

ARTICLE V

Definitions

Section 1. Usage

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
3. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
4. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Words and Terms Defined

Alley - A public right-of-way affording secondary means of access to abutting property.

Applicant - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Block - The property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a live stream, an unsubdivided tract, or other physical barrier of such nature as to interrupt the continuity of development.

Building Line - A line generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this ordinance. A building line delineates the buildable area.

Collector Street - A street which is designed to collect traffic from the minor streets within a subdivision or a portion thereof and to distribute such traffic to major thoroughfares.

Commission - The Town of Magnolia Planning Commission.

County - Kent County, Delaware.

Crossway - A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

Cul-de-Sac - A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turn-around or backaround for vehicles.

Development Advisory Committee - A committee comprising the staff of the Kent County Planning Office, County Engineer, State Health Office, State Fire Marshall, Chief of the Magnolia Volunteer Fire Company, State Division of Environmental Control and County Parks and Recreation Commission and such other professional and technical representatives as may be deemed necessary by the Kent County Planning Office. The committee shall function as an advisory body to the Magnolia Planning Commission with regard to design requirements improvement specifications and other applicable technical standards relating to the design and construction of subdivisions.

Easement - A strip of land for which the owner grants a right of use to someone else for one or more designated purposes, which purposes are consistent with the general property rights of the owner.

Engineer - An individual technically qualified and legally qualified in the State of Delaware to practice the profession of civil engineering and who is registered to do so in the State of Delaware.

Final Subdivision Plat - The plat to be given final approval by the Town Council which includes all changes, additional information, and requirements imposed by the Magnolia Planning Commission. The final plat is recorded in the Kent County Recorder of Deeds Office.

Health Officer - The Health Officer of the State responsible for Kent County.

Local Street - (see Minor Street)

Lot - A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or in the future. It shall have frontage upon a street and be described by metes and bounds.

Lot Area - The total horizontal area within the lot lines of the lot.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Line - The boundary line of the lot.

Lot Width - The shortest horizontal distance between the side lot lines measured along the required building setback line.

Major Thoroughfare - A street or highway so designated on the Major Thoroughfare Plan of the State of Delaware.

Minor Street - A street other than a major thoroughfare or collector street which is intended primarily to provide access to abutting properties.

Preliminary Plan - The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Recorder of Deeds - The Recorder of Deeds of Kent County, Delaware.

Regulations - The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this ordinance.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Roadway - The portion of a street or highway available for and intended for use by motor vehicle traffic.

Service Drive - A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Staff - The Town Foreman, Kent County Planning Office, and Development Advisory Committee.

Street (general) - A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, highway, road, avenue, boulevard, land, place, circle, or however otherwise designated.

Street Line - A dividing line separating a lot, tract, or parcel, of land and a contiguous street, and also referred to as a right-of-way line.

Subdivider - Any individual, firm partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision - The division of any tract or parcel of land into two or more plots, parcels, lots or sites for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that the division or partition of land not involving the opening, widening, or extension of any streets or easements of access shall be exempted from this definition. The term shall include resubdivision, and where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Town Foreman - An employee or official of the Town of Magnolia designated by Town Council to be the primary contact for any person interested in subdividing property.