

article II

Definitions

SECTION 200 GENERAL

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged", "designed", or "intended to be used". The word "building" shall include the word "structure". The present tense shall include the future tense. The word "person" shall include the words "individual", "organization", "partnership", or "corporation". The masculine gender includes the feminine and neuter.

SECTION 201 DEFINITIONS

Access Drive. A private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development.

Agent. Any party representing, working for, or in conjunction with the applicant, developer or municipality.

Alley. A minor right-of-way which may or may not be legally dedicated and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

Alluvial Soils. Soils generally found in flood plains and formed by the deposit of sediments or alluvium washed from uplands. Alluvial soils in Spring City are identified as Rowland Silt Loam (Rp), according to the U.S. Department of Agriculture, Soil Conservation Service, Soil Survey for Chester and Delaware Counties, Pennsylvania.

Applicant. A landowner or developer, including the heirs, successors and assigns, who has filed a complete application for subdivision and/or land development, or a complete application for a special exception, variance, or conditional use.

Berm. A raised earthen structure generally level and formed of compacted soils used either for the control of stormwater, by impoundment or diversion, or as a means of screening.

Block. Property bounded on one (1) side by a street, and on the other three (3) sides by a combination of streets and public parks, railroad rights-of-way, shorelines of waterways, boundary lines of the Borough, or any environmental limitation.

Borough Council. The Borough Council of the Borough of Spring City, Chester County, Pennsylvania.

Definitions

Buffer Yard. An area used and maintained as a means of limiting the negative effects created by conflicting adjoining properties, streets, and uses. Such area shall assist in serving as a barrier to visibility, noise, glare, or airborne products, and may include, but shall not be limited to a strip of land, a mound, or a berm, planted and maintained in shrubs, bushes, trees, grass or other common ground cover material within which no structure shall be located, or a wall, fence, or similar architectural screen when approved by the Council. (see also Screen).

Building. Any combination of materials forming a permanent structure having walls and a roof, whether assembled on the premises or not.

Building Permit. A statement issued and signed by the Zoning Officer, Code Enforcement Officer, or other duly authorized agent of the Borough of Spring City, which authorizes the erection, construction, alteration, conversion, replacement, diminution, or enlargement of a building or structure. The statement indicates that the proposed activity complies with the applicable Borough Building Codes.

Building Setback Line. A line parallel to, and set back from, the corresponding lot line at a distance equal to the depth of the yard requirement for the district in which the lot is located. No building or portion thereof is permitted to be located between the building setback line and any lot line (see Figure 1).

Caliper. The diameter of a tree measured at two and one-half (2.5) feet from the ground.

Cartway. The surface of a street or alley available for vehicular traffic including shoulders or on-street parking spaces (see Figure 1).

Centerline. The center of a surveyed street, road, lane, alley or, where not surveyed, the center of the available cartway (see Figure 1).

Certificate of Use and Occupancy. A statement signed, issued, and administered by the Zoning Officer, or duly authorized agent of the Borough of Spring City, upon completion of construction of a new building or upon change or conversion of a structure or use of a building, which establishes that a building or use complies with all requirements and regulations as provided in this Ordinance, the Zoning Ordinance, and all other applicable codes, and that the same may be occupied or used for the intended use.

Commercial Use/Property. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

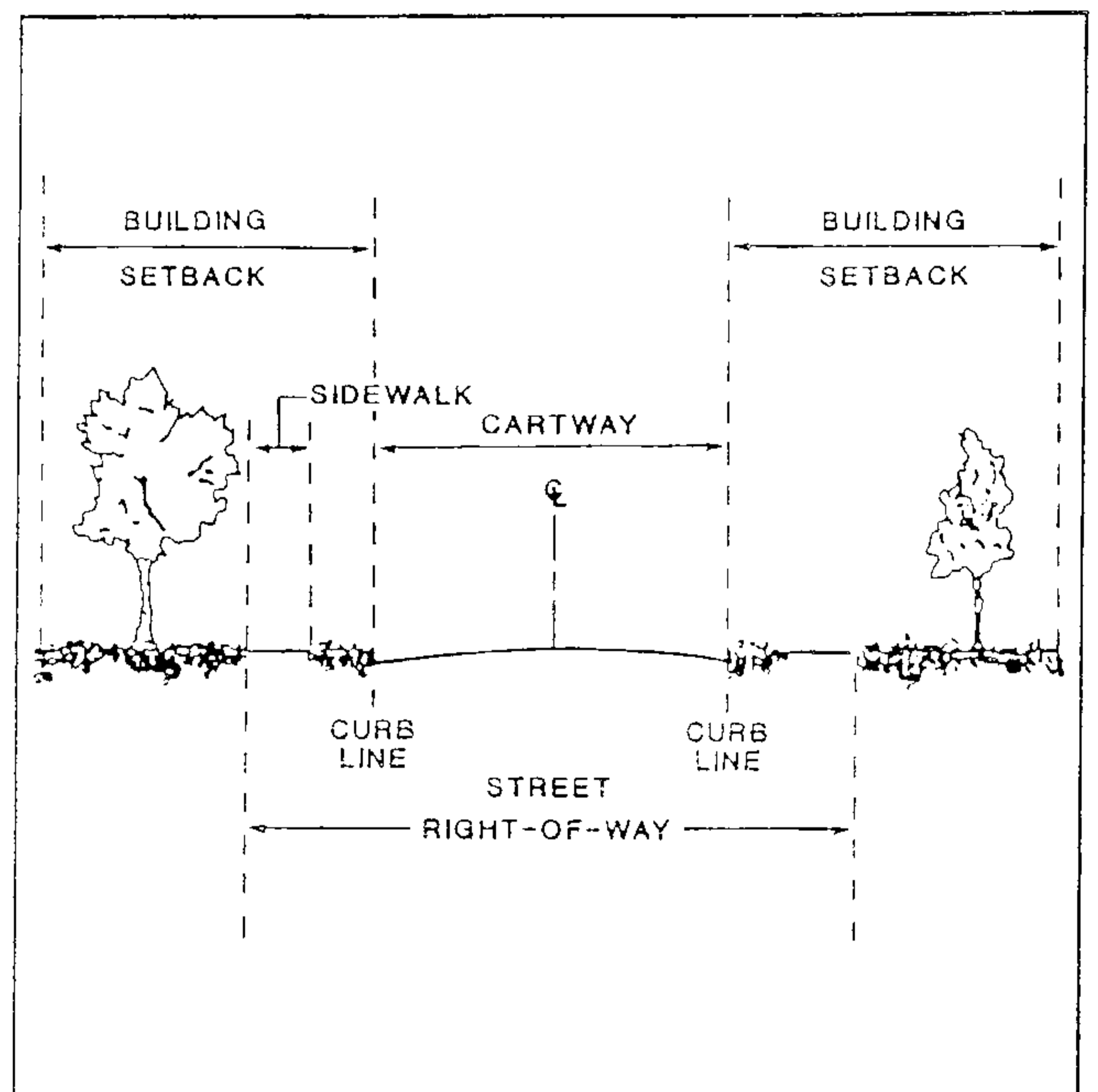


Figure 1 -- Typical Cross Section

Comprehensive Plan. The Comprehensive Plan of the Borough of Spring City, Chester County, Pennsylvania, as adopted and amended.

Condominium. A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation, of a building or structure, including the placement of manufactured homes.

Cul-de-Sac. See Street, Cul-de-Sac.

Culvert. A structure designed to convey water under a street or pedestrian walk.

Curb Line. The dividing line between cartway edge and sidewalk as officially plotted by the Borough; or between a lot and an alley over which owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way.

Cut. A portion of land or other area from which earth has been removed or will be removed by excavation; or the depth below the original ground surface or excavated surface.

Dedication. A gift or other donation of property by the owner thereof to the Borough or other entity, which is formally accepted by the Borough or other entity.

Design Year. The anticipated occupancy year of a development, or in the case of a phased development, the anticipated opening year of a particular phase of development.

Detention Basin. A structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion.

Developer. Any landowner or authorized agent of such landowner, or tenant of a landowner, who makes or causes to be made a subdivision of land or a land development including improvements thereto.

Development. Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, storage of equipment or materials, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Drainage Facility. Any ditch, gutter, pipe, culvert, storm sewer or other structure design, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land development or contiguous land areas.

Definitions

Driveway. An improved or unimproved private accessway intended for vehicular ingress to or egress from a lot into a public way.

Driveway, Common. A means of private access serving only two (2) residential lots.

Dwelling. A building or entirely self-contained portion of a building having complete housekeeping facilities with no enclosed space in common with another dwelling.

Earth-Moving Activity. Activity resulting in the movement of earth or stripping of vegetative cover from the earth.

Easement. The right of a person, governmental agency, or public utility company to use public or private land owned by another for a specific purpose.

Engineer, Borough. A licensed professional engineer duly designated by the Borough of Spring City to represent and to perform the duties of engineer as specified by this Ordinance.

Erosion. The process by which soils, vegetative, and man-made materials on the earth's surface are worn away by action of water, wind, frost, or a combination of such action by natural forces.

Excavation. Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation from water or land or beneath the surface thereof, whether exposed or submerged.

Fill. Material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

Floodplain. A relatively flat or lowland area which is subject to partial or complete flooding from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual accumulation of surface waters from any source.

Free-Board. The distance between the highest desired level of water and the top or flow-line of the structure impounding it.

Grading. The changing of the surface of the ground by excavation or filling, or combination thereof; the act of moving earth.

Guarantee, Maintenance. Any approved security which may be required of a developer by the Borough upon final acceptance by the Borough of installed improvements to secure the structural integrity of the improvements.

Guarantee, Performance. Any approved security which may be required of a developer by the Borough and as a condition of final plan approval to guarantee public improvements are completed and installed in accordance with the final plan and the applicable provisions of this Ordinance.

Gutter. That portion within a street right-of-way, outside the cartway, designed for surface drainage, whether paved with upright curb or concrete with a rolled curb.

Homeowners Association. A nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations for the purpose of administering the needs of residents through the maintenance of community-owned property.

Hydric Soils. A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to saturated soils and periodic inundations occurring in wetlands. Hydric soils or soils containing portions of hydric soils include, but are not limited to the following soils, as classified by the U.S. Department of Agriculture, Soil Conservation Service, Soils Survey for Delaware and Chester Counties, Pennsylvania:

Readington Silt Loam (RdA)
Rowland Silt Loam (Rp)

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures. (see also Permeable)

Improvements. Physical additions and changes to land such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, wells, street trees, plantings, and other structures that may be necessary to produce useable and desirable land development.

Improvements, Public. Improvements, including but not limited to grading, paving, curbing, fire hydrants, water mains, street signs, monuments, or the like, intended for dedication to the Borough.

Lakes and Ponds. Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result of excavation. Lakes are bodies of water two (2) or more acres in extent. Ponds are bodies of water less than two (2) acres in extent.

Lakes and Ponds Shorelines. The land-side edges of lakes and ponds from the established shoreline to an upland boundary. Lake and pond shorelines shall be measured one-hundred (100) feet from the spillway crest elevation.

Definitions

Land Development.

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. 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; or
 - 2. 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; or
 - 3. Development as defined by this Ordinance.

- B. A subdivision of land.

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 having remaining term of not less than forty (40) years, or other person having a proprietary interest in land.

Landscaping. The planting of trees, shrubbery, ground-cover, turf, and the like, including the maintenance and replacement thereof, for: the control of erosion, retention or precipitation or surface runoff, promotion of human comfort and welfare, screening of parking and loading areas, or for other functional or environmental reasons.

Level-Of-Service. A qualitative measure describing the operational conditions along a segment of road or at an intersection.

Lot. A parcel of land 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 is described by an approved subdivision plan recorded 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, Corner. A lot bounded on two (2) or more sides by streets, whenever the lines of such streets form an interior angle of one-hundred thirty-five (135) degrees or less.

Lot, Double-Frontage. A lot extending between and having frontage on two generally parallel streets, not including alleys.

Lot, Flag. See Interior Lot

Lot, Interior. A lot which is connected to a street by an access strip of required minimum width.

Lot Line. A line dividing one lot from another lot or from a street or alley.

Lot, Reverse Frontage. A lot extending between and having frontage on a major thoroughfare and local street and with vehicular access solely from the latter, excluding alleys.

Manufactured Home. A transportable, single-family dwelling intended for permanent occupancy, offices, 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 does not include recreational vehicles or travel trailers.

Manufactured Home Lot. A parcel of land in a manufactured home park, improved with the necessary utility connections and other similar or related devices necessary for the erection thereon of a single manufactured home.

Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

Marker. An iron pipe or pin of at least three-quarters (3/4) of an inch diameter, and at least thirty (30) inches in length which are used to mark lot corners so that individual properties may be readily ascertained.

Mobile Home. See Manufactured Home.

Mobile Home Lot. See Manufactured Home Lot.

Mobile Home Park. See Manufactured Home Park.

Monument. A stone or concrete monument that contains a reference mark. The monument shall be utilized to identify all corners and angle points of the boundaries of the original tract to be subdivided and at such intermediate points as may be required by the Borough Council or Borough Engineer.

Official Date of Submission. The date of the next regularly scheduled Planning Commission meeting following the filing of a completed application for subdivision and land development together with all required information, fees, etc., that is received by the Spring City Borough Secretary, or other duly authorized agent, provided that such meeting occurs within thirty (30) days following the filing of the application. Otherwise, the official submission date shall be thirty (30) days following the filing of the application.

Parking Space. A reasonably level space for parking one (1) motor vehicle, and with an all weather surface to whatever extent is necessary to permit reasonable use under all weather conditions.

Peak Hour Trip. A vehicle trip between 7:00 am and 9:00 am or 4:00 pm and 6:00 pm. A trip shall be each single one-direction vehicle movement with the study area being either the origin or the destination of the vehicle movement.

Permeable. Porous or pervious to water and other liquids. (see also Impervious Surface)

Definitions

Plan, As-Built. A finally revised plan corrected to show all changes in design, sizes, or location which may have been made during actual construction and represents the actual location of improvements.

Plan, Conservation. A plan for the management of natural resources, inventory of the existing natural features and proposed alterations and additions, and is utilized to manage stormwater, erosion, and sedimentation.

Plan, Final. A complete and exact land development or subdivision plan which has been stamped by a registered professional surveyor, defining property lines, proposed streets, drainage facilities, easements, and other improvements, and which is to be recorded upon approval.

Plan, Improvements Construction. A plan stamped by a registered engineer showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required by these regulations, and including a horizontal plan, profiles, and cross-sections.

Plan, Landscaping. Plan for the installation and maintenance of plantings, prepared according to the requirements of this Ordinance.

Plan, Preliminary. A land development or subdivision plan prepared in accordance with this Ordinance prepared by registered engineer, land surveyor, landscape architect, or architect providing the necessary details and information for review by the Borough in order to make a tentative decision for approval or rejection.

Plan, Record. An approved final plan.

Plan, Site Analysis. A plan depicting natural features of a site intended to promote design sensitive to the unique natural features of the landscape. The plan shall accompany sketch, preliminary, and/or final plan submission.

Plan, Site Design and Layout. A plan depicting all aspects of a particular land development as required herein, including all streets, alleys, sidewalks, layout of lots, configuration of proposed buildings and structures, and other features that are to be included within the site design and/or layout.

Plan, Sketch. An optional, informal plan submitted for review and discussion prior to official application for preliminary plan approval prepared in lesser detail than those required for official plan submission and showing the general development concept and layout.

Planning Commission. Unless otherwise indicated, the term "Planning Commission" shall mean the Planning Commission of the Borough of Spring City, Chester County, Pennsylvania.

Planting Strip. A strip of land lying between the curblines, or edge of the paving of a street, and the sidewalk.

Public Sewerage System. A public system for the off-site treatment and disposal of sewage in which sewage is conveyed by an interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection (DEP).

Public Water Supply. A system for supplying safe potable water in sufficient quantities for the proposed use, administered by a municipality, municipal authority or public utility as defined and regulated by the Pennsylvania Public Utilities Commission.

Recreation, Active. Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, and swimming pools.

Recreation, Passive. Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking, and picnicking.

Resubdivision. A change in a plan of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-Of-Way. A strip of land occupied or intended to be occupied for a public or private use by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use.

Run-Off. The surface water discharge or rate of discharge in a watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Screen. The use of plant or landscaping materials, fencing, walls, and/or earthen berms for the purpose of concealing such features as parking areas and the vehicles within them, and to provide privacy between two (2) or more different land uses which abut one another on a year-round basis. (see also Buffer Yard).

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site by water.

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 referred to as "Sediment".

Service Lateral. That part of the sewer system extending from the collection sewer to a point one (1) foot inside the boundary of the property to be served.

Sewer Connection. The sewer connection consists of all pipes, fittings, and other similar and related devices from the drain outlet of a building to the inlet of the corresponding sewer riser pipe.

Sewer Riser Pipe. That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each building in a manufactured home park.

Sidewalk. A paved or surfaced levelled area which parallels and is separate from the cartway of the street, used as a pedestrian walkway.

Definitions

Sight Distance. The required 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 by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site. A lot, tract or parcel of land on which grading, construction or land development is taking place, or is proposed to take place.

Slope. The deviation of a surface from the horizontal, expressed as a percent. Slope percent is computed by dividing the vertical distance by the horizontal distance multiplied by one-hundred (100).

Slope, Steep. Those areas of the Borough where the slope exceeds fifteen (15) percent and which, because of this slope, are subject to high rates of stormwater run-off and susceptible to erosion.

Statutory Review Period. The length of time cited and required for the municipal review of preliminary and final plans for subdivision and land development.

Storm Sewer. A sewer that carries storm, surface, and groundwater drainage but excludes sewage and industrial wastes.

Stormwater. Water which surfaces, flows, or collects during and subsequent to rain or snowfall.

Street. A right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and space for sewers and public utilities. Streets shall be classified in accordance to its function:

- A. Arterial Streets. Roads that carry traffic from one region or one State to another and are capable of handling large volumes of traffic at relatively fast speeds. There are no arterial streets/highways in Spring City.
- B. Collector Streets. Streets that carry large volumes of traffic primarily between the arterial highway network. Bridge Street, Main Street, New Street, and Wall Street (south of New Street) are classified as collector streets in the Borough of Spring City.
- C. Residential Service. Streets that generally interconnect various neighborhoods with one another carrying low volumes of traffic at slow rates of speed. Except for the streets identified as arterials, collector streets, or alleys all streets in the Borough of Spring City are residential service streets.

Street Line. The dividing line between a lot and a public street, or highway legally open or officially plotted by the Borough; or between a lot and a private street, or way over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way.

Street, Cul-de-Sac. A single access local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround. Cul-de-sac streets are not permitted in Spring City.

Street, Private. Any land, excluding common driveways and alleys, that is not dedicated to the Borough and is used for vehicular passage or access. Private streets shall not be permitted.

Street, Public (or Public Way). Any land dedicated to public use or passage, including but not limited to, streets, alleys, parks, pedestrian rights-of-way, whether constructed, dedicated, or proposed.

Street, Partial (Stub). Any street laid out in a subdivision or land development, intended for connection to a future street on adjoining property.

Street, Single Access. An interior residential street, including but not limited to cul-de-sacs, partial streets, and temporary stub streets, which is designed to provide only one (1) point of intersection with an existing road.

Structure. Any man-made object having an ascertainable stationary location constructed or erected on the ground, including but not limited to buildings, sheds, mobile homes, drainage facilities, and other similar constructions.

Subdivision. The division or resubdivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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. The construction of one (1) single-family residence on a single lot shall not be classified as a subdivision.

- A. Major. All subdivision or land development that are not classified as minor subdivision plans.
- B. Minor. A subdivision plan may be classified as a minor subdivision where the following circumstances apply:
 - 1. No street, either public or private, or any improvement intended to be dedicated to the Borough is to be constructed;
 - 2. No land disturbance activities will take place except those incidental to construction of a single family dwelling on a single lot;
 - 3. No more than two (2) lots are proposed;
 - 4. No further subdivision can occur within the resulting lots; or
 - 5. Where the purpose of the plan is to provide a lot line adjustment and no development is proposed.

Definitions

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

Swale. An elongated depression in the ground which collects and channels surface water runoff.

Topsoil. Natural and friable loam containing sufficient organic nitrogen, phosphorus, and potassium to support plant growth and extending in depth to extent of penetration of feeder roots of the prevailing native grasses.

Tract. One or more lots assembled and presented as a single property for purposes of subdivision or land development.

Tree, Canopy. Deciduous trees that have at least a two (2) inch caliper that characteristically provide shading during periods of the year when leaves are normally present. (see Caliper)

Tree, Evergreen. Trees which have foliage that remains green and functional beyond the growing season.

Tree, Flowering. A deciduous tree that blooms with flowers.

Tree Drip-line. The line marking the outer edges of the branches of the tree.

Turn-Around. A temporary termination of a temporary stub street which provides safe and adequate spacing for vehicles to turn-around until the road is extended onto the adjoining parcel.

Use. Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained, or occupied, or any activity or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

Utilities. Sanitary sewer lines, water lines, fire hydrants, street lights, storm sewer lines, manholes, inlets, catch basins, gas lines, electric lines, and other facilities of the same general character.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

Wetlands. Those areas that are inundated and 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, including swamps, marshes, bogs, and similar areas.

Wetlands Margin. The transitional area extending from the outer limit of the wetland. For the purposes of this Ordinance, the wetlands margin shall extend (100) feet from the wetland boundary or to the outer limit of the hydric soils, whichever is less. The limit of the hydric soils shall be as defined in this Ordinance unless reclassified by a certified Soil Scientist.

Zoning District. A district establishing provisions and regulations on what type of uses are permitted and how those uses may be used in order to protect the health, safety, and general welfare of the residents of Spring City. Zoning districts are depicted, along with all applicable regulations, in the Borough Zoning Ordinance.

Zoning Hearing Board. The Zoning Hearing Board of the Borough of Spring City, Chester County, Pennsylvania.

Zoning Officer. The officer or other duly authorized agent charged with the enforcement of the Zoning Ordinance.

Zoning Ordinance. The Zoning Ordinance of the Borough of Spring City, Chester County, Pennsylvania.