots are created.

SURVEYOR. A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE. A low lying stretch of land which gathers or carries surface water runoff.

TOPSOIL. Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

TOWNSHIP ENGINEER. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township Engineer.

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

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT. An "on-lot" water supply system generally providing for an adequate supply of water for one building or a group of buildings on a single lot, and in compliance with the Pennsylvania Department of Environmental Resources, regulations or Township regulations, whichever may be more stringent.

WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC. A public or private utility system designed to transmit water from a common source to customers in compliance with the Pennsylvania Department of Environmental Resources' Regulations or the Township Regulations, whichever may be more stringent.

WETLANDS. 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, or as specifically described under the official Federal definition of wetland.

WOODLAND. Areas composed of a grove of trees forming one canopy where ten (10) or more trees measure at least six (6) inches in diameter, measured at four and one-half (4-1/2) feet from the ground.