

ARTICLE XVII

DEFINITIONS

Section 1700 Definitions

- A. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of This Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes an individual, corporation, a partnership, and incorporated association, or any other similar entity. The word "lot" includes the words "plot" or "parcel". The term "shall" is always mandatory. The word "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".
1. Access Drive: A paved surface, other than a street which provides vehicular access from a street or private road to a lot.
 2. Accessory Building: A building subordinate to and detached from the main building and located on the same lot with such principal use or main building or on a contiguous lot under the same ownership in accordance with Section 300 of This Ordinance.
 3. Active Play Area: An area designed and constructed for outdoor recreational amenities, as part of the usable open space and equipped with playground apparatus.
 4. Accessory Use: A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building. Where authorized by this Ordinance, commercial wireless telecommunications service facilities may be considered an accessory use.
 5. Agriculture: The tilling of the soil, the raising of crops, horticulture, gardening, and animal husbandry.
 6. Alley: A public thoroughfare other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
 7. Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.
 8. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

9. Animal Hospital: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.
10. Apartment: A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments, and kitchenette apartments. Conversion apartments are not included in this classification.
11. Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.
12. Block: An area bounded by streets.
13. Boarding House: Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.
14. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys. Includes industrial apparatus including, but not limited to, crushers, conveyors, derricks, towers, tanks, bridges, and other similar types of equipment of a size and character that, in the opinion of the Zoning Officer, warrants a building permit.
15. Building, Detached: A building surrounded by open space on the same lot.
16. Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
17. Building Line: A line parallel to the front, side or rear lot line so as to provide the required yard.
18. Building Permit: A permit stating that the purpose for which a building, structure or land is to be used is in conformity with the uses permitted and all other requirements under This Ordinance for the zoning district in which it is located or is to be located. Such a permit shall be issued only in the context of compliance with the Zoning Ordinance and any other applicable Township codes and regulations.
19. Building Setback Line: The line within a property defining the required minimum distance between any structure and the adjacent right-of-way or lot line.

20. Camping Ground: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, a travel trailer camp or travel trailer court.
21. Carport: A covered space, open on two (2) or more sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.
22. Certificate of Occupancy: A statement signed by the Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance, other applicable Township codes and regulations, and the building permit.
23. Co-location – The location of two (2) or more transmission antennae or related equipment on one (1) commercial wireless telecommunications service facility by one or more providers.
24. Commercial Wireless Telecommunications Service Facility – Also known as Cell Towers. An unmanned facility consisting of antennae, support structure, equipment, and an equipment storage shelter used for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized wireless telecommunications, personal communication services, cellular telephone, and similar technologies. A commercial wireless telecommunications service facility antennae may be either freestanding, guy anchored, roof mounted, or structure mounted. The antennae may or may not be included with the structure initially.
25. 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 the particular development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.
26. Conservancy Lot: – A large, privately-owned lot, containing an existing dwelling or farm complex, comprising part of the required open space in a conservation subdivision. An area of at least one (1) acre surrounding the dwelling or farm complex is set aside and may not be counted toward the required minimum open space. The remainder of the conservancy lot is permanently protected open space. Public access to conservancy lots is not required.
27. Conservation Area, Primary - Lands within the 100-year floodplain, wetlands, slopes in excess of 35 percent, land within existing and proposed rights of way and land under high-tension electrical transmission lines.

28. Conservation Area, Secondary: – All landscape elements not included in the primary conservation area. These include:
- A. Hydric soils, swales, springs, riparian corridors and lowland areas other than wetlands.
 - B. Moderately steep slopes up to 35 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - C. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 - D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
 - F. Historic structures and sites.
 - G. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
 - H. Existing trails connecting the tract to other locations in the Township.
29. Constrained Land: - The sum of land that meets the definition of Primary Conservation Area.
30. Coverage: That portion or percentage of the plot or lot area covered by the building area.
31. Cross-Walk: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.
32. Curb Level: The officially established grade of the curb in front of the mid-point of the lot.
33. Daycare Center: A facility licensed by the Commonwealth for the care, during part of a 24-hour day, of more than six (6) children under sixteen (16) years of age.
34. Developer: Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

35. Development Plan: The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location of bulk buildings and other structures, intensity of use or density of development, streets, ways and parking facilities. The phrase "provisions of the development plan" when used in this act shall mean written and graphic materials referred to in this definition.
36. Dismantled and Non-Operable Vehicle: A vehicle which does not display the current Pennsylvania State Inspection Certification or is manifestly incapable of being locomotive in its existing condition.
37. Drive-Thru Facility: An establishment that, by design of physical facilities or by service or packaging procedures, (1) encourages or permits customers to receive a service in a motor vehicle or (2) obtain a product that may be used or consumed in a motor vehicle on the premises.
38. Dwelling: A building or structure designed for living quarters for one (1) or more families, including homes which are supported either by a foundation or by blocks or jacks or are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.
39. Dwelling Unit: One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
40. Dwelling Group: A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.
41. Dwelling Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking including apartment house, rowhouses, or townhouses.
42. Dwelling, Single-Family, Detached: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.
43. Dwelling Single-Family, Semi-Detached (Duplex): A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.
44. Dwelling Single-Family, Attached (Row): A building used by one (1) family and having two (2) party walls in common with other buildings (such as rowhouses or townhouses).
45. Dwelling Two-Family, Detached: A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.

46. Easement, Utility: A right-of-way granted for limited use of land for public or quasi-public purpose.
47. Effective Date Of The Ordinance: - The date upon which this Ordinance officially comes into effect, except that with respect to the subject matter of any amendment, said date shall mean the date upon which the particular amendment became or becomes effective.
48. Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewer and solid waste disposal systems, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, sanitary landfills, incinerator waste disposal areas, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or private corporations under contract to a municipality including firehouses of fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.
49. Family: One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or boarding house.
50. Floodplain: The area along a natural watercourse which is periodically overflowed by water therefrom. (Flood Hazard)
51. Garden Apartment: A two (2) story multi-family dwelling, containing one (1) story dwelling units, under one (1) ownership.
52. Greenway: – see Open Space.
53. Gross Residential Density: The number of dwelling units per acre computed by dividing the total site area into the total number of proposed dwelling units.
54. Ground Floor: The floor of a building nearest the mean grade of the front of the building.
55. Governing Body: Shall mean the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania.

56. Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.
57. Industry: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.
58. Junk Yard: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, and for the sale of parts thereof.
59. Land Development: Any of the following articles:
1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (i) 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
 - (ii) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 2. A subdivision of land.
 3. Land Development shall not include:
 - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - (ii) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
60. 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 conditions), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of This Ordinance.

61. Loading Space: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.
62. Lot: A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.
63. Lot Area: The area contained within the property lines of a lot shown on a subdivision plan excluding space within the public right-of-way, but including the area of any easement crossing the property. Lots being created out of parcels located within the Agricultural District may include space within the public right-of-way in order to meet the two acre minimum lot area requirement provided that the space within the public right-of-way does not exceed 15% of the total lot area.
64. Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than one hundred and thirty five (135) degrees and the radius of the street or private road is less than one hundred (100') feet.
65. Lot, Depth: The average horizontal distance between the front and rear lot lines.
66. Lot, Double Frontage: An interior lot having frontage on two (2) streets.
67. Lot, Interior: A lot other than a corner lot.
68. Lot Lines: The lines bounding a lot as defined herein.
69. Lot, Minimum Width: The minimum lot width at the bounding setback line.
70. Lot, Nonconforming: A lot of record prior to the enactment of This Ordinance, or created in error, which by reason of area or dimension does not conform to the requirements of the District in which it is located.
71. Lot of Record: A lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.
72. Lot, Reverse Frontage: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.
73. Manufactured Housing: A dwelling unit assembled or partially assembled away from the site on which it will be located and produced as a standardized unit.
74. Mixed Occupancy: Occupancy of a building or land for more than one use.

75. Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed 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. Structures including, but not limited to, mobile homes, trailers, double-wides and modular homes which are set upon a permanent foundation and are 28 feet or greater in width shall not be considered under this definition.
76. Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
77. Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
78. Municipality: Hamiltonban Township, Adams County, Pennsylvania.
79. Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.
80. Nonconforming Structure: A structure or part of a structure manifestly designed not to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereinafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
81. Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereinafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
82. Nursery, Horticulture: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants, including the buildings, structures, and equipment customarily incidental and accessory to the primary use.
83. Office Building: A building designed or used primarily for office purposes, not part of which is used for manufacturing or for dwelling other than by a watchman or janitor.

84. Office, Professional: A room or rooms used for the carrying on of a profession.
85. Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment by the residents of such development and possibly the general public. Open space shall be substantially free of structures, but may contain such improvements as are in the finally approved development plan, and shall not include individually owned private yards, except in the case of approved conservancy lots, streets, and off-street parking areas unless provided in conjunction with a recreational facility. Open space is permanently restricted against further development. The term “Greenway” is synonymous with the term “Open Space.”
86. Parking Space: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.
87. Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.
88. Planning Commission: The Planning Commission of Hamiltonban Township.
89. Primary Conservation Area: – see Conservation Area, Primary
90. Principal Building: The building or structure in which the primary use is conducted.
91. Principal Use: The main or primary use of a building, structure or lot.
92. Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 be no more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
93. Residential District: Within the context of This Ordinance, this definition shall encompass the the Woodland Conservation District, the Agricultural District, the Low Density Residential District, and the Moderate Density Residential District.
94. Retail/Professional Center: A group of retail stores and/or professional offices planned and designed to function as a unit for the lot on which it is located with off street parking provided as an integral part of the unit.

95. Riding Academy: An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association ranch, or similar establishment.
96. Secondary Conservation Area: – See Conservation Area, Secondary
97. Screening: A well maintained, solid opaque fence, or wall at least eight (8') feet in height or hedge, or vegetative material at least six (6') feet in height and of a density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screening is located.
98. Sign: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including the following:
 - a. Flags and insignias of any governmental agency or civic, charitable, religious, fraternal or similar organization.
 - b. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
 - c. Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.
99. Sign, Area of: The total of each surface area used for the purpose of identifying the product(s), activities, and/or apprising the public of the location of each enterprise.
100. Sign, Business: A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.
101. Sign, Flat: A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.
102. Sign, Freestanding: A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.
103. Sign, Off-Premise Outdoor Advertising: A sign, including the support sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a billboard.
104. Story: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

105. Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not over two (2') feet above the finished floor of such story.
106. Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
107. Township: Hamiltonban Township, Adams County, Pennsylvania.
108. Usable Open Space: See Common Open Space.
109. Use: The specified purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
110. Variance: The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.
111. Yard: An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.
112. Yard, Buffer: A yard covered with vegetation and intended to provide an area of separation between different Districts or uses.
113. Yard, Exterior: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street.
114. Yard, Front: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
115. Yard, Interior: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.
116. Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear line of the building shall not extend into the required rear yard.

117. Yard, Side: An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.
118. Zoning Map: The map setting forth the boundaries of the Zoning Districts of Hamiltonban Township which shall be part of This Ordinance.