

## **ARTICLE II**

### **DEFINITIONS**

#### **SECTION 201 GENERAL INTERPRETATION**

For all words and phrases used in this Ordinance, the following rules of interpretation shall be used:

- A. The present tense includes the future.
- B. The singular includes the plural and the plural the singular.
- C. The masculine gender includes the feminine and neuter.
- D. The word "person" includes a partnership, corporation, association, trust estate or any other legally recognized entity as well as an individual.
- E. The word "shall" is construed to be mandatory and the word "may" means optional.

#### **SECTION 202 DEFINITIONS**

Unless expressly stated otherwise in this Ordinance, the following words and phrases shall have the meanings given to them in this Article.

Access Drive

A private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development and/or drive servicing more than two units of occupancy.

Act

The Pennsylvania Municipalities Planning Code, Act 247 (53 P.S. 10101 et.seq.) as amended.

Alley

A minor right-of-way which is publicly owned and used primarily for secondary vehicular access to the rear or side of properties otherwise abutting a public street.

Applicant

A landowner, developer or authorized agent, who has filed an application for subdivision or land development including heirs, successors, and assigns. Block

Block

An area of land bounded by streets.

Borough Engineer

A professional engineer registered in Pennsylvania and designated by Atglen Borough to perform the duties of Engineer as herein specified.

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, including covered porches, decks and patios whether enclosed or unenclosed, storage/utility sheds, sun parlors, bay windows, and chimneys, but does not include steps.

Building Setback Line

A line parallel to, and set back from the front lot line at a distance equal to the depth of the front yard requirement for the zoning district in which the lot is located.

Capacity

The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Cartway

The surface of a street or alley available for vehicular traffic including shoulders and/or parking spaces.

Clear Sight Triangle

An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Council (Borough Council)

The Borough Council of Atglen Borough, Chester County, Pennsylvania.

Crosswalk

A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Design Year

The anticipated opening year of a development, assuming full buildout and occupancy.

Developer

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

Driveway

A vehicular access from a street or right-of-way to no more than two (2) dwelling units.

Dwelling

A building or structure designed for living quarters for one (1) or more families, including industrialized housing and manufactured homes which are permanently supported by a foundation, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy. This definition of dwelling shall also include permanently attached model

homes intended for residential purposes upon the completion of the development.

A. Single Family Attached Dwelling. A single-family dwelling attached to two or more single-family dwellings by common vertical walls.

B. Single-Family Detached Dwelling. A dwelling accommodating one family entirely surrounded by open space on the same lot.

C. Single-Family Semi-Detached Dwelling. A dwelling accommodating a single family and attached by way of a common or party wall to one (1) similar dwelling, including twins and duplexes.

D. Multi-Family Dwelling. A building designed and occupied as a residence, containing three (3) or more dwelling units. Multi-family shall refer to any building configuration, including, but not limited to, apartments but shall not include conversion apartments.

#### Easement

An interest in land owned by another that entitles the holder to specific limited use or enjoyment.

#### Engineering Specifications

The engineering specifications of Atglen Borough regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

#### Erosion

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

#### 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 therefrom.

#### Fill

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, 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 of the final grade. The material used to make fill.

#### Flag Lot

A parcel of land created by a subdivision which includes a narrow projection or "flagpole" to a public street or right-of-way.

#### Flagpole

A narrow extension of property on a lot or parcel from the buildable area of the lot to a public street or right-of-way, and which is not part of the lot area, but serves as access to the lot or parcel.

#### Floodplain

Land areas which are subject to partial or complete flooding from an adjoining or nearby river or watercourse. For the purpose of this Ordinance, the floodplain shall include but may not be limited to the area in the (F-I) Flood Hazard Overlay District as defined by the Atglen Borough Zoning Ordinance.

Governing Body

Shall mean the Atglen Borough Council, Chester County, Pennsylvania.

House Connection

That length of sewer pipe extending from a sewage main of a public sewage system to the outer wall of the dwelling to be served.

Improvements

Grading, paving, roads and streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water retention, detention basins, and other related drainage facilities, recreational facilities, open space, and public facilities as may be required by this Ordinance.

Land Development

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

A. 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.

B. 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.

2. A subdivision of land.

3. "Land Development" shall not include the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Level-of-Service

A qualitative measure describing the operational conditions within a traffic stream, and their perception by motorists and/or passengers.

Lot

A lot is a parcel of land held in single or separate ownership and which is separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description, or which is described by a duly approved and recorded subdivision plan on file in the office of the Recorder of Deeds of Chester County. The term "lot" shall include parcel, plot, site, tract, or any other similar term.

Lot Area

The total area of a lot as determined by the acreage or square footage within the front, side, or

rear lot lines, excluding road right-of-way.

Lot Line

The line from which building setbacks and yard areas are measured.

A. Front Lot Line. The right-of-way line of a street or, where no right-of-way exists, the curbline.

B. Rear Lot Line. The property line in the rear yard except in the case of a double frontage lot where it shall be the curbline.

C. Side Lot Line. The property line in the side yard, except in the case of a corner lot where it shall be the curbline.

Marker

An iron pin or pipe of a least 3/4" in diameter and 18" in length.

Mobile (Manufactured) Home

A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes park trailers, travel trailers, and other similar vehicles which are placed on a site for more than 180 consecutive days.

Mobile (Manufactured) Home Lot

A parcel of land in a mobile (manufactured) home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile (manufactured) home.

Mobile (Manufactured) Home Park

Any lot, parcel or tract of land designed, maintained, or intended for the purpose of supplying a location or accommodation for more than one (1) mobile home or upon which more than one (1) mobile home is provided or located, whether or not a charge is made for the use of the mobile home park and its facilities, and shall include all buildings and structures used or intended for use as a part of the park. Mobile home park shall not include a mobile home sales lot upon which unoccupied mobile homes are parked for the purpose of inspection or sale.

Permanently Passable Condition

Shall mean graded to plan specifications and improved to include curbing, drainage facilities, and a base course as outlined in this Ordinance.

Plan

A map or diagram of a subdivision or land development A plan can be sketch, preliminary, final, or lot add-on as further defined.

Plan, Final

A complete and exact subdivision or land development plan prepared for official recording as required by the Act, in conjunction with the specifications of Section 403 of this Ordinance.

Plan, Lot Add-on

A complete and exact subdivision plan including all supplementary data specified in Section 404 of this Ordinance, the sole purpose of a lot add-on is to increase the lot area of an existing lot or tract.

Plan, Preliminary

A tentative subdivision or land development plan prepared in lesser detail than the final plan, and indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan, with specifications as outlined in Section 402 of this Ordinance.

Plan, Sketch

An informal plan, not necessarily drawn to exact scale, indicating salient existing features of a tract and its surroundings, and the general layout of a proposed subdivision or land development/prepared in accordance with Section 401 of this Ordinance.

Planning Commission

The Planning Commission of Atglen Borough, Chester County, Pennsylvania.

Private

Not publicly owned, operated, or controlled.

Public Grounds

Public grounds include the following:

- 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; and
- C. Publicly owned or operated scenic and historic sites.

Public Improvements

Shall include such improvements as streets, sewer and water facilities, curbs, sidewalks, street lighting, storm water facilities, fire hydrants, manholes and any accompanying easements.

Public Notice

A notice published once each week for two 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. 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.

Public Sewage System

A sanitary sewage collection, treatment and disposal system into which sewage flows or is pumped from individual lots/units to a central facility where it is properly treated. All public sewage systems must be reviewed and approved by the Pennsylvania Department of

Environmental Resources and other regulatory agencies.

Public Water System

A system for supplying safe, potable water in sufficient quantities and under adequate pressure to four (4) or more dwelling units. All public water systems must be properly reviewed and approved by the Pennsylvania Department of Environmental Resources.

Reverse Frontage Lot

A lot extending between and having frontage on a major thoroughfare and a minor street or alley, with vehicular access solely from the latter.

Right-of-Way

Area of land reserved or dedicated as a street or for any other public or private use.

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.

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".

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.

Single and Separate Ownership

The ownership of a lot and/or dwelling by one (1) or more persons which ownership is separate and distinct from that of any adjoining property.

Slope

The degree of vertical deviation of a land surface from the horizontal which is expressed as a percentage.

Statutory Review Period

The maximum number of days a municipality has to fulfill its obligations in reviewing and properly disposing of a subdivision or land development plan, as defined by Act 247, the Pennsylvania Municipalities Planning Code.

Street

A right-of-way or portion thereof dedicated or intended to be used for general vehicular and/or pedestrian use whether publicly or privately owned. Streets shall be further classified as follows:

Arterial Street

A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas. Existing arterial streets are identified in the Comprehensive Plan for Atglen Borough.

Collector Street

A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development. Existing collector streets are identified in the Comprehensive Plan for Atglen Borough.

Local Street

A street used primarily for access to abutting properties. Existing local streets are identified as minor streets in the Comprehensive Plan for Atglen Borough.

Cul-de-Sac Street

A minor street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Marginal Access Street

A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

Street, Centerline

The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

Street Line

The legal right-of-way line of a street dividing the legal limit of a public street from a lot. When a future right-of-way line has been established, the street line shall be the line of such future right-of-way.

Street Width

The shortest distance between street lines measured at right angles to the center line of the street.

Structure

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including storm water management facilities.

Subdivision (See Land Development)

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 residential dwellings, shall be exempted.

Surface Drainage Plan

A plan showing all present and proposed grades and facilities for storm water drainage.

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.

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.

Watercourse

A natural stream of water, river, brook, creek, or a channel of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Wetlands

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

Zoning Ordinance

The Zoning Ordinance of the Borough of Atglen.