

Article II – Definitions

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Article II — Definitions

§ 24-201 Undefined Terms.

Words and phrases used in this Chapter which are not specifically defined in this Article shall be interpreted so as to give this Chapter its most reasonable application.

§ 24-202 Definitions—In General.

For purposes of this Chapter, the terms defined in the remaining sections of this Article II shall have the meanings so indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

§ 24-203 Accessory Use or Structure.

The term “accessory use or structure” shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

§ 24-204 Basement.

The term “basement” shall mean any area of a building having its floor below ground level on all sides.

§ 24-205 Board.

The term “Board” shall mean the Zoning Hearing Board of the Borough.

§ 24-206 Borough.

The term “Borough” shall mean the Borough of Alburtis, Lehigh County, Pennsylvania.

§ 24-207 Building.

The term “building” shall mean a combination of materials to form a permanent structure having walls and a roof, including, without limitation, all manufactured homes and trailers used or to be used for human habitation.

§ 24-208 Building Permit.

The term “Building Permit” shall mean a permit issued under Article V of this Chapter.

§ 24-209 Building Permit Officer.

The term “Building Permit Officer” shall mean the duly appointed and designated official of the Borough responsible for administering and enforcing the provisions of this Chapter. In the absence of a specific appointment with respect to this Chapter, the Building Permit Officer shall mean the Borough official responsible for administering and enforcing the provisions of the Borough’s building code.

§ 24-210 Completely Dry Space.

The term “completely dry space” shall mean a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

§ 24-211 Council.

The term “Council” shall mean the Borough Council of the Borough.

§ 24-212 Development.

The term “development” shall mean any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; the subdivision of land; and any encroachment, alteration, or improvement of any kind to any watercourse.

§ 24-213 Essentially Dry Space.

The term “essentially dry space” shall mean a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

§ 24-214 Flood.

The term “flood” shall mean a temporary inundation of normally dry land areas.

§ 24-215 Floodplain Area.

The term “floodplain area” shall mean a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

§ 24-216 Floodproofing.

The term “floodproofing” shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

§ 24-217 Floodway.

The term “floodway” shall mean the designated area of a floodplain area required to carry and discharge flood waters of a given magnitude. For purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

§ 24-218 Historic Structure.

The term “historic structure” shall mean any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

§ 24-219 Identified Floodplain Area.

The term “identified floodplain area” shall mean the floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood.

§ 24-220 Land Development.

The term “land development” shall mean any of the following activities:

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

(1) 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

(2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing and/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.

§ 24-221 Lowest Floor.

The term “lowest floor” shall mean the lowest floor of the lowest fully enclosed area (including basement) of a building. An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and/or incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, *provided* that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

§ 24-222 Manufactured Home.

The term “manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, and recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

§ 24-223 Manufactured Home Park.

The term “manufactured home park” shall mean 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.

§ 24-224 Minor Repair.

The term “minor repair” shall mean the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or

bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements. “Minor repairs” shall also not include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

§ 24-225 New Construction.

The term “new construction” shall mean structures for which the start of construction commenced on or after October 13, 1982, and includes any subsequent improvements thereto.

§ 24-226 One Hundred (100) Year Flood.

The term “one hundred (100) year flood” shall mean a flood that, on the average, is likely to occur once every one hundred (100) years (*i.e.*, that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

§ 24-227 Person.

The term “person” shall mean an individual, partnership, public or private association, or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

§ 24-228 Recreational Vehicle.

The term “recreational vehicle” shall mean a vehicle which is—

- (a) built on a single chassis;
- (b) not more than four hundred (400) square feet, measured at the largest horizontal projections;
- (c) designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

§ 24-229 Regulatory Flood Elevation.

The term “regulatory flood elevation” shall mean the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.

§ 24-230 Structure.

The term “structure” shall mean anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

§ 24-231 Subdivision.

The term “subdivision” shall mean 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 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 any residential dwelling, shall not be considered a “subdivision”.

§ 24-232 Substantial Damage.

The term “substantial damage” shall mean damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

§ 24-233 Substantial Improvement.

The term “substantial improvement” shall mean any modification, alteration, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. However, the term does not include either—

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, *provided* that the alteration will not preclude the structure’s continued designation as a historic structure.