

## ARTICLE II

### DEFINITIONS

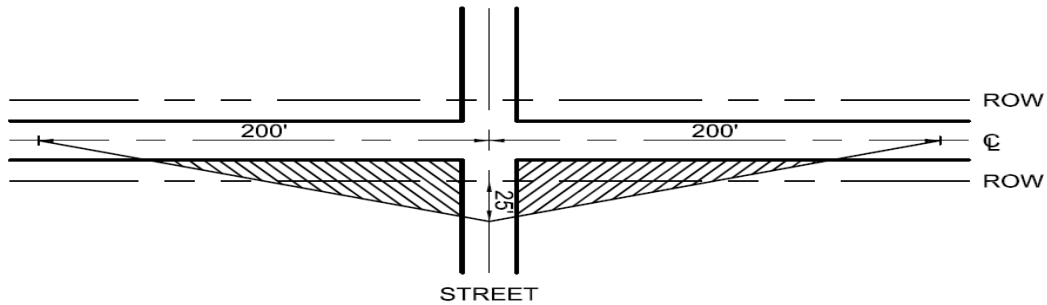
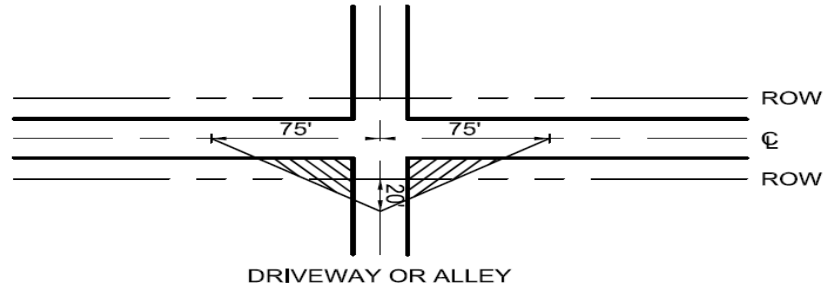
#### SECTION 200            GENERAL USAGE AND INTENT

As used in this Ordinance words in the singular imply the plural. Words used in the present tense imply the future tense. The word "Person" includes corporation, unincorporated association and partnership, as well as an individual. The word "Building" includes the meaning of "Structure", and shall be construed as if followed by the phrase "Or Part Thereof." Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below:

#### SECTION 201            SPECIFIC WORDS AND PHRASES

1.    **Agricultural operation** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
2.    **Agriculture** - The tilling of soil, the raising of crops, horticulture, and gardening.
3.    **Applicant**: A landowner or developer, as hereinafter defined who has filed an Application for Development including his heirs, successors and assigns.
4.    **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 permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
5.    **Area**: The extent of surface contained within the boundary lines of lands or buildings.
6.    **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."
7.    **Block**: An area bounded by streets or proposed streets.
8.    **Borough**: The Borough of Mont Alto, Franklin County, Pennsylvania.

9. **Building:** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing or enclosure of persons, animals, or chattels, including covered porches or bay windows and chimneys.
10. **Building Setback:** The required horizontal between a setback line and a property or street line.
  - a. **Building Setback, Front** - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."
  - b. **Building Setback, Rear** - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard."
  - c. **Building Setback, Side** - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."
11. **Building Setback Line:** An established line within a lot or property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or property line.
12. **Cartway:** The portion of a street right-of-way which is paved, improved and intended for vehicular use.
13. **Clear-Sight-Distance:** A line of unobstructed vision from a point four and one-half feet (4 1/2') above the centerline of a street to the nearest point on the top of an object four inches (4") high on the same centerline.
14. **Clear-Sight Triangle:** A triangular-shaped portion of land established at street intersections including driveways in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. A clear-sight triangle shall be defined by taking the specified minimum measured distances from the points as indicated on Figures 1 and 2, respectively, for a driveway intersecting a street and for a street intersecting another street. These measured distances shall form the three points of the triangle which will be connected.



15. **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 a development, not including streets, off-street parking areas, and areas set aside for public facilities.
16. **Council:** The Borough Council of Mont Alto, Pennsylvania (also known as Governing Body).
17. **County:** Franklin County, Pennsylvania.
18. **Curb:** The raised edge of a pavement used to confine surface water to the pavement and to protect the abutting land from vehicular traffic.
19. **Curb Line:** The outside edge of the shoulder.
20. **Cul-de-sac:** A street with access closed at one (1) end and with a vehicular turn-around at the closed end.
21. **Dedication:** The deliberate appropriation of land, by its owner, for any general and public or limited public use, and reserving to himself no other rights than those which have been granted to the general public by his dedication.
22. **Detention Basin:** A man-made or natural water collection facility designed to collect surface and sub-surfaced water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

23. **Developer:** Any landowner, or 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.
24. **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 Ordinance shall mean the written and graphic materials referred to in this definition.
25. **Drainage:** The flow of water or liquid waste and the methods of directing such flow.
26. **Dwelling:** A permanent structure designed for residential purposes which does not include casual or temporary shelter such as tents, trailers, or other shelter designed to be readily removable from the premises.
27. **Drainage Facility:** 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 land development or contiguous land areas.
28. **Dwelling Unit** - A dwelling or portion thereof providing complete living facilities, including a suite of rooms with exclusive sanitation facilities and with cooking facilities.
29. **Dwelling, Multi-Family** - A building or portion thereof containing three (3) or more dwelling units and used for occupancy by three (3) or more families living independently of each (also known as an apartment house or condominium).
30. **Easement:** A limited right granted for the use of private land for certain public or quasi-public purposes; also the land to which such right pertains.
31. **Engineer:** A person duly registered as a Professional Engineer by the Commonwealth of Pennsylvania.
32. **Engineer, Borough:** The Borough Engineer or any Consultant designated by the Borough Council to review a Subdivision or Land Development Plan and perform the duties of Engineer on behalf of the Borough.
33. **Excavation:** Any act by which earth, sand, gravel, or rock is dug, cut, quarried, uncovered, removed, displaced, relocated or bulldozed.

34. **Grade:** The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred of feet.
35. **Improvements:** Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and public.
36. **Land Development:** Any of the following Activities:
- a. The improvement of one (1) 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 non-residential buildings, whether proposed initially or cumulatively, or a single non-residential 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. Excluded from the definition of Land Development are the following:
    - (i) 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;
    - (ii) The addition of an accessory building, including farm building on a lot or lots subordinate to an existing principal building.
37. **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.
38. **Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.
39. **Mobilehome:** A transportable single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designated 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.

40. **Mobilehome Lot:** A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. A mobilehome not located in a mobilehome park shall meet the lot requirements for a single family detached dwelling of that district where located.
41. **Mobilehome Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.
42. **Multi-Use Building:** Any building intended to be used by two (2) or more tenants, owners or users or any combination thereof.
43. **Performance Bond:** An agreement by and between a contractor and a bonding company in favor of the developer and the Mont Alto Borough Council guaranteeing the completion of physical improvements.
44. **Plan:** The map or plan of a subdivision or land development, whether sketch, preliminary or final.
  - a. **Plan, Sketch** - An informal development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.
  - b. **Plan, Preliminary** - A tentative land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
  - c. **Plan, Final** - A complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.
45. **Planning Commission:** The Borough Of Mont Alto's Planning Committee.
46. **Plat:** The map or plan of a subdivision or land development, whether preliminary or final.
47. **Professional Consultants** – 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.
48. **Public Grounds:** Includes:
  - 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.
49. **Public Hearing:** A formal meeting held pursuant to public notice by the Mont Alto Borough Council or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with the "Pennsylvania Municipalities Planning Code."
  50. **Public Meeting:** A forum held pursuant to public notice under 65 Pa. C. S. CH. 7, (Relating to open meetings).
  51. **Public Notice:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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.
  52. **Right-Of-Way:** Land opened for use as a street.
  53. **Retention Basin:** A pond, pool, or basin used for permanent storage of water runoff.
  54. **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.
  55. **Shoulder:** The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline.
  56. **Slope:** Slopes are to be expressed in a Percentage based upon vertical difference in feet per one hundred feet (100') of horizontal distance.
  57. **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, streets are further classified:
    - a. **Major Arterial** - Limited access highways that are important in the inter-regional transportation systems, with a major portion of the vehicular movements being through traffic. There are no major arterial traversing the Borough.
    - b. **Minor Arterial** - Highways that are important in the regional transportation system, and while carrying mostly regional traffic, serve some local or Borough origins and destinations.

- c. Collectors - Roadways serving primarily local traffic and provide the connection between the residential, commercial and industrial developments and the minor arterial system.
  - d. Local Roads - Roadways serving local traffic and connect to collectors or minor arterial.
  - e. Alley and Service Drive - A minor street which provides a secondary means of access to the back or side of properties otherwise abutting a street.
58. **Street Line:** A line defining the edge of a street right-of-way and separating the street from the abutting property or lots. Commonly known as the "street right-of-way line."
59. **Subdivider:** The owner or the authorized agent of the owner of a subdivision.
60. **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 or devisees, transfer of ownership or building or lot development. Provided, however, 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.
61. **Substantially Completed:** A Subdivision or land development can be considered substantially completed, where, in the judgment of the Borough Engineer, at least ninety percent (based on the cost of the required improvements for which financial security was posted) 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.
62. **Surveyor, Registered:** A person duly registered as a Professional Surveyor by the Commonwealth of Pennsylvania.
63. **Swale:** A low-lying stretch of land which gathers or carries surface water runoff.
64. **Watercourse:** A permanent stream; intermittent stream, river; brook; creek; channel or ditch for water, whether natural or man-made.