

ARTICLE II

DEFINITIONS

201. GENERAL INTERPRETATION.

- 201.A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as listed in Section 202 of this Ordinance.
- 201.B. **If a word is not defined by this Ordinance, but is defined by the Zoning Ordinance as amended, the Zoning Ordinance definition shall apply. If a word is not defined by this Ordinance, but is defined by the City Stormwater Ordinance, then the Stormwater Ordinance shall apply.**
- 201.C. The word "includes" shall mean to specifically include an item but not necessarily limited to such items.
- 201.D. Any word or term not defined in this Ordinance or the Zoning Ordinance or the Stormwater Ordinance shall have a meaning of standard usage as determined by the Plans Administrator, within the context of the word's use within the applicable section of this Ordinance.

202. DEFINITIONS. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Applicant. A landowner or developer who has filed an application for a subdivision or land development, including his/her heirs, successors and assignees.

Block. A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the City or by any combination of the above.

Cartway. The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking.

City. The City of Scranton, Lackawanna County, Pennsylvania. Unless otherwise stated, this shall mean City Council and their authorized agents.

City Council. The City Council of the City of Scranton.

Commission. The Planning Commission of the City of Scranton.

Days. Calendar days.

DEP. The Pennsylvania Department of Environmental Protection, and its successor agencies.

Detention Basin or Pond. A natural or manmade area in which stormwater is temporarily detained and from which said water is slowly released at a rate compatible with sound stormwater and soil management practices as approved by the City and the County Conservation District.

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

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land, as well as sewage disposal systems and water supply systems.

Disturbance. Any activity involving the clearing, excavation, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

Diversion. A channel with or without a supporting ridge on the lower side constructed to intercept and divert surface runoff.

Drainage. The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention/alleviation of flooding.

Easement. A grant by the property owner to the public, a corporation, a person, group of persons, or another tract of land of a use of land for specified purposes.

Engineer, City. The registered professional engineer designated by City Council and/or the Mayor to perform all duties required of the City Engineer within the provisions of this Ordinance.

Engineer, Professional. A person licensed to practice as a professional engineer in the Commonwealth of Pennsylvania.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion and Sedimentation Control Plan. A plan which fully indicates necessary land treatment measures, including a schedule for the timing of their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be in accordance with the Lackawanna County Soil Conservation Service reviews.

Excavation or Cut. An act by which soil or soils are cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing Grade. The vertical location of the existing ground surface prior to cutting or filling.

Finished Grade. The final elevation of the ground surface conforming to the proposed design.

Freeboard. A margin of safety, expressed in feet above the 100 year flood elevation.

Governing Body. The Mayor and City Council of the City of Scranton. In the event of lack of approval by the Mayor, a super majority of the members of City Council shall constitute the Governing Body, for the purposes of this Ordinance.

Grade. The elevation of ground or paving.

Grading. Any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

Ground Floor. The first floor of a building other than a cellar or basement.

Groundwater Recharge. The process of stormwater entering into the ground to replenish the underground water table.

Improvement Agreement. An agreement in a form and manner acceptable to City requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

Land Development. The improvement of 1 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

1. A group of 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 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.)

For the purposes of this Ordinance, the following shall specifically not be considered a "land development": the conversion of an existing building to create a maximum of 3 new dwelling units.

Landowner. The owner of a legal or equitable interest in land, including the holder of a formal 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 right of the landowner), or other person having a proprietary interest in land.

Lot. A contiguous area of land within defined lot lines that is a distinct and legally recorded separate parcel of land according to the official records of the County Recorder of Deeds.

Lot Line Adjustment. The revision or deletion of one or more lot lines in such a way that all of the following are true:

1. no additional lots will be created beyond what was previously approved,
2. no additional street segments or significant changes in alignment are proposed other than what was previously approved,
3. no additional new nonconformities will be created under the City Zoning Ordinance, and
4. no new land development will occur other than a land development that was previously approved or buildings to support "crop farming."

Lot, Reverse Frontage. A lot that abuts a public street on one side of the lot, but has vehicular access only from a public street on the opposite side of the lot.

Lowest Floor. Lowest floor of the enclosed area, including basement.

Maintenance Agreement. An agreement in a form and manner acceptable to City Council requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain time period, as specified in Section 807 of this Ordinance.

Maintenance Guarantee. Financial security which is acceptable to the City to secure the responsibilities of the developer as stated in the Maintenance Agreement. See Section 807.

Major or Minor Subdivision. See Subdivision, Major and Subdivision, Minor.

Mobile Home Space. An area of land in a mobile home park improved with the utilities and other improvements needed for the placement of a single mobile home, with the land leased or rented by the park owner to the occupants of the mobile home.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended, or its successor legislation.

Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling.

Obstruction. Any structure, materials, fill or activity that would impede, retard or change natural or approved stormwater flows.

One Hundred Year Flood. A flood that, on the average, is likely to occur every 100 years, (such as that has a 1 percent chance of occurring each year, although the flood may occur in any year).

Open Space. The area of a lot unoccupied by principal or accessory structures, streets, driveways, parking areas; but may include areas occupied by walkways, picnic pavilions, play equipment and other areas occupied by noncommercial outdoor recreation facilities.

Open Space, Common. The definition in the City Zoning Ordinance shall apply.

Open Space, Public. Common open space owned by a government agency or the City for public recreation.

Ordinance, This. The City of Scranton Subdivision & Land Development Ordinance, as amended, and any provisions thereof, enacted by City Council.

Parcel. A tract, lot, or area of land.

Parking. Outdoor areas or specially designed buildings or garages used for the storage of vehicles. Unless otherwise stated, shall mean off-street parking.

Pathway. A pedestrian accessway which is not adjacent to a street or access drive and conforms with this Ordinance.

PennDOT. The Pennsylvania Department of Transportation.

Performance Guarantee. Financial security which is acceptable to City Council to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Plan. A map of a land development or subdivision and accompanying notations.

1. **Sketch Plan.** An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
2. **Preliminary Plan.** A complete plan identified with the title "Preliminary Plan" accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
3. **Final Plan.** A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements.

Planning Commission. See "Commission."

Plans Administrator. The City staff-person charged by the Mayor with the primary responsibility to administer the procedures of this Ordinance. Such staff-person shall be the Planning Director of the City of Scranton until and unless the Mayor may designate an alternative staff-person. See also "City Engineer."

Public Meeting, Regular Planning Commission. Shall mean a regular meeting of the Planning Commission at which the Commission is authorized to conduct official action and which has been scheduled based upon an annual meeting schedule (as may be adjusted by the Chairperson) and which is not a workshop meeting or the official public meeting on an ordinance amendment.

Public Notice. As defined by the PA. Municipalities Planning Code. (As of 1993, this included the following definition: "Notice published once each week for two successive weeks in a newspaper of general circulation in the City. 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

Regulatory Flood Elevation. The 100-Year Flood elevation plus a freeboard safety factor of 1 1/2 feet.

Retention Basin or Pond. A natural or man-made area in which stormwater is retained on a long-term basis.

Sedimentation. The deposition of solid material, both mineral and organic, that was in suspension and that has been transported from its site of origin by any means of erosion.

Sedimentation Basin. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials, to prevent these materials from entering a creek, river, stream or lake.

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from users in compliance with regulations of PA. DER and the City.

1. **Central Sewage Service.** Service by a sewage disposal system which collects, treats and disposes sewage from more than 1 dwelling, principal use or lot.
 - a. **Public Sewage Service.** Central sewage service with the mains and the treatment facility owned by a municipality, a public authority or the County.
 - b. **Private Central Sewage Service.** Central sewage service that does not meet the definition of "public sewage service."

2. **On-Lot Sewage System.** A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only 1 dwelling unit, principal use or lot.

Sidewalk. A pedestrian accessway which is adjacent to a street or access drive and conforms to the regulations of this Ordinance.

Site Alteration. Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

Soil Conservation District. The Lackawanna County Conservation District.

Soil Survey. The latest version of the official Soil Survey of Lackawanna County, published by the U.S. Soil Conservation Service, or its successor reference.

Start of Construction. Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvements was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

State. The government of the Commonwealth of Pennsylvania and its relevant subparts.

State Planning Code. See "Municipalities Planning Code."

Stormwater Detention. The holding or slowing down of stormwater runoff to avoid increased rates of runoff during peak periods.

Street. A public or private thoroughfare which affords the principal means of access to abutting property or that is an expressway, but not including an alley or a driveway.

Street Classification. See the Official Street Classification Map, which was adopted as part of the City Zoning Ordinance. This Map classifies streets as Expressway, Arterial, Collector or Local Streets.

Street, Cul-de-sac. A type of street which is terminated at one end by a permitted turn-around and which intersects another street at the other end.

Street, Marginal Access. A type of local street which is parallel and adjacent to collector or arterial streets and provides access to abutting properties.

Subdivider. See "Developer."

Subdivision. As defined by the PA. Municipalities Planning Code, as amended. (As of 1993, this definition was as follows:

1. The division or redivision of a lot, tract or parcel of land by any means into 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.
2. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings is not a subdivision.)

Subdivision Bureau. See Section 115 of this Ordinance.

Subdivision, Major. Any subdivision of land which does not qualify as a "minor subdivision."

Subdivision, Minor. A proposal involving land, other than a land development, which is either:

1. a "lot line adjustment" or
2. a subdivision:
 - a. that results in only 1 new additional residential lots, or only 1 new additional clearly agricultural lots of more than 10 acres each, in addition to the one pre-existing "parent" lot and
 - b. which does not involve an extension or new segment of a street (other than what was previously approved) and
 - c. which has not involved the final subdivision approval of 4 or more new lots from the same parent tract since January 1, 1973.

Subdivision Ordinance. The City of Scranton Subdivision and Land Development Ordinance, as amended.

Substantially Completed. In the judgment of the City Engineer at least 90 percent (based upon 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.

Temporary Protection. Stabilization of erosive sediment-producing materials.

Tract. One or more abutting or adjacent lots proposed to be subdivided or developed following an overall coordinated plan.

USGS. United States Geological Survey, or its successor agency.

Watercourse. Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.

Water, Central System or Service. Service by a water system which transmit water from a common source to more than 1 dwelling, principal use or lot.

A. Water, Public System or Service. Central water service that is owned and/or operated by a Municipal Authority or a PA. PUC regulated water company and that serves more than 50 dwelling units or principal uses.

Water, On-Lot System or Service. Service by a water system which transmits water from a source on the lot to only 1 dwelling, principal use or lot.