

ARTICLE 2

DEFINITIONS

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Article 2

DEFINITIONS

201 Application and Interpretation:

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes.

Unless otherwise expressly stated, the following shall, for the purposes of this Ordinance, have the meaning herein indicated:

1. Words used in the present tense shall include the future tense.
2. The word "person" shall include a profit or non-profit corporation, company, partnership, association, or individual.
3. The word "building" shall include "part thereof" and "structure".
4. The word "lot" shall include "plot" or "parcel".
5. The word "shall" is always mandatory.
6. The singular number shall include the plural, and the plural the singular.
7. The masculine gender shall include the feminine and neuter.
8. The word "street" shall include "road", "highway", and "lane".
9. The word "watercourse" shall include "drain", "ditch", and "stream".

202 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abut: To touch at the end; be contiguous; join at a border or boundary. The term "abutting" implies a closer proximity than the term "adjacent". No intervening land.

Access Drive: A private road connecting a development, such as a hospital, school, shopping, industrial, or housing complex, with the street.

Adjacent: Lying near or close to; sometimes, contiguous; neighboring. "Adjacent" implies that the two objects are not widely separated, though they may not actually touch.

Administrator: The officer as appointed by the Board of Supervisors to administer these regulations and to assist administratively the Planning Commission and other Boards and officers of the Township.

Alley: A publicly or privately owned right-of-way on which no dwelling fronts, serving as a secondary means of access to abutting property.

Section 202 (cont'd)

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 or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

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

Building Setback Line: The line within a property defining the minimum distance required by the Zoning Ordinance between any building or structure and an adjacent street right-of-way or side or rear property line.

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cistern: An underground reservoir or tank for storing rainwater.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commission, Planning: The Planning Commission of Briar Creek Township, Columbia County, Pennsylvania.

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 or enjoyment of residents of the development, not including streets, off-street parking areas, private yard space, and areas set aside for non-residential and public facilities. Common open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents.

Comprehensive Plan: The Comprehensive Plan of the Township of Briar Creek consisting of maps, charts, and textual matter; and containing recommendations of the Planning Commission and Board of Supervisors for the continuing development of the Township in terms of community development objectives, plans and policies for the use of land, for housing, for community facilities, and for transportation, and a plan for implementation.

Construction Plan: The maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission and Board of Supervisors as a condition of the approval of the plan.

County: Columbia County, Pennsylvania.

Section 202 (cont'd)

Culvert: A pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

Density:

High Density: Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

Low Density: Those residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet.

Medium Density: Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

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 to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

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 land development. (See also Subdivider and 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 the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

Driveway: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

Easement: A right-of-access granted, but not dedicated, for a specific use of private land for a public or quasi-public purpose, and within which the 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 right of the grantee.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township of Briar Creek.

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

Section 202 (cont'd)

Erosion, Accelerated Water: Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion. They are: Sheet, Rill, and Gully erosion.

Excavation: Any act by which earth, sand, gravel, rock, or any other 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, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Financial Security: Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit and restrictive or escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Board of Supervisors and to be used wherever required by these regulations. (See Article 4.)

Frontage: (See Lot Frontage.)

Grade: The slope of a road, street, or other public way, specified in percentage terms.

Groundwater Recharge: Replenishment of existing natural underground water supplies.

Impervious Surface: A surface which prevents the penetration of water into the ground.

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

Infiltration Structures: A structure designed to direct runoff into the ground, e.g., French drains, seepage pits, dry wells, and seepage trenches.

Land Development: Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. 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
 - b. 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.
2. A subdivision of land.

Section 202 (cont'd)

3. Development excluding the following:

- a. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- c. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement park until initial plans for the expanded area have been approved by proper authorities.

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.

Lot: A parcel of land which is, or in the future may be, offered for sale, conveyance, transfer or improvement.

Lot Area: The total horizontal area of the lot lying within the lot lines, as shown on a subdivision plan, provided that no area of land lying within any street line shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way line only. The area of any lot shall include the area of any easement.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Frontage: That side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot. For lots along a lake, the front of the lot shall be that side facing the lake.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial and a minor street and with vehicular access solely from the latter.

Lot, Through or Double Frontage: A lot with both front and rear street frontage.

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.

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 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.

Section 202 (cont'd)

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.

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.

Municipal or Municipality: Briar Creek Township, Columbia County, Pennsylvania.

Municipal Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authority Act of 1945."

Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Official Map: A Map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended).

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a storm event.

Plan or Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Sketch Plan: A sketch preparatory to the preparation of the Preliminary or Final Plan to enable the subdivider or developer to save time and expense in reaching general agreement with the Planning Commission as to the layout of his subdivision or development and the objectives of this Ordinance.

Preliminary Plan: The preliminary or engineering drawing or drawings, as described in this Ordinance, indicating the manner or layout of the subdivision to be submitted to the Township for approval.

Final Plan: A complete and exact plan prepared for official recording with the Recorder of Deeds of the County following approval by the Township.

Public Grounds: Includes:

1. parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
3. publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Section 202 (cont'd)

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 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. The first publication shall not be more than thirty (30) days or less than seven (7) days from the date of the hearing.

Renewable Energy Source: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fissions and fusion processes.

Resubdivision: Any replatting or resubdivision of land involving changes of street layout, or any reserved for public use, or any lot line on an approved or recorded plan. Any other more major changes shall be considered as constituting a new subdivision of land. (See also Subdivision.)

Right-of-way: A public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

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.

Same Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, the total system being publicly or privately owned.

Sanitary Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

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".

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

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.

Section 202 (cont'd)

Slope: The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
(a) Nearly level	0-3 percent	A
(b) Gently sloping	3-8 percent	B
(c) Sloping	8-15 percent	C
(d) Moderately steep	15-25 percent	D
(e) Steep	25-35 percent	E
(f) Very steep	35 + percent	F

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Solicitor: The licensed attorney designated by the Township to furnish legal assistance for the administration of these regulations.

Stabilization: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and insure its resistance to erosion, sliding, or other movement.

Storm Water Management Plan: The plan for managing storm water runoff adopted by Columbia County as required by Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act".

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. The strip of land includes the entire right-of-way, not just the cartway. Streets are further classified according to the functions they perform:

Arterial: A major street located and designed for the continuous movement of heavy volumes of all types of comparatively short-haul vehicular traffic between communities and for collecting and distributing traffic to and from expressways.

Cul-de-sac: A local street intersecting another street at one end and terminating in a vehicular turnaround at the other.

Expressway: A centrally divided trafficway located and designed for the continuous movement of the heaviest volume of all types of comparatively long-distance, intercommunity, vehicular traffic.

Marginal Access: A local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

Local: A street providing local access to residences and other uses along its sides.

Perimeter: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Section 202 (cont'd)

Collector: A street located and designed for all types of intracommunity vehicular traffic, and functioning to carry traffic to the arterials.

Street Line: The dividing line between a lot and the outside boundary or ultimate right-of-way of a public street, road, or highway, legally opened or officially plotted; or between a lot and a privately owned street, road, or way over which the tenants of two (2) or more lots, which each holds in single and separate ownership, have the right of access.

Structure: Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: (Same as Developer.)

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 and 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 residential dwellings shall be exempted. (See also Land Development.)

Substantially Completed: Where, in the judgment of the municipal engineer, at least ninety percent (90%)--based on the cost of the required improvements for which financial security was posted pursuant to Article 4--of those improvements required as a condition for final approval have been completed in accordance with the approved 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 storm water drainage.

Swale: A low-lying stretch of land which gathers or carries surface water runoff.

Top Soil: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Township Board of Supervisors: The Board of Supervisors of the Township of Briar Creek, Columbia County, Pennsylvania.

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 structure.

Watercourse: A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man-made.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and other buildings, within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Section 202 (cont'd)

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Survey: An inventory of the source, quantity, yield and use of ground-water and surface-water resources within a municipality.

Zoning Officer: The person designated by the Board of Supervisors to enforce the Zoning Ordinance.