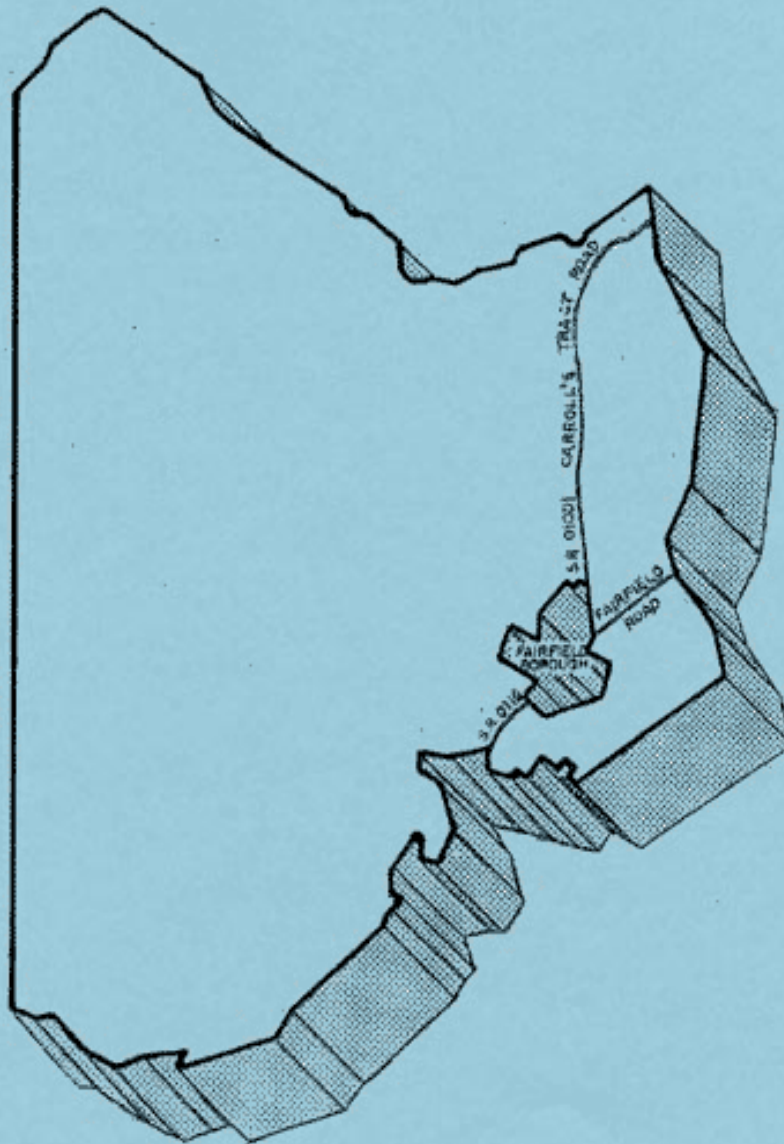


HAMILTONBAN TOWNSHIP

ADAMS COUNTY



ZONING ORDINANCE

AS AMENDED JULY 3, 2007

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ZONING ORDINANCE

FOR

HAMILTONBAN TOWNSHIP

ADAMS COUNTY, PENNSYLVANIA

RESOLVED, that the Township Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act of January 1, 1969, as amended, Article VI; hereby ordains and enacts as follows:

AN ORDINANCE regulating and restricting the height, bulk, size, erection, construction, repair, maintenance, alteration, razing, and removal of buildings and other structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, and density and distribution of population, the location and uses of buildings and structures, and the use of land, watercourses, and other bodies of water for trade, industry, residence, and other purposes; establishing a Zoning Hearing Board with the power to hear and decide appeals, to vary the application of the provisions of This Ordinance, and to entertain legality issues all of which are in harmony with the general purpose and intent of the provisions of This Ordinance; providing for the administration and enforcement of provisions herein and imposing penalties for their violation; all for the purpose of promoting the health, safety, morals, and general welfare of the Township's inhabitants in accordance with a Comprehensive Plan.

This Ordinance shall be known and may be cited by the short form title of the "Hamiltonban Township Zoning Ordinance".

ARTICLE I
OBJECTIVES

Section 100 Community Development Objectives

- A. There is hereby established a zoning ordinance for the Township, as is set forth in the text and map that constitute This Ordinance. Said ordinance is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and shall be deemed to include the following related and specific community development objectives, among others as may be stated in the Comprehensive Plan - Hamiltonban Township, Adams County, Pennsylvania, adopted November 4, 1991.
1. To guide and regulate the orderly growth, development, and redevelopment of the Township, in accordance with a Comprehensive Plan of long-term objectives, principles, and standards deemed beneficial to the interests and welfare of the people.
 2. To protect the established character and the social and economic well being of both private and public property.
 3. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate, and to provide maximum protection of residential areas.
 4. To secure safety from floods, water pollution, and other dangers, and to provide adequate light, air, and convenience of access.
 5. To encourage and facilitate the provision of adequate and efficient public facilities, service, and utilities.
 6. To lessen and, where possible, to prevent traffic congestion on public streets and highways so as to promote efficient and safe circulation of vehicles and pedestrians.
 7. To control the expansion and undue perpetuation of nonconforming uses and structures.
 8. To conserve the value of buildings and to enhance the value of land throughout the Township.
 9. To preserve the agricultural, environmental and rural qualities of open land.
 10. To preserve the Township's wealth of historical resources.

ARTICLE II

ESTABLISHMENT OF DISTRICTS

Section 200 List of Districts

A. The Township is hereby divided into the classes of Districts listed below:

- (WC) Woodland Conservation District
- (A) Agricultural District
- (R-1) Residential Low Density District
- (R-2) Residential Moderate Density District
- (R-3) Mixed Residential District
- (C) Commercial District
- (I) Industrial District

Section 201 Zoning Map

A. The boundaries of the said Districts are hereby established as shown on the "Hamiltonban Township Zoning Map", which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of This Ordinance. A copy of said map, indicating the latest amendments, shall be kept up to date for the use and benefit of the public.

Section 202 District Boundaries

A. In determining the Boundaries of Districts shown on the Zoning Map, the following rules shall apply:

1. Where District Boundaries are indicated as approximately following the centerlines of streets, highways, watercourses, or railroad rights-of-way or such lines extended, such centerlines shall be construed to be such boundaries.
2. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
3. In all cases where a District Boundary divides a lot in one ownership and more than fifty percent (50%) of the area of such lot lies in the less restricted district, the regulations prescribed by This Ordinance for the less restricted district shall apply to that part of the more restricted portion of said lot which lies within thirty (30') feet of such District Boundary. For purposes of this section, the more restricted district shall be deemed that District subject to regulations which prohibit the use intended to be made of said lot; or require higher standards with respect to coverage, yards, screening, landscaping, and similar requirements.

4. In all cases where a District Boundary line is located not farther than fifteen (15') feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
5. In all cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the use of scale appearing thereon.
6. In case of uncertainty as to the true location of a District Boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Zoning Hearing Board, as provided in Article VI herein.

Section 203 Effect of Establishment of Districts

A. Following the effective date of This Ordinance and except as hereinafter provided:

1. No building or structure shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building or structure be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in This Ordinance for the District in which such building or structure or land is located.
2. No yard or open space required in connection with any building or structure or use shall be considered as providing a required open space for any other building or structure on the same or any other lot.
3. No lot shall be formed from a part of a lot already occupied by a building or structure unless such building or structure, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by This Ordinance for the District in which said lot is located. No building permit shall be issued for the erection of a building or structure on any new lot thus created unless such building or structure and lot comply with all the provisions of This Ordinance.
4. Nothing contained in This Ordinance shall require any change in the plans, construction, or designated use of a building or structure complying with local laws in force prior to This Ordinance, if both of the following are found to exist:
 - a. A building permit shall have been duly issued prior to the date of first publication of notice of the public hearing on This Ordinance; and
 - b. The entire building or structure shall have been constructed in accordance with such plans as have been filed with the Township and shall have been completed within one (1) year from the effective date of This Ordinance.

5. Any use not permitted by This Ordinance shall be deemed to be prohibited. Any list of prohibited uses contained in any section of This Ordinance shall not be deemed to be an exhaustive list but has been included for the purpose of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited.

ARTICLE III

SUPPLEMENTARY REGULATIONS

Section 300 Accessory Building Regulations

- A. An accessory building not attached to the principal structure shall comply with all other applicable Township regulations and may be located in any required side or rear yard provided:
 - 1. Such building shall not be more than twenty-five (25') feet in height.
 - 2. Such buildings shall comply with applicable yard requirements except that accessory buildings of 120 square feet in area or less shall be located no closer than ten (10') feet from any lot line.
 - 3. All such buildings in the aggregate shall not occupy more than thirty (30%) percent of the area of the required rear or side yard.
- B. Accessory buildings may be located on a contiguous lot under the same ownership in the required rear or side yard along the common side or rear lot line. Said buildings shall not be more than twenty-five (25') feet in height, nor occupy more than thirty (30%) percent of the total area of the required rear or side yard.
- C. When an accessory structure is attached to the principal building it shall comply in all respects with the requirements of This Ordinance applicable to the principal building.
- D. No accessory building shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.

Section 301 Height Regulations

- A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.
- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of This Ordinance provided their location is not in any required yard.

Section 302 Yard and Lot Regulations

A. On Corner Lots:

1. Front yards are required on both street frontages, and one yard other than front yards shall be deemed to be a rear yard, and the other (or others) side yards.
2. No obstructions to vision exceeding thirty (30") inches in height above the curb level shall be erected or maintained within a seventy-five (75') foot clear sight triangle formed by the centerline of intersecting streets.

B. Front Yard Exception:

No proposed dwelling need have a setback line greater than the average of the two existing dwellings with the greatest setback located within two hundred (200') feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than ten (10') feet.

C. Projection into Required Yards:

1. Cornices, canopies, eaves, or other architectural features may project into side yards a distance not exceeding two (2") inches per one (1') foot of side yard width, but may not exceed a total of three (3') feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3') feet.
3. Patios and decks may be located in side and rear yards provided, if located closer than ten (10') feet to any adjacent property line, they shall be screened in accordance with the provisions of This Ordinance. In case of a corner lot, no patio or deck shall extend into the required yard adjoining each street.

D. Existing Small Lots:

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of This Ordinance and subsequent amendments which has a total lot area or lot width less than prescribed in This Ordinance, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards. Existing small lots meeting the above stipulations shall comply with the following:

1. Side yards shall be a minimum of eight (8') feet.
2. Rear yards shall be a minimum of ten (10') feet.

3. Front yards shall be in accordance with Section 302.B, and other applicable sections of This Ordinance.

E. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

F. Waiver of Yards:

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

G. Multiple Buildings:

Land development proposing multiple buildings or uses shall be designed so as to be subdividable in compliance with all applicable Township Ordinances.

Section 303 Private Outdoor Swimming Pools

A. A building permit shall be required for the installation or construction of a private outdoor above or below ground swimming pool on or not on the same lot as the principal residence subject to the following conditions:

1. Such pool may be erected in the required rear or side yard, but not in the front yard.
2. The water edge of such pool shall not be located nearer than twenty (20') feet to any lot line for an in-ground pool or nearer than fifteen (15') feet for an aboveground pool.
3. Any such pool with a surface area of one hundred (100 sq.ft.) square feet or more or a depth in excess of eighteen (18") inches shall be completely surrounded by a fence or wall that is not less than four (4') feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4') feet above ground level, then a fence is not required, provided that all points of access to said pool are adequately protected.
4. Conventional wading pools less than the area and depth requirements of Item 3 above shall be exempt.

Section 304 Parking Regulations

A. Parking Schedule:

Accessory off-street parking spaces shall be provided for any use as specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed shall be determined by the Governing Body upon consideration of all factors entering into the parking needs of each such use.

FOR:	MINIMUM PARKING SPACE:
Places of worship, libraries, other public buildings and places of public assembly	One (1) space per two hundred (200 sq.ft.) square feet of floor area but not less than one (1) space for each 3.5 seats where provided.
Tennis Courts	Two (2) spaces for each court.
Secondary Schools	Four (4) spaces per classroom plus one (1) for each five (5) seats in any auditorium or other place of assembly.
Elementary Schools	Two (2) spaces per classroom, plus one (1) space for each five (5) seats in any auditorium or other places of assembly.
Hospitals, sanitarium, nursing homes, philanthropic, or charitable institution	One (1) space per three (3) beds plus one (1) for each employee
Boarding or lodging house, tourist home	One (1) space per guest room and two (2) per resident family.
Eating and drinking places	One (1) space per 2.5 seats.
Undertakers and funeral homes	One (1) space per two (2) employees, plus one (1) for each chapel seat.
Hotels, motels, and resorts	One (1) space per guest room, plus one (1) for each employee.
Bowling alleys	Five (5) spaces for each alley.

FOR:

MINIMUM PARKING SPACE:

Home occupation
except physicians,
veterinarians and dentists.

Two (2) spaces per each home occupation.

Professional offices of
veterinarians, physicians,
and dentist

Five (5) spaces per each physician,
dentist, or veterinarian.

Commercial stable or riding
academy

One (1) space for each horse stall, plus
one (1) for each employee.

Retail store and shops.

Five (5) spaces for each one thousand
(1,000 sq.ft.) square feet of gross
floor area.

Wholesale establishments,
warehouses, offices, and
other businesses, etc.

One (1) space for each employee on
average working shift, plus customer
parking as determined by the Commission.

B. Areas Computed as Parking Spaces

Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard of a one-family or two-family residence may count as two (2) parking spaces.

C. Size of Space:

Minimum parking stall width shall be ten (10') feet, minimum length shall be twenty (20') feet. All parking aisles shall have a minimum width of twenty-five (25') feet.

D. Large Parking Areas:

Landscaping and screening for parking areas providing in excess of ten (10) spaces for commercial and/or industrial use or facilities shall be in accordance with the requirements of Section 315 of This Ordinance. For all other uses, landscaping and screening both shall be as deemed necessary by the Zoning Officer upon recommendations by the Planning Commission and the Board of Supervisors with consideration given to the overall impact to surrounding properties and/or areas.

E. Access:

Unobstructed access to and from a street shall be provided. Such access shall consist of at least two ten (10') foot lanes and in the case of proposed one-way traffic entrances and exits, no less than one twelve (12') foot wide lane. No entrance or exit for any off-street parking area shall be located within one hundred (100') feet of any street intersection unless approved by the Township Roadmaster.

F. Drainage and Surfacing:

All open parking areas of more than five (5) spaces shall be surfaced with an asphaltic or Portland cement or similar durable and dustless surface and shall be so graded and drained to dispose of all surface water anticipated within the area, in a manner so that no downstream property experiences an increase of stormwater runoff in excess of that experienced prior to the construction of the parking area.

G. Joint Facilities:

Required parking spaces, open or enclosed, may be provided in space designed to serve jointly two or more establishments whether or not located on the same lot or structure, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when other use or uses is not or are not in operation, the Commission may reduce the total parking spaces required for that use with the greater requirement.

H. Off-Site Facilities:

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory. Except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than two hundred and fifty (250') feet from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such space shall be maintained for the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding to the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the District in which they are located.

I. Minimum Distances:

No off-street parking shall be closer than ten (10') feet to the principal structure, twenty (20') feet to any side lot line, twenty-five (25) feet to any rear lot line, or twenty (20) feet from any street right-of-way line for all commercial or industrial uses or facilities. For all other uses the distances shall be as deemed necessary by the Zoning Officer upon recommendations by the Planning Commission and the Board of Supervisors and with consideration given to the size of the lot, impact to the surrounding properties and/or area, use of adjoining properties, and frequency of use of the lot. A minimum allowable distance to any lot line shall be no less than ten (10) feet.

Section 305 Off-Street Loading Requirements

A. Off-street loading berths, open or enclosed, are permitted accessory uses to any use other than residential subject to the following minimum provisions:

1. Size of Spaces:

Each loading berth shall be at least twelve (12') feet wide, sixty-six (66') feet long and fourteen (14') feet high.

2. Location and Access

Unobstructed access, at least twenty (20') feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off street loading area shall be located within one hundred (100') feet of any street intersection unless approved by the Township Roadmaster. No off-street loading berth shall be located in any front yard or within ten (10') of any side or rear yard which adjoins a Residential District boundary or residential use.

Section 306 Outside Storage of Recreational Vehicles Trailers, Boats, and Dismantled or Non-Operable Vehicles and Temporary Placement of Mobile Homes

A. No more than one recreational vehicle, camping trailer, or boat not exceeding thirty-five (35') feet in length may be stored, but not occupied in any Residential District and shall not be located within the required front yard area.

B. Where a building permit has been issued for the construction or alteration of a building, a temporary permit for one mobile home or camping trailer for habitation or storage may be issued for a period not to exceed six (6) months. Said temporary permit may be extended

for one additional period of six (6) months if it can be shown that justifiable circumstances require such an extension. Said residence may be occupied during the term of the temporary permit, and shall be situated upon the lot for which the building permit has been issued provided all yard set back requirements are met.

- C. The residential storage of dismantled, or non-operable vehicles, as defined in This Ordinance, exclusive of agricultural equipment for longer than thirty (30) days shall be only in enclosed buildings.

Section 307 Customary Home Occupations

- A. Upon notification to the Zoning Officer and upon approval by the Governing Body, customary home occupations and professional offices or studios are permitted as an accessory use subject to the following provisions:

- 1. Where Permitted:

Within a single dwelling unit or in a building or other structure accessory to the dwelling unit located in a Residential or Mixed Residential district and provided not more than two (2) persons in addition to those persons residing in said dwelling are employed in the home occupation, and not more than fifty (50%) percent of the useable area of said dwelling is utilized for the home occupation.

- 2. Evidence of Use:

Does not display or create outside the building any evidence of the home occupation, except that one unanimated, non-illuminated flat or freestanding sign having an area of not more than four (4 sq.ft.) square feet shall be permitted on each street front of the lot on which the building is situated.

- 3. Permitted Uses:

Any of the following customary home occupations shall be permitted for a single family dwelling provided all off-street parking standards and any other requirements are in compliance.

- a. Medical, dental, or other professional office or studio.
- b. Rooming and/or boarding of not more than four (4) persons.
- c. Custom tailoring.
- d. Barber shop or beauty parlor.

- e. Tutoring.
- f. Craft and specialty manufacture, repair and sales.
- g. Catering service.
- h. Computer service.
- i. Daycare/babysitting service. (Limit of six children to be classified as a home occupation.)
- j. Catalog sales.
- k. Any similarly related customary home occupation which in the opinion of the Governing Body is clearly incidental to the residential use of the premises and neighborhood.

Section 308 Homes Association

- A. Whenever a developer or owner proposes to provide land or structures for the benefit of only particular home owners of a project such as usable open space and active play areas, a Homes Association shall be established in accordance with the following provisions:
 - 1. The Homes Association shall be established as an incorporated organization operating under recorded land agreements through which each lot owner (and any succeeding owner) is automatically a member, and each lot is automatically subject to a charge for a proportionate share of expenses for the organization's activities. Additionally, specific provisions shall be established which define completely all membership requirements of all non-lot owners in the event rental units are included in the project.
 - 2. The Homes Association's Declaration of Covenants, Conditions, and Restrictions shall as a minimum establish the following:
 - a. Property Rights including the owner's easements of enjoyment and delegation of use.
 - b. Membership and Voting Rights including a distinction between membership classes.
 - c. Covenant for Maintenance Assessments including the creation of the lien and personal obligation of assessments, purpose of assessments, the maximum annual assessment, special assessments for capital improvements, uniform rate of assessment, due dates, effect of non-payment of assessments, and subordination of the lien to mortgages.

- d. Architectural and Exterior Maintenance Control.
 - e. General Provisions including enforcement, amendments, and property annexation procedures.
3. The developer or owner shall assume all responsibilities for the Homes Association until seventy-five (75%) percent of the dwelling sites are sold or until such time as the Homeowners formally assume such responsibility. Once the Homes Association is established, the developer or owner shall be responsible for payment of dues to the Homes Association for lots which he owns.
4. Staged Developments:
- If the developer or owner proposes to construct the project over a period of separate stages, the Homes Association shall also be staged consistent with the development time schedule.
5. Approval:
- The Township Supervisors shall retain the right to review and approve the articles of incorporation and all Declarations of Covenants, Conditions, and Restrictions of the Homes Association. (For the sake of consistency within the Township, it is recommended that the United States Department of Housing and Urban Development, Federal Housing Administration's Suggested Legal Documents for Planned Unit Developments, FHA Form 1400 and VA Form 26-8200 be consulted.)

Section 309 Sign Regulations

- A. Signs may be erected and maintained as either flat or freestanding only when in compliance with the following provisions:
- 1. Signs Permitted in All Districts
- The following types of non-illuminated signs are permitted in all Districts without the necessity of securing a sign permit for such sign, except as indicated.
- a. Nameplates and Identification Signs:
 - 1) Signs indicating the name and address of the occupant, or a permitted home occupation, provided that they shall not be larger than four (4 sq.ft.) square feet in area.

Only one such sign per dwelling unit shall be permitted, except in the case of corner lots where two (2) such signs (one facing each street) shall be permitted for each dwelling unit.

- 2) For buildings other than dwellings a single identification sign not exceeding four (4 sq.ft.) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

b. Sale or Rental Signs:

Signs advertising the sale or rental of the premises upon which they are erected and signs indicating the sale or rental may be erected or maintained, provided:

- 1) The size of any such sign is not in excess of ten (10 sq.ft.) square feet.
- 2) Not more than two signs are placed upon any property unless such property fronts upon more than one street, in which event two more signs may be erected on each additional frontage.

c. Institutional Signs:

Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar public or semi-public nature may be erected and maintained provided:

- 1) The size of any such sign is not in excess of twenty (20 sq.ft.) square feet.
- 2) Not more than one such sign is placed on a property, unless such property fronts on more than one street, in which event one sign may be erected on each frontage.
- 3) Institutional signs may be illuminated.

d. Signs Accessory to Parking Areas:

Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2 sq.ft.) square feet each, shall be permitted. One sign per parking area designating the conditions or use or identity of such parking area and limited to a maximum size of nine (9 sq.ft.) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

e. Development Signs:

- 1) The size of any such sign shall not exceed twenty (20 sq.ft.) square feet. Such signs shall require a sign permit.
- 2) Not more than two such signs shall be placed upon any property, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- 3) Any such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

f. Tradesmen:

Signs of mechanics, painters, and other tradesman may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

- 1) The size thereof is not in excess of twelve (12 sq.ft.) square feet.
- 2) Such signs are removed promptly upon completion of the work.

g. Private Driveways

Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2 sq.ft.) square feet.

h. Signs Advertising the Sale of Farm Products or the Type of Crops Grown on the Premise provided:

- 1) The size of any such shall not exceed twenty (20 sq.ft.) square feet.
- 2) Not more than two signs are used for any one purpose or crop variety.
- 3) Signs shall be displayed only when such products are on sale or when such products are being raised.

i. For uses permitted as a Conditional Use in a Residential District, the size of any sign shall not exceed twenty (20 sq.ft.) square feet and not more than two signs shall be permitted.

j. Historical markers as recognized by local, state or federal authorities. Said signs shall be permitted in all districts provided the size of any such sign is not in excess of twenty (20 sq.ft.) square feet

2. Signs Permitted in the Mixed Residential District:

In lieu of the sign permitted in Section A.1. above, all businesses and institutions may elect to illuminate the sign and to increase the size in compliance with the following:

a. Size of Signs:

No sign shall have a gross surface area of more than forty (40 sq.ft.) square feet except where only one surface of such sign is visible then the gross surface area on said surface shall not exceed twenty (20 sq.ft.) square feet.

b. Location:

Signs shall be parallel to the face of the building and, if attached, shall not extend more than eighteen (18") inches beyond the face of the building. Provided, however, that whenever a building is located more than thirty-five (35') feet back from the right-of-way one free standing sign shall also be permitted. Such freestanding sign shall not be located in any road right-of-way nor closer than ten (10') feet to any building.

3. Signs Permitted in Commercial and Industrial Districts:

In lieu of the sign(s) permitted in Section A.1. above, all businesses and institutions may elect to illuminate the sign(s) and to increase the size in compliance with the following:

a. Retail/Professional Centers:

- 1) Along the main road frontage or at the main entrance road into the "Center", one freestanding sign designed and used for the purpose of announcing the "Center" itself or the "Center" and its occupants, is permitted in accordance with the size requirements of a maximum gross surface area of sixty (60) square feet per side of sign and a maximum overall height of six (6) feet and maximum overall length of ten (10) feet.
- 2) Each individual tenant within a retail/professional "Center" building shall be permitted to utilize one flat, banner style, wall sign attached to the front of their respective building space. Said signs shall be uniform within a given building, shall not exceed a gross surface area of twenty (20) square feet, and shall not extend more than eighteen (18) inches beyond the face of the building.

b. All Other Commercial and Industrial Uses/Businesses or Institutions:

- 1) An independent business or institution located upon its own deeded lot/parcel and located more than thirty-five (35) feet back from the main road right-of-way shall be permitted one (1) freestanding sign. Said sign shall not have a gross surface area of more than forty (40) square feet per side of sign, except where only one (1) surface of the sign is utilized, the gross surface area shall not exceed fifty (50) square feet. Such freestanding sign shall not be located in any road right-of-way nor closer than ten (10) feet to any building. Only one such sign is permitted per business or institution.
- 2) An independent business or institution as described above, not using a freestanding sign as regulated above may use a flat surface or banner style wall sign attached and parallel to the face of the building. Such sign shall not have a surface area of more than fifty (50) square feet nor extend more than eighteen (18) inches beyond the face of the building.
- 3) When an independent business or institution, as described in 1) above, has more than a single building on the same lot/parcel, a flat surface or banner style wall sign, not exceeding twenty (20) square feet nor extending more than eighteen inches beyond the surface of the building, may be utilized to identify each building.
- 4) When two or more independent businesses and/or institutions are located upon a single deeded lot/parcel, only one (1) freestanding sign, as described in 1) above shall be permitted. Such freestanding sign shall be shared. Also, each independent business and/or institution will be permitted one (1) flat surface or banner style wall sign not exceeding twenty (20) square feet nor extending more than eighteen (18) inches beyond the surface of the building to identify each business and/or institution. Should no freestanding sign be utilized, each business and/or institution may have a flat surface sign as regulated in 2) above.

4. Off-Premise Outdoor Advertising Signs:

Off-premise outdoor advertising signs, outdoor advertising structures, or billboards which advertise products or businesses not connected with the site building on which they are located shall be permitted in Commercial and Industrial Districts subject to the following conditions.

- a. No off-premise outdoor advertising signs shall be closer than fifty (50') feet to any property line or right-of-way line of any street.

- b. No sign face shall exceed ten (10') feet in vertical measurement or twelve (12') feet in length.
 - c. No off-premise sign shall be located on any property without the written consent of the subject property owner.
 - d. The general area in the vicinity of an off-premise sign shall be kept free and clear of all sign materials, debris, trash and refuse.
 - e. No off- premise sign shall be established within five hundred (500') feet of any other off-premise sign. This distance shall be measured along the same side of the street or highway on which the sign is located.
 - f. Off-premise signs may be illuminated.
5. General Regulations Applying to All Signs:
- a. No freestanding sign shall be located or project within the established right-of-way of any street or in the required side or rear yard of the applicable district where located.
 - b. No sign face shall exceed twenty-five (25') feet in height.
 - c. All signs shall be removed within thirty (30) days after the circumstances leading to their erection no longer apply.
 - 1) After the thirty (30) day period, the Township may remove any such sign and charge the property owner for the costs incurred.
 - d. Signs erected in violation of these provisions shall be removed upon written notice of the Township Zoning Officer. Failure to remove such signs shall constitute a violation of This Ordinance and in addition, the Township may charge the property owner for the cost of removal of such sign.
 - e. All signs shall be constructed of durable materials and maintained in good state of repair. If in the opinion of the Zoning Officer the sign is not in a good state of repair, the sign shall be removed or repaired within thirty (30) days of receipt of notice to do so.
 - f. Any sign to be located along a State Highway shall be subject to State regulations regarding size and location in addition to the provisions of this Ordinance.
 - g. All signs shall be located in such a manner as not to obstruct clear sight distance along any street, road, driveway or intersection.

- h. Illuminated signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way. The level of sign illumination shall be such that it does not present a safety or traffic hazard or a nuisance to the general public.
6. Prohibited Signs:
- a. Signs, advertisements, etc., which simulate official directional or warning signs erected by a municipality or public utility.
 - b. Signs erected within a seventy-five (75') foot clear sight triangle of intersecting streets.
 - c. Signs which use a series of two or more free standing signs placed parallel to the highway carrying a single advertising message, part of which is contained on each sign.
 - d. Signs illuminated by flashing, intermittent, or rotating light.
7. Permits for Erection of a Sign:

All business identification signs shall require a sign permit prior to erection. Off-premise outdoor advertising signs shall also require a sign permit. A sign permit shall not be required for customary home occupations.

Section 310 Retail/Professional Centers

A. Compliance with the following standards in addition to the applicable requirements contained elsewhere in This Ordinance shall be required for retail/professional centers.

1. Access:

There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred (100') feet of intersecting streets, unless such points are located directly at an intersection.

2. Management:

A retail/professional center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.

3. Parking:

There shall be a minimum of five (5) parking spaces for every one thousand (1,000 sq. ft.) square feet of floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors measured from the center line of joint partitions and from outside wall faces; commonly referred to as Gross Leaseable Area (GLA).

4. Circulation:

Traffic circulation within a retail/professional center project shall be designed to minimize pedestrian and vehicular mixing and congestion. Circulation shall be provided along the outer perimeters and along store entrances.

Section 311 Performance Standards

No land or building in any District in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or buildings shall initially and continuously comply with all applicable performance standards established by Federal and State agencies. Performance standard determination shall be administered in accordance with Section 502.E.3 and Subsection F below. Where provisions of this section impose greater restrictions than those of Federal or State agencies, the provisions of this Ordinance shall prevail, with the exception of surface mining operations. When provisions of State and Federal agencies exceed the provisions of this Section, the provisions of such State and Federal agencies shall prevail.

A. Noise

The sound level of any operation or activity shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound-pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (Preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York).

1. Standards - At no point on the property line of the owner of any operation or activity shall the sound-pressure level resulting from any operation or activity exceed the maximum permitted sound levels set forth below or expressly waived in Paragraph 2 below.

<u>Center Frequency</u> <u>(Cycles per second)</u>	<u>Maximum Sound-Pressure Level</u> <u>(Decibels)</u>	
31.5	65	
63	67	
125	66	
250	59	(sound pressure level in decibels equals 020002 dynes/cm)
500	52	
1,000	46	
2,000	37	
4,000	26	
8,000	17	

2. Waivers - The following sources of noise are exempt.
 - (a) Transportation vehicles not under the control of an on-site use.
 - (b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - (c) Temporary construction activity between 7:00 am and 7:00 pm.

B. Vibration

No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity which way be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used.

PV = 6.28 F x D where
 PV = Particle velocity, inches per second
 F = Vibration frequency, cycles per second
 D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration

Zoning District	Particle Velocity (Inches/Second)	
	Adjacent Lot Line	Residential District or Use
Commercial or Industrial	0.10	0.02
All Others	0.05	0.02

Where the vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

C. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree Fahrenheit.

D. Glare

No operation or activity producing glare shall be conducted so that direct light from the source shall cause illumination in excess of 0.5 foot candles when measured at the property line.

E. Air Pollution

1. A person, partnership, corporation or association may not cause on any land or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated. For purpose of this section, malodor is an odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.
2. Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Township adopts

these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided.

- (a) Odor - Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 193-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.
 - (i) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - (ii) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- (b) Smoke - For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be used.

F. Application of Performance Standards

1. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:
 - (a) Where determinations can be made by the Township Zoning Officer or other Township employee using equipment normally available to the Township or obtainable without extraordinary expense, such determination shall be so made before notice of violation is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Township to maintain the personnel or equipment necessary for making difficult determinations, procedures shall be available for causing determinations of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.
2. If the Township Zoning Officer finds after making determinations in the manner set forth in this Ordinance, that there is violation of the performance standards set forth herein, he shall take or cause to be taken lawful action to cause compliance with the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall constitute a violation of this ordinance.

3. If in the considered judgment of the Township Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:
 - (a) The Township Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Township Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Township Zoning Officer within a time limit set forth by the Township Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Township Zoning Officer within the time set constitutes admission of violation of the terms of this ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist the cost of such determination shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.
 - (b) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Township Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
 - (c) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Township Zoning Officer within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
 - (d) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Township Zoning Officer but requesting additional time, the Township Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property but is not required to grant such an extension.
 - (e) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Township Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article V of this Ordinance.

If no violation is found, the cost of the determinations shall be paid by the Township without assessment against the person or persons involved.

Section 312 Migrant Labor Quarters

- A. Buildings designed for the housing of migrant laborers and similar farm employees and their families shall be permitted as an accessory use to agricultural operations subject to the following conditions:
1. Prior to the issuance of a building permit it shall be required of the owner or his agent to submit to the Township evidence of compliance with Federal and State Regulations.
 2. No building for the housing of migrant or temporary laborers in group quarters shall be located closer than five hundred (500') feet to any property line.

Section 313 Planned Residential Developments

A. Purposes

In order that the purposes of This Ordinance be furthered in an era of increasing urbanization and of growing demand for housing in all types and design; to insure that the provisions of the Municipalities Planning Code, which are concerned in part with the uniform treatment of the dwelling type, bulk, density, intensity and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner that would distort the objectives of This Ordinance; to encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses; so that greater opportunities for better housing and recreation may extend to all citizens and residents of this Township; and in order to encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may ensure to the benefit of those who need homes and for other uses; and, in aid of these purposes, to provide for a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within the existing residential and nonresidential areas, and to insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

B. Eligibility Requirements

1. Any application for tentative approval shall as a minimum meet the following requirements:
 - a. The proposed Planned Residential Development shall consist of one or more contiguous parcels of land under single ownership.
 - b. The proposed Planned Residential Development shall contain a minimum of twenty (20) acres of land.
 - c. The proposed Planned Residential Development shall be connected to both a public water supply system and sanitary sewer system. Where either a public water or sanitary sewer system cannot be feasibly provided to the Planned Residential Development, the developer shall provide a centralized water supply system and sanitary sewer system to service the entire development.
 - d. Planned Residential Developments shall be permitted to locate only in the R-2 District and the R-3 District in the Township.

C. Land Use Control and Density Requirements

1. Residential Uses:

All planned residential developments shall consist of single-family detached dwellings and at least one (1) of the following housing styles.

- a. Semi-detached single-family dwellings;
- b. Attached single-family dwellings;
- c. Multiple-family dwellings.

Each type of housing style in a development shall constitute a minimum of twenty (20%) percent of the total number of housing units.

2. Non-Residential Uses:

The following non-residential uses may be permitted in a Planned Residential Development to the extent that they are designed and intended primarily to serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development.

- a. Commercial uses such as retail shops or stores, service businesses, and restaurants.
 - b. Professional or business offices uses, including branch banks.
 - c. Institutional uses such as private schools, nursery schools and day care centers, churches, community activity centers, nursing homes, and retirement homes.
3. Land Use Density:

Within the Planned Residential Development, density shall be regulated by the following standards:

- a. Average gross residential density for the total Planned Residential Development site shall not exceed eight (8) dwellings per acre.
- b. The percentage of the Planned Residential Development site to be devoted to common open space shall be no less than twenty-five (25%) percent of the total site area.
- c. The percentage of the Planned Residential Development site which is to be covered by buildings, roads, parking areas, and other impermeable cover shall not exceed thirty (30%) percent of the total site area.
- d. Areas for commercial use shall not exceed the following:
 - 20 to 50 acres - no commercial uses - other non-residential uses 10% of site area
 - 50 to 100 acres - 10% of site area
 - 100 to 150 acres - 8% of site area
 - 150 to 250 acres - 7% of site area
 - 250 acres and up - 6% of site area

Lot coverage of non-residential buildings shall not exceed twenty-five (25%) percent of the land area designated for non-residential uses.

D. Site Analysis

1. Natural Features Analysis:

In order to determine which specific areas of the total Planned Residential Development site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, the developer shall submit a Natural Features Analysis of the following subject categories:

- a. Hydrology
- b. Geology
- c. Soils
- d. Topography
- e. Vegetation

2. Community Impact Analysis:

In order to determine the impact of the Planned Residential Development upon the municipality, in the context of the Community Development Objectives contained herein and the Township Comprehensive Plan, an analysis of the potential affects of the Planned Residential Development upon public facilities, utilities, and roadway systems shall be required of the developer. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed Planned Residential Development site shall be presented by the developer.

E. Site Design Requirements

1. Residential Uses:

- a. Dwelling unit structures shall be located and interspersed so as to promote pedestrian and visual access to common open space.
- b. Interior yards and/or structural spacing between dwellings and units shall be provided in accordance with the following minimums:

Front to Front - 60 feet

Front to Side - 40 feet

Front to Rear - 60 feet

Side to Rear - 40 feet

Side to Side - 15 feet

Rear to Rear - 50 feet

Corner to Corner - 10 feet

- c. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the Planned Residential Development and maintain privacy for residents adjacent to the Planned Residential Development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.
 - d. No building shall be erected to a height in excess of thirty-five (35') feet provided, however, that this height limit may be increased one (1') foot for each additional foot that the width of each yard exceeds the minimum required and that considerations for fire and other safety features have been adequately accounted for.
 - e. No structure shall be located within twenty (20') feet of the right-of-way of minor or private streets.
2. Non-Residential
- a. All Commercial Uses shall be located in a single concentrated area of the Planned Residential Development.
 - b. All Commercial Uses shall be located with direct access to at least a collector street. Other Non-Residential uses may be required to have similar access.
 - c. Non-Residential use signs are permitted subject to the requirements of Section 309 of This Ordinance.
3. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks:

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in the Township's Subdivision and Land Development Ordinance. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the

requirements and procedures of the Township Subdivision and Land Development Ordinance.

4. Off-Street Parking and Loading Facilities:

Off-street parking and loading facilities shall be in accordance with Sections 304 and 305 of this Ordinance.

5. Other Utilities:

a. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

b. Telephone, electric, and cable television utilities shall be installed underground.

6. Tree Conservation and Landscaping:

a. The protection of trees six (6") inches or more in diameter (measured at a height of four and one-half (4 1/2') feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.

b. Where extensive natural tree cover and vegetation does exist and cannot be preserved on the Planned Residential Development site, landscaping shall be regarded as an essential feature of the Planned Residential Development. In these cases landscaping shall be undertaken in order to enhance the appearance of the Planned Residential Development, aid in erosion control, provide protection from wind and sun, screen street and parking areas, and enhance the privacy of dwelling units.

F. Ownership, Maintenance, and Preservation of Common Open Space

1. For the purpose of ownership, maintenance, and preservation of common open space the developer shall establish a Homes Association in accordance with Section 308 of This Ordinance.

2. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition,

and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable value of the properties within the Planned Residential Development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the common open space shall call a public hearing upon notice to such organization, or to the residents and owners of the Planned Residential Development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township shall determine that such organization is unable to maintain such open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

3. The cost of such maintenance by the Municipality shall be assessed rateably against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the Planned Residential Development.

4. Public Dedication of Common Open Space

An offer of dedication of common open space made by the developer in the development plan, before the establishment of any organization responsible for open space areas, and if accepted by resolution or ordinance by the Township shall constitute a fulfillment of responsibility for providing and maintaining common open space areas.

G. Development Stages

1. A Planned Residential Development may be developed in stages if the following standards are met:

- a. The location and approximate time of construction of each stage are clearly marked on the development plan.
- b. At least fifteen (15%) percent of the dwelling units in the development plan are included in the first stage.
- c. At least fifty (50%) percent of the dwelling units in any stage shall be completed before any commercial development shown in that stage shall be completed.
- d. The second and subsequent stages are completed consistent with the development plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than fifteen (15%) percent of the dwelling units included in the development plan.
- e. To encourage flexibility of housing density, design, and type in accord with the purposes of This Ordinance, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire Planned Residential Development must be offset by a gross residential density in a subsequent stage which is less than the permitted average gross residential density for the entire Planned Residential Development.

H. Procedural Requirements - Application for Tentative Approval

- 1. The application for tentative approval shall be submitted by or on behalf of the landowner to the Township Secretary in accordance with the Preliminary Plan requirements of the Township Subdivision and Land Development Ordinance.
- 2. The application for tentative approval shall in addition to the plans and supporting data required in the Subdivision and Land Development Ordinance and This Article contain the following:
 - a. The proposed land use areas within the Planned Residential Development, distinguishing between types of residential, non-residential, and open space uses.
 - b. The land use density of each land use within the Planned Residential Development and the average gross residential density for the entire Planned Residential Development.
 - c. The use and approximate height, bulk, and location of buildings and other structures.

- d. The location, function, size, ownership, and manner of maintenance of the common open space.
 - e. The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provisions thereof.
 - f. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units, types of dwelling units, and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.
 - g. Site plans shall be drawn at a scale no smaller than one (1") inch to one hundred (100') feet.
 - h. Copies of the site plan supporting data included in the tentative approval application shall be submitted to the applicable agencies as required for Preliminary Plan approval in the Township's Subdivision and Land Development Ordinance for review and comment.
3. Public Hearings:
- a. Within sixty (60) days after the filing of a complete application for tentative approval of a Planned Residential Development pursuant to This Ordinance, a public hearing pursuant to public notice on said application shall be held by the Township. The chairman, or in his absence, the acting chairman, of the Supervisors, may administer oaths and compel the attendance of witness. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
 - b. A verbatim record of the hearing shall be caused to be made by the Township whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

4. Findings:

- a. The Township shall, by official written communication to the landowner, within sixty (60) days following the conclusion of the public hearing pursuant to This Ordinance:
 1. Grant tentative approval of the development plan as submitted;
 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 3. Deny tentative approval to the development plan.
- b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval subject to conditions, is granted, the landowner may, within thirty (30) days after receiving a copy of the official written communications of the Township, notify such agency of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the township of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- c. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communications shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings and conclusions on the following:
 - 1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.
 - 2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, use, and the reasons why such departures are or are not deemed to be in the public interest.
 - 3) The purpose, location, and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open

space as related to the proposed density and type of residential development.

- 4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light, air, recreation, and visual enjoyment.
 - 5) The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established.
 - 6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the Planned Residential Development in the integrity of the development plan.
- d. In the event a development plan is granted tentative approval, with or without conditions, the Township shall set forth in the official written communication the time within which an application for final approval of the development plan shall be filed, or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and the application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.

I. Status of Plan After Tentative Approval:

1. The official written communication provided for in Section 313.H.4 of This Ordinance shall be certified by the Secretary of the Township and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.
2. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording or authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within

periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances, otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Secretary of the Township.

J. Application for Final Approval:

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Township Secretary and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
2. The application for final approval shall be in accordance with the design and improvement requirements for Final Plans contained in the Township Subdivision and Land Development Ordinance at a scale not smaller than one (1") inch to fifty (50') feet. In addition, the following information shall be required:
 - a. Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section.
 - b. Building coverage lines accurately locating all types of dwelling units, and non-residential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest foot.
 - c. Accurate dimension of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the location of structures in common open space areas shall be illustrated.
 - d. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements will apply only to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding

densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.

- e. Architectural drawings illustrating exterior designs of each type of typical dwelling unit and non-residential structures to be constructed.
- f. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.
- g. Restrictions of all types which will run with the land and become covenants in the deed of lots shown on the final plan.
- h. Such certificates of approval by authorities as have been required by the Township including certificates approving the water supply system and sanitary sewer system.

K. Guarantee of Improvements:

The guarantee of improvement construction and completion shall be as set forth in Article VII of the Township Subdivision and Land Development Ordinance or any amended article pertaining to the guarantee of improvements.

Procedures After Application for Final Approval:

- 1. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by the Ordinance and the official written communication of tentative approval, the Township Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.
- 2. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may:
 - A. Either refile his application for final approval without the variations objected to; or
 - B. File a written request with the Township Supervisors requesting a public hearing on his application for final approval.

3. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall already have passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event that the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in This Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Township Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application of tentative approval set forth in This Ordinance.
4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the governing body and shall be filed or recorded within thirty (30) days after final approval had been granted in the office of the County Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan, shall cease to apply thereto. Pending completion within a period of two (2) years of said Planned Residential Development or of that part thereof, as the case may be, that has been fully approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
5. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body, in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of two (2) years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments in the Township Zoning Ordinance.

Section 314 On-Roof Equipment

Fans, skylights, cooling towers, vents and any other on-roof equipment shall be architecturally compatible or effectively shielded from view of any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township Supervisors before construction or erection of said structures or equipment.

Section 315 Landscaping and Screening

A. Landscaping

1. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
2. Except for single-family detached, single-family semi-detached and two-family detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the Land Development Plan. A replacement program for non-surviving plants should be included.
3. Landscaping within any parking area which provides more than ten (10) parking spaces shall be subject to the following provisions:
 - a. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of vehicular lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
 - b. The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every five (5) parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.
 - c. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which case the following shall apply.
 - 1) Landscaped area at least ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.
 - 2) Landscaped islands between every fifteen (15) parking spaces and at both ends of each parking row shall be provided and shall be the length of the parking spaces in the row and at least ten (10) feet in width.
 - 3) There shall be a planting strip incorporated for every ten (10) rows of parking spaces. Such planting strip shall run parallel to parking rows and

shall have a minimum width of ten (10) feet if double loaded or seven (7) feet if single loaded.

4. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.
5. Any development proposing the creation of a public street(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:
 - a. All shade trees shall be a minimum of two (2) inches in caliper and a minimum of ten (10) feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems, and shall be in accordance with the Pennsylvania State University College of Agricultural Sciences publication “Street Trees Factsheets”.
 - b. Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public street(s).
 - c. Shade trees shall be planted behind the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and the right-of-way line shall be preserved wherever possible and used in the shade tree calculation. The number of shade trees to be provided shall be based on providing at least one (1) tree for every eighty (80) feet of distance along the right-of-way line.

B. Screening

1. The perimeter of a tract undergoing development shall be screened as deemed necessary by the Board of Supervisors upon recommendation by the Planning Commission with a perpetually maintained solid, opaque fence or wall eight (8) feet in height or a vegetated buffer yard under the following circumstances:
 - a. Where a proposed non-residential use abuts an existing residential use or residential district.
 - b. Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, or two-family detached dwelling.
 - c. Where mechanical equipment is not enclosed in a structure.
 - d. All areas designated for refuse disposal and commercial pick-up trash dumpsters.

- e. Any other instance where screening is required by this Ordinance or deemed necessary by the Governing Body.
2. Vegetative screening, if chosen, shall comply with the following minimum requirements:
 - a. The perimeter of the tract undergoing development shall be provided with a twenty (20) foot wide minimum buffer yard, forty (40) foot wide if adjacent to a residential use or district, which will act as an effective screen separating uses. Entrance or access driveways shall be permitted within any required buffer yard provided that no pavement be located closer than twenty (20') feet to any adjacent property line. Screening may be included in the required yard space and shall be based on the following criteria:
 1. Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area so as to provide a year round visual buffer, but shall include no less than fifty (50) percent evergreens.
 2. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access, or where necessary for the release of stormwater runoff.
 3. Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of a species which will produce a complete visual screen of at least eight (8) feet in height at maturity.
 4. No plantings shall be placed with their center closer than five (5) feet from the property lines of the tract.
 5. All existing trees within the required buffer yard above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.
 6. Screening shall be designed so as to not obstruct the clear-sight triangles at intersections.
 7. Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Board of Supervisors upon recommendation of the Planning Commission.
 8. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within one (1) year.

Section 316 Commercial Wireless Telecommunications Service Facilities

A. Purpose

The purpose of this Section is to regulate the placement, construction and modification of commercial wireless telecommunications service facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within Hamiltonban Township.

B. Applications

In addition to any other requirements prescribed by this Ordinance and/or the Subdivision and Land Development Ordinance, applications for the establishment of a commercial wireless telecommunications service facility shall include, at a minimum, the following information.

1. The name, address, and telephone number of both the owner and the lessee of the parcel of land upon which the facility is to be situated. The proposed facility's FCC registration number. If the applicant is not the owner of the property, written and notarized documentation that the owner of the property has agreed to grant use of the property for the proposed facility.
2. The name, address, and telephone number of all owners of other such facilities within the service area of the proposed facility, including municipally owned property.
3. Documentation, signed by an Engineer licensed in the State of Pennsylvania, that the facility is designed in accordance with all applicable building codes, in addition to all other State and Federal laws and regulations applicable thereto.
4. In order to achieve the most efficient use of land within the Township, an affidavit must be filed attesting to the fact that the applicant made diligent, but unsuccessful, efforts to receive permission to install or co-locate the proposed facility on another service provider's facility within the service area and that the proposed site is, therefore, of practical necessity. The applicant shall provide an existing capacity analysis demonstrating a need for additional capacity at or near the proposed facility location. Where the facility is proposed by a tower company with the intent to lease tower space to licensed wireless communications companies, the applicant shall demonstrate that it is aware of and is addressing specific capacity needs of wireless communications companies licensed to operate in the area. Co-location is encouraged wherever possible. If co-location is not possible, a written report shall be provided detailing the facts supporting this determination.

5. The use of existing non-residential structures, including water towers, public utility structures, recreational light fixtures and buildings, shall also be encouraged where possible. The applicant shall demonstrate that owners of all structures in excess of fifty (50) feet in height within a one thousand five hundred (1,500) foot radius of the proposed site have been contacted and asked for permission to install the antenna(e) on those structures. Installation opportunities include, but shall not be limited to, smoke stacks, water towers, agricultural silos, tall buildings, and other communication towers. If the applicant can demonstrate that no siting opportunities exist except for the proposed new location, then the applicant may proceed provided all other requirements can be met. Any applicant proposing to locate antennae on such a structure shall provide the Township with a written agreement from the property owner allowing the use. No zoning or land development approval shall be required where the antenna(e) extends no more than thirty (30) feet above the existing structure, however all other applicable requirements shall apply.
6. A written agreement between the property owner and the applicant confirming that when a commercial wireless telecommunications service facility becomes abandoned, obsolescent, or ceases to be used it shall be taken down and removed from the premises within six (6) months of its abandonment, obsolescence, or cessation of use.
7. All applicants shall file with the Township a land development plan in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance following action by the Board of Supervisors on a conditional use application in accordance with Article XIV of this Ordinance. Once the initial facility or tower structure is approved, additional co-location proposals shall not be subject to further conditional use or land development approval. Each facility shall be subject to an annual renewal of the conditional use approval.
8. A visual impact analysis shall be required in accordance with Section 316.D of this Ordinance.
9. All commercial wireless telecommunications service facilities existing on the effective date of this Ordinance shall be allowed to continue as they presently exist. Routine maintenance, including modifications to accommodate the co-location of an additional user or users, shall be permitted. New construction, other than routine maintenance or modifications to accommodate co-location, shall comply with all requirements of this Section.

C. General Requirements

1. No commercial wireless telecommunications service facility shall be constructed within Hamiltonban Township until all necessary local, State and Federal approvals and permits have been secured. Copies of these approvals and permits shall be provided to the Township prior to the issuance of any building permit.
2. No commercial wireless telecommunications service facility shall be located on any property listed on or designated as eligible for either the State or National Historic Register. Said facilities shall also be prohibited within any Township, State or Federal designated historic district.
3. No commercial wireless telecommunications service facility shall be located within any required building setback, nor shall a freestanding or guy anchored facility be located within fifty (50) feet of any property line. Furthermore, a freestanding or guy anchored facility shall be set back from any residential, church or school structure a distance at least equivalent to its height, but not less than one hundred (100) feet. Distances shall be measured from the center of the base of the facility to the property line. All guy wires shall be located on the same lot as the commercial wireless telecommunications service facility and must comply with the building setback requirements for the zoning district in which the facility is located.
4. Measurement of a commercial wireless telecommunications service facility's height shall be measured from the finished grade and shall include the structure itself, the base pad, and any other appurtenances. The applicant must demonstrate that the proposed facility is the minimum height to function satisfactorily. Coverage analyses shall be provided for a sufficient range of facility heights to demonstrate the relationship between proposed height and coverage "dead spots." The maximum height of a commercial wireless telecommunications service facility shall be two hundred fifty (250) feet. If mounted on an existing non-residential structure, the facility shall extend no more than 100% of the existing structure's height.
5. When located on a site as an accessory use, freestanding or guy anchored commercial wireless telecommunications service facilities and their related accessory structures shall be located behind the rear of the structure housing the principal use. Vehicle access to the tower and related accessory structures shall not interfere with the parking or vehicular circulation provided for the principal use.

6. Commercial wireless telecommunications service facilities shall be designed to accommodate three (3) or more wireless communications providers in order to facilitate the co-location of other service provider's facilities. The Township shall be provided the name, address, telephone number and responsible individual's name of each additional provider prior to co-location.
7. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), commercial wireless telecommunications service facilities shall be painted to blend or match with the surrounding environment. The facility shall be painted green or brown from the base of the tower to the average height of surrounding vegetation. The facility shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower. Fencing and accessory buildings and structures shall also be subject to these color requirements. Paints used shall have a flat, matte, non-gloss, non-fluorescent finish. Alternate color schemes may be proposed, however the color scheme for the facility shall be subject to the approval of the Board of Supervisors as part of the land development plan review process.
8. A fence or wall of eight (8) feet in height shall be required to encompass a freestanding or guy anchored commercial wireless telecommunications service facility, including any associated accessory building or structure. Access to the facility shall be through a locked gate. Except for entrances, all fences and walls shall be screened with acceptable landscaping and screening techniques, so that no more than one-half (1/2) of the surface of the fence or wall is visible from a public street or any adjoining property within three (3) years after erection of the facility. All required landscaping shall be of the evergreen variety and shall be irrigated and properly maintained to ensure continuous health and vitality. All trees shall be a minimum height of six (6) feet at the time of planting. Any plant material that does not survive shall be replaced within one (1) year. Existing vegetation shall be preserved to the maximum extent possible and may be credited, when appropriate, towards the required screening.
9. No advertising, logos, or corporate symbols shall be permitted on any commercial wireless telecommunications service facility or any building or structure accessory thereto. Signs shall be permitted for identification purposes as well as emergency contact information and co-location opportunities. Said signs shall be in accordance with any applicable Federal requirements or the requirements of Section 309 of This Ordinance.
10. Commercial wireless telecommunications service facilities shall be fully automated. No employee of the communications provider shall be stationed at the site, except for periodic maintenance and inspection. Facilities shall be maintained for the life of the facility.

11. Equipment storage shelters associated with the commercial wireless telecommunications service facility shall not exceed a height of twelve (12) feet, nor exceed a size of four hundred and fifty (450) square feet.
12. No signals or lights or other means of illumination shall be permitted on any commercial wireless telecommunications service facility unless required by the Federal Communications Commission (FCC) or the FAA.
13. Commercial wireless telecommunications service facilities shall be separated from each other by a minimum of two thousand five hundred (2,500) feet.
14. No commercial wireless telecommunications service facility shall be established as an accessory use on a property without or prior to the establishment of a principal use.
15. No commercial wireless telecommunications service facility shall disturb or diminish the normal radio or television or similar reception for any adjoining property. Operators must comply with all FCC regulations in this regard.
16. A minimum of two (2) off-street parking spaces shall be provided for each commercial wireless telecommunications service facility.
17. Commercial wireless telecommunications service facilities shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties.
18. Access shall be provided from the street (public or private) to the facility by a service drive with a minimum twenty (20) foot right-of-way and a twelve (12) foot wide cartway. Said service drive shall be improved at a minimum with a base course of eight (8) inches of 2A stone. The base course shall be measured after it has been compacted with a roller of not less than ten (10) tons in weight or equivalent. The facility shall be accessible by emergency vehicles via said service drive
19. Anti-climbing devices, designed to industry standards, shall be required on all tower and pole structures.
20. All proposed public improvements, including the service drive, shall be guaranteed for completion in accordance with Section 700.5 of the Township Subdivision and Land Development Ordinance.
21. All other conditions imposed as a result of the Board of Supervisors' conditional use decision.

D. Visual Impact Analysis

The applicant shall provide a visual impact analysis for any proposed commercial wireless telecommunications service facility or for any proposed modification to an existing commercial wireless telecommunications service facility. Co-location activities shall not be considered a modification subject to this requirement. The analysis shall consist of a written report assessing the cumulative impacts of the proposed facility, and shall identify all feasible mitigation measures necessary to eliminate or minimize any perceived visual impact by the proposed structure. Mitigation measures shall be consistent with the technological requirements of the applicant. The Township shall review and consider all information presented in the report. The report shall include, but not be limited to, the following:

1. A photograph simulation of pre-development versus post-development views from key viewpoints, as established by the Township Zoning Officer, and may include areas both inside and outside the Township;
2. An analysis of alternative tower structure design (including height variations) and color schemes; and an analysis of monopole versus lattice design; and
3. An analysis of the visual impact of the facility base, accessory buildings, tower, antennae and overhead utility lines from abutting properties and streets.

Section 317 Age-Qualified Housing

Purpose. The purpose of any Age-Qualified Housing Community is to encourage the development of affordable and market-rate housing (in accordance with federal regulations) for individuals aged fifty-five and over, by allowing for the greater variety of building types at a higher density than would normally be allowed; by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reduces demands on municipal services; provide limited opportunities for commercial development that will primarily serve the Age-Qualified Housing Community; and to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

A. Definitions.

(1) Age-Qualified Housing Community– A residential land development intended and operated for occupancy by persons 55 years of age or older provided that: (a) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; (b) the housing community publishes and adheres to policies and procedures that demonstrate the intent required by the “Housing for Older Persons Act of 1995”; (c) the housing facility/community complies with the rules issued by the Secretary of Housing and Urban Development for verification of occupancy through reliable surveys and affidavits.

(2) Age-Qualified Housing Community Association – Any non-stock corporation or unincorporated residential association, established in accordance with Pennsylvania law to administer the covenants and restrictions of an Age-Qualified Housing Community.

(3) Age-Qualified Housing Community Covenants – Those portions of the governing documents of an age qualified housing community association that impose age restrictive requirements.

(4) Age-Qualified Resident – An occupant of a dwelling unit in an age-qualified housing community who is fifty-five (55) years of age or older who occupies the dwelling unit as his or her primary residence.

(4) Development Area - The total gross contiguous acreage of land that is included as part of an age qualified housing development. Lands that are separated by a public or private street shall be deemed to be contiguous.

(5) Development Coverage (Maximum) - The maximum percentage of the development area that may be covered by buildings, structures and or other impervious surfaces.

(6) Net Developable Acreage - All land excluding such portions that, prior to development, (a) are within the right-of-way of previously dedicated streets or roads; (b) contain slopes greater than 20% (excluding man-made slopes), (c) are identified as wetlands and/or waters of the Commonwealth by the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as applicable, (d) are encumbered by areas identified in the Township Flood Insurance Rate Maps as included within the 100 year flood plain, or (e) are encumbered by easements or deed restrictions that prohibit the development of the land.

B. Age-Qualified Housing Communities shall be permitted by Conditional Use. (See Article XI, §1102.11) The Township Board of Supervisors shall adhere to the provisions of this Section when conducting a Conditional Use Hearing and considering the appropriateness of an Age-Qualified Housing Community.

C. The standards, requirements and provisions of this section (§317) shall be the only standards, requirements and provisions that apply to Age-Qualified Housing Communities and shall supersede all other requirements, standards and provisions of the Zoning Ordinance.

Minimum dimensional regulations shall be as follows:

- (1) Total net developable area of an Age-Qualified Housing Community:
35 acres

- (2) Minimum lot width
- a. Single-family detached: 45 feet
 - b. Single-family semi-detached (duplex): 35 feet
 - c. Single-family attached: 24 feet for interior units;
34 feet for end units
 - d. Multi-family (apartment or condominium): 150 feet
 - e. Non Residential lots: 100 feet (except that lots used for public utility purposes may have a minimum lot width of 50 feet)
 - f. Commercial lots: 150 feet
- (3) Minimum lot area
- a. Single-family detached: 5500sf
 - b. Single-family semi-detached (duplex): 4000sf
 - c. Single-family attached: 3500sf
 - d. Multi-family (apartment or condominium): 40,000sf
 - e. Non Residential lots: 40,000sf
 - f. Commercial lots: 40,000sf
- (4) Maximum number of dwelling units in a single family attached building: Eight (8)
- (5) Maximum development coverage: 60% of net development area
- (6) Maximum density: 10 units per developable acre
- (7) Maximum building height: 45 feet
- (8) Minimum setback for residential buildings: Front 25 feet between building and street curb; Side 5 feet each (except end units of single family attached and townhouse dwellings shall have a minimum side yard of 10 feet); Rear 20 feet (except that such building setback for a lot with an access alley at the rear shall have a setback of 10 feet)

- (9) Minimum setback for nonresidential buildings: Front 50 feet; Side 20 feet between nonresidential buildings, 30 feet when abutting residential units; Rear 25 feet
- (10) Minimum setback for commercial buildings: Front 50 feet; Side 30 feet between commercial buildings, 50 feet when abutting nonresidential and residential buildings Rear 50 feet

D. Other Requirements

- (1) All proposed Age-Qualified Housing Communities shall provide the Township copies of Age-Qualified Housing Community Covenants, declarations, policies, procedures, written rules, regulations, etc. that demonstrate the intent of the community to provide housing for persons 55 years of age and older. The documents shall be developed in accordance with the requirements of the Housing for Older Persons Act of 1995. These documents shall be provided to the Township prior to final approval of an Age-Qualified Housing Community and at other times after construction of the project as may be requested.
- (2) All utilities serving a proposed Age-Qualified Housing Community shall be public or PADEP approved community systems and all utility lines shall be underground.
- (3) A minimum of 20% of the development area shall be set aside for either (i) open space, or (ii) passive and/or active recreational use (including community buildings and related parking and other facilities) by the residents of the Age-Qualified Housing Community, or a combination thereof.
- (4) A 50' wide external, circumferential buffer shall be provided from all perimeter property lines and existing road right-of-way lines. No buildings or parking facilities shall be permitted in this buffer area. A calculation showing the total buffer area shall be provided. Twenty-five (25) percent of this buffer area may be included in the "open space" required by §317.D.(3) above.
- (5) Nonresidential uses developed within the Age-Qualified Housing Community shall be "targeted" toward residents of the community. Nonresidential buildings shall not exceed 50,000 square feet in ground "footprint". (Examples of "nonresidential" uses include, but are not necessarily limited to community buildings, assisted living facilities, skilled care nursing facilities, churches, and similar uses.
- (6) Commercial uses developed within an Age Qualified Housing Community shall likewise be targeted toward residents of the community. However, it is recognized that commercial uses such as banks, pharmacies, grocery stores, professional offices, etc. may be utilized by the broader community.

- (7) Streets or portions thereof that are proposed to be constructed within an Age-Qualified Housing Community shall be privately owned and maintained. Additionally, the streets shall be constructed to Township standards in accordance with §904.4 of the Township Subdivision and Land Development Ordinance.
- (8) All residential, nonresidential and commercial buildings constructed within an Age-Qualified Housing Community shall be accessed from the internal street system. That is, no individual building or parking lot access shall be permitted directly from an existing state or Township road.
- (9) Nonresidential and residential areas of the Age-Qualified Housing Community shall be linked through sidewalks or other pedestrian trails. Direct pedestrian access shall be provided to the principal entrance of each principal building. Sidewalks constructed along the streets in an Age-Qualified Housing Community shall be constructed in accordance with §1002 of the Hamilton Township Subdivision and Land Development Ordinance.
- (10) A lighting plan, also known as a photometric plan, shall be required with the submission of the Land Development Plans for an Age-Qualified Housing Community. Such plan shall demonstrate adequate lighting levels on site and no offensive light encroachment off site. The standards set forth in §311.D of the Township Zoning Ordinance shall apply.
- (11) Hiker/biker trails shall be provided to enhance physical fitness and encourage exercise. Such trails shall be a minimum width of six (6) feet and shall have activity stations, benches and other amenities.
- (12) Parking requirements: For residential uses, 2.5 parking spaces (may include garage and off-street driveway spaces) for each dwelling unit shall be provided. The total number of parking spaces that are required to serve the nonresidential uses of an age qualified housing development shall be a total of one (1) parking space for each six (6) dwelling units of such development, unless (i) a reduced number is deemed sufficient by the Board of Supervisors in connection with approving a land development plan for the development and (ii) if required by the Board of Supervisors, land of sufficient area to construct the number of spaces by which the required parking was reduced is set aside for such parking spaces in the event that the initially-reduced number of spaces is deemed by the Board of Supervisors to be insufficient to satisfy parking demands. Each such parking space shall be conveniently located to the nonresidential use that is intended to serve. If the age qualified housing development is to be constructed in phases, the total number of parking spaces required to serve all nonresidential uses of the overall development also may be constructed in phases, provided that (i) a sufficient number of parking spaces is installed with each phase to serve the nonresidential uses of such phase and any prior phases(s) and (ii) upon completion of the final phase of such development, the total number of parking spaces for nonresidential uses required under

this section is satisfied (as reduced by the Board of Supervisors, if applicable). Commercial uses shall provide parking spaces in accordance with the standards of §304 of this Chapter.

- (13) The following uses shall be permitted as part of Age-Qualified Housing Communities and shall be subject to the dimensional requirements set forth in §317.C above.
 - a. All types of dwellings that are defined elsewhere in this Zoning Ordinance, including, but not necessarily limited to single family detached, single family semi-detached, single family attached and multi-family, including condominiums
 - b. Recreational and cultural facilities for the sole use of the residents of the Age-Qualified Housing Community and their guests, including but not limited to clubhouses, community centers, lounges, bars, ballrooms, libraries, places of worship, swimming pools, tennis courts, shuffleboard courts, bocce courts, fitness centers, walking paths, golf putting greens and driving areas.
 - c. Personal care, assisted living and/or nursing (skilled) care facilities that provide for a continuum of care for those residents of the community who wish to stay in the community in declining health. (For purposes of density calculation, every eight (8) beds in a personal care, assisted living or skilled care facility shall equal one (1) equivalent dwelling unit.)
 - d. Commercial uses primarily for the use and convenience of the residents of the Age-Qualified Housing Community and their guests, including but not limited to cafes, restaurants and dining facilities, spas, medical and health and wellness facilities, pharmacies, banking facilities, grocery stores, concierge, hospitality facilities, travel services, and professional offices.
 - e. Accessory buildings and uses that are located within the Age-Qualified Housing Community and are customarily incidental to any of the above permitted uses.
 - f. Public utilities, water facilities and public sewer facilities. Such utilities and facilities may serve areas outside of the Age-Qualified Housing Community.
- E. Corner lot front yards. Notwithstanding, a corner lot in an Age-Qualified Housing Community shall be deemed to have only one front yard. If a driveway that serves the corner lot is located in a yard that could be deemed a front yard, then the yard with the driveway shall be deemed the front yard and any other yard that could have been a front yard shall be deemed a side yard.

ARTICLE IV

NONCONFORMING USES AND NONCOMPLYING BUILDINGS

Section 400 Nonconforming Uses

- A. A Nonconforming Use is any use, whether of a building or tract of land or both, existing on the effective date of This Ordinance which does not conform to the use regulations of the District in which it is located.
- B. The following provisions shall apply to all buildings and uses existing on the effective date of This Ordinance which do not conform to the requirements set forth in This Ordinance and to all buildings and uses that become nonconforming by reason of any subsequent amendment to This Ordinance. Additionally, any expansion or alteration to any nonconforming use shall comply with all other applicable Township Regulations.
- C. Any nonconforming use, buildings or open land, except those specified in Section 404 below, may be continued indefinitely, provided that any such use:
 - 1. Shall not be enlarged, altered, or extended to any degree greater than twenty-five (25%) percent of its original size existing as of the effective date of This Ordinance, or at such time as the nonconformity became effective following the enactment of This Ordinance, without approval by the Zoning Hearing Board.
 - 2. Shall not be moved to another location where such use would be nonconforming.
 - 3. Shall not be changed to another Nonconforming Use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board, is of same or of a restricted nature.
 - 4. Shall not be re-established if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a Nonconforming Use shall not confer the right to do so.
 - 5. Shall not be restored for other than a conforming use after damage from any cause without approval by the Zoning Hearing Board, unless the Nonconforming Use is reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building;

Section 401 Noncomplying Buildings

- A. A Noncomplying Building is any building which does contain a use permitted in the District in which it is located, but does not conform to the District regulations for: lot area, width, or depth; front, side, or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.
- B. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in moving, reconstruction, or enlargement of a Noncomplying Building provided that such action does not increase the degree of or create any new nonconformity with regards to the regulations.

Section 402 Repairs and Maintenance

- A. Notwithstanding any of the above regulations, nothing in this Article shall be deemed to prevent normal maintenance and repair of any building, or the carrying out upon the issuance of a building permit of major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Township shall state the precise reason such alterations were deemed necessary.

Section 403 Registration of Nonconforming Uses

- A. The Township Zoning Officer shall identify and register all lawful uses existing at the effective date of This Ordinance which do not conform to the requirements set forth in This Ordinance, or any amendments thereto.

Section 404 Mineral Extraction

- A. Property acquired for the purpose of extracting sand, gravel, or other minerals therefrom and held for such purpose on the effective date of This Ordinance shall be considered in use for such extraction, including erection of any necessary buildings or structures incidental to the extraction or processing of the deposits, will be allowed to commence and continue. In order for property to qualify hereunder, the following conditions will be considered as evidence that the property was acquired and held for the purpose of later mineral extraction.
 - 1. The land was acquired prior to the effective date of This Ordinance.
 - 2. The land was acquired and is owned by an individual, corporation, or otherwise, engaged at the time of the acquisition in the business of mineral extraction; or such an entity has an acceptable form of equitable interest in the land including, but not limited to, lease agreements, purchase of mineral rights, options, and/or royalties.
 - 3. The property has not been permanently developed, in whole or in part, for any purpose other than mineral extraction or processing.

4. The land contains mineral deposits of a demonstrable economic value.
5. The land is within the permit boundaries of an existing Pennsylvania Department of Environmental Protection surface mining permit issued prior to the effective date of this Ordinance as per Chapter 77 of Title 25 of the Commonwealth of Pennsylvania Code, or is within the proposed permit boundaries of a pending surface mining permit application filed with the Pennsylvania Department of Environmental Protection prior to the effective date of this Ordinance. Proposed surface mining facilities permitted by the Pennsylvania Department of Environmental Protection following the date of adoption of this Ordinance, but with a pending application filed prior to said adoption, shall conform in all respects with the requirements of Section 1202.1.
6. Any proposed mineral extraction operation on land that does not meet all of the specifications of Section 404.A.1 through 404.A.5 above shall be considered a new facility and must comply with the requirements of Section 1202.1, and must be located within the Industrial (I) district.

ARTICLE V
ENFORCEMENT

Section 500 Duties of Zoning Officer

- A. It shall be the duty of the Zoning Officer, who shall be appointed by the Township Supervisors, to enforce the provisions of This Ordinance and all rules, conditions, and requirements adopted or specific pursuant thereto.
- B. The Zoning Officer, or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at a reasonable hour, as necessary in the execution of their duties, provided that:
 - 1. The Zoning Officer shall notify the owner and tenant before conducting any inspection.
 - 2. The Zoning Officer or his duly authorized assistant(s) shall display identification signed by Supervisors upon commencing an inspection.
 - 3. Inspections shall be commenced in the presence of the owner or his representative or tenant. Following three (3) unsuccessful attempts to schedule an inspection in the presence of said owner, representative or tenant; inspection may commence without benefit of said presence.
- C. The Zoning Officer shall maintain files, open to the public, of all applications for certificates of occupancy and building permit along with plans, submitted herewith as well as final certificates and permit.
- D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of This Ordinance as well as action taken as a result of complaints.
- E. The Zoning Officer shall submit to the Township Supervisors for insertion in the Supervisors' minutes, a written report summarizing for the month all building permits and certificates of occupancy issued by him as well as complaints of violations and action taken as a result of such complaints.

Section 501 Building Permits

- A. No building or structure in any District; unless otherwise exempted by this Section; shall be erected, constructed, improved, altered, demolished or disassembled without a building permit duly issued upon application to the Township. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of This Ordinance. No building permit shall be required for repairs or maintenance of any building

or structure provided such work does not change the use or the exterior dimensions of the building or structure, or otherwise violate the provisions of This Ordinance. Any building permit issued in violation of the provisions of This Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful. All proposals for any commercial or industrial development shall come before the Township Planning Commission for a determination as to whether any further approvals are required prior to the issuance of a building permit.

- B. Every application for a building permit with the exception of an application for restoration of an existing building or structure after damage from any cause, shall contain the following information and be accompanied by the required fee and by a plot plan.
1. The shape, dimension, and area of the lot on which the building or structure is proposed to be erected, or of the lot in which it is situated if an existing building or structure.
 2. The Tax Number and Parcel Numbers as they appear on the latest tax records.
 3. The exact size and locations on the lot of the proposed building(s) or structures(s) or alteration of an existing building or structure and of other existing buildings or structures on the same lot.
 4. The dimensions of all yards in relation to the subject building or structure and the distances between such building or structure and any other existing buildings or structures on the same lot.
 5. The existing and intended use of all buildings or structures, existing or proposed, the use of land, the number of dwelling units the building or structure is designed to accommodate.
 6. Such topographic or other information with regard to the building or structure, the lot or neighboring lots as may be necessary to determine the proposed construction will conform to the provisions of This Ordinance.
 7. If any proposed construction or development is located within, or adjacent to any identified flood-prone area, the plot plan shall accurately delineate the area which is subject to flooding, the location of the proposed construction with regard to the area subject to flooding, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective work. Additionally, said plot plan shall illustrate all plans to assure that:
 - a. all proposals are consistent with the need to minimize flood damage;

- b. all utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided so as to reduce exposure to flood hazards

Said plot plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces, other factors associated with the one hundred (100) year flood; location and elevations of streets; water supply and sanitary sewage facilities; soil types, and flood-proofing measures. The lowest floor and basement elevations shall be shown in relation to mean sea level based upon the National Geodetic Vertical Datum of 1929.

- C. Prior to the issuance of any building permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal Laws have been obtained including those required by Act 537, The Pennsylvania Sewage Facilities Act, and Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 I.S.C. 1334. No permit shall be issued until this determination has been made.
- D. No building permit shall be issued for the construction or alteration of any building or structure upon a lot without access to a street or highway.
- E. No building permit shall be issued for any building or structure where the Site Plan of such building or structure is subject to approval by the Supervisors, except in conformity with the plans approved by said Supervisors.
- F. No building permit shall be issued for a building or structure to be used for any Conditional Use in any District where such use is allowed only by approval of the Supervisors unless and until such approval has been duly granted by the Supervisors.
- G. The building permit application and all supporting documentation shall be made in triplicate, On the issuance of a building permit, the Township shall return one copy of all filed documents to the applicant.
- H. The Township shall, within ten (10) days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Township shall state in writing to the applicant the reasons for such denial.
- I. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer.

- J. In addition to the building permit, a placard shall be issued through the Township which will be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Code Officer
- K. Every building permit shall expire if the work authorized has not commenced within three (3) months after the date of issuance, or has not been completed within eighteen (18) months from such date for construction costing less than \$1,000,000 and has not been completed within thirty-six (36) months from such date for construction costing in excess of such amount. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Township may authorize in writing the extension of either above periods of an additional six (6) months, following which no further work is to be undertaken without a new building permit.
- L. As soon as the foundation of a building or any addition to an existing building is laid off, and before first story framing or wall construction is begun, there shall be filed with the Township an accurate drawing signed by the person responsible for said drawing showing the exact measured location of such foundation with respect to the street and property lines of the lot.
- M. The following structures shall be exempt from the building permit requirements of this Ordinance but must comply with all other applicable prevailing Township requirements regarding maximum lot coverage and a minimum ten (10') foot setback from all property lines:
1. Swing sets and playhouses (maximum cumulative area of 50 square feet per property).
 2. One dog box and kennel run per property.
 3. Unenclosed woodsheds (maximum cumulative area of 50 square feet per property).
 4. Utility sheds (maximum cumulative area of 50 square feet per property).
 5. Landscaping ponds (maximum 18 inches deep and maximum cumulative area of 100 square feet per property).
 6. Stairs or steps.
 7. Window or door awnings (maximum area of 40 square feet per each instance).
 8. Porches, patios, decks, entryways and stoops (maximum area of 40 square feet per each instance).

9. School bus stop shelter (minimum setback of ten feet from right-of-way, maximum cumulative area of 50 square feet per property).
- N. A permit to demolish any building or structure may be issued by the Township Zoning Officer provided that the person, partnership, or corporation wishing to undertake such action shall make written assurance to the Zoning Officer that no materials or debris will be left on the site and any exposed basements or other excavation will be filled.
- O. The Zoning Officer may consult other Township staff and/or Township-appointed consultants in the review of submitted materials for permit applications.

Section 502 Certificate of Occupancy

- A. The following shall be unlawful until a Certificate of Occupancy shall have been applied for and issued by the Township.
 1. Initial occupancy and use of a newly permitted building or any change in use of an existing building.
 2. Occupancy and use of any change in the use of the land.
 3. Any change in the use of Nonconforming Uses.
- B. No Certificate of Occupancy shall be issued for any Conditional Use of a building or of land requiring Conditional Use approval by the Supervisors or for any land or use requiring Site Plan approval by the Supervisors unless and until such Conditional Use or Site Plan approval has been duly granted. Every Certificate of Occupancy for which Conditional Use or Site Plan approval has been granted or in connection with which a variance has been granted by the Zoning Hearing Board shall contain a detailed statement of any condition to which the same is subject.
- C. Application for a Certificate of Occupancy for a newly permitted building shall be made on a form furnished by the Township after the erection of such building or part thereof has been completed in conformity with the provisions of This Ordinance and has been inspected for conformity by the Zoning Officer. In the case of a new building, the Zoning Officer may require an accurate plot plan, or if not available, a survey prepared by a licensed land surveyor or engineer showing the location of all buildings as built.
- D. If the proposed use is in conformity with the provisions of This Ordinance and of all other applicable Township codes and ordinances, a Certificate of Occupancy for the use of any building or vacant land or for a change of use of a Nonconforming Use, shall be issued by the Township within fifteen (15) days after receipt of a properly completed application. If a Certificate of Occupancy is denied, the Township shall state the reasons in writing to the applicant.

- E. In regard to those uses that are subject to the Performance Standards Procedure, the following requirements shall also apply:
1. Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use;
 2. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards and other provisions for a period of five (5) days, without bona fide and immediate corrective work, the Township shall suspend or revoke the occupancy permit of the use and operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.
 3. The Township shall investigate any alleged violation of Performance Standards, and if there are reasonable grounds to believe that a violation exists, the Township shall investigate the alleged violation, and for such investigation may employ qualified experts.
 4. A copy of said findings shall be forwarded to the Township Supervisors. The services of any qualified experts employed by the Township to advise in establishing a violation shall be paid for by the violator, if it shall be determined that a violation is proved, and otherwise by the Township. No new Certificate of Occupancy shall be issued unless such charges have been paid to the Township.
- F. A Certificate of Occupancy shall be required for initial occupancy and the use of the building or land to which it applies.
- G. Upon written request and proof by the owner, the Township shall, after inspection, issue a Certificate of Occupancy for any building or use thereof or of land existing at the time of the adoption of This Ordinance, certifying such use and whether or not the same building conforms to the provisions of This Ordinance.

Section 503 Fees

A. Building Permit

A schedule of fees payable to the Township, as adopted by resolution by the Board of Supervisors, shall apply to every building permit application. Fees for Certificates of Occupancy are included with the building permit fee.

Section 504 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated, or permitted the violation of the provisions of This Zoning Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by a district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the municipality.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 505 Forms

The Hamiltonban Township Zoning Officer shall provide a form or forms to be completed by the applicant for the following:

- A. Building Permits
- B. Certificates of Occupancy
- C. Conditional Uses
- D. Special Exceptions
- E. Variances
- F. Appeals
- G. Registration of Nonconforming Uses and Structures
- H. Complaints of Zoning Violations
- I. Sign Permits
- J. Customary Home Occupation Certificate

ARTICLE VI

ZONING HEARING BOARD

Section 600 Creation and Appointment

- A. Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, the Township Supervisors do hereby create a Zoning Hearing Board and appoint three (3) members who shall be adult residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year.

Section 601 Organization of Zoning Hearing Board

- A. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board.
- B. The Township Supervisors may, by resolution, appoint at least one, but not more than three residents of the Township to serve as alternate members of the Board. Alternates shall hold no other office in the Township.
- C. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- D. The board may take, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 602 Hearings

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
1. Notice. Notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, and to any person who has made a timely request

for the same. Notices shall be given at such time and in such manner as shall be prescribed by the Zoning Hearing Board.

2. Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the Zoning Hearing Officer as final.
 - a. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
 - b. The chairman or acting chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - e. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
 - f. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other material unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
3. Decision. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written

findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or Hearing Officer where the application is contested. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of This Ordinance or of any ordinance, rule, or regulations shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the Hearing Officer. Where the Zoning Hearing Board has power to render a decision and the Zoning Hearing Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant. Unless the applicant has agreed in writing to an extension of time, nothing in this clause shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

- a. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- b. The Mediation Option, pursuant to Section 908.1 of the Municipalities Planning Code, is available to the parties at a proceeding before the Zoning Hearing Board.

Section 603 Zoning Hearing Board's Functions

A. Jurisdiction

1. The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors.
 - b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

- c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, structure or lot.
 - d. Appeals from a determination by the municipal engineer or the Zoning Officer with reference to the administration of any flood plain or Flood Hazard District or such provisions within This Ordinance.
 - e. Applications for variances from the terms of This Zoning Ordinance or such provisions within This Ordinance.
 - f. Applications for Special Exceptions under This Zoning Ordinance.
 - g. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of This Zoning Ordinance.
 - h. Appeals from the Zoning Officer's determination under any aspect of This Ordinance.
 - i. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of This Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development.
2. The Board of Supervisors, upon recommendation of the Planning Commission, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- a. All applications for approvals of Planned Residential Developments.
 - b. All applications for approval of subdivisions or land developments.
 - c. Applications for Conditional Uses under the express provisions of This Zoning Ordinance.
 - d. Applications for curative amendment to This Zoning Ordinance.
 - e. All petitions for amendments to this Ordinance, pursuant to the procedures set forth in Section 609 of the Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

- f. Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of This Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development.
- g. All proposals for commercial or industrial development to determine whether any further approvals are required prior to issuance of a building permit.

B. Applicability of Judicial Remedies

Nothing contained in This Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No, 1091 (relating to action in mandamus).

C. Variances

- 1. The board shall hear requests for variances where it is alleged that the provisions of This Zoning Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the appellant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of This Zoning Ordinance.

D. Special Exception

Where the Zoning Ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in This Ordinance, as it may deem necessary to implement the purposes of This Zoning Ordinance.

E. Conditional Uses

Where the Zoning Ordinance has stated Conditional Uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearing on and decide requests for such Conditional Uses in accordance with such standards and criteria. In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in This Ordinance, as it may deem necessary to implement the purpose of This Zoning Ordinance.

F. Appeals

Appeals may be filed with the board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance and for Special Exception may be filed with the board by any landowner or any tenant with the permission of such landowner.

G. Time Limitations

1. No person shall be allowed to file any proceeding with the board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determination adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

H. Stay of Proceedings

1. Upon filing of any proceeding and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond the right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such a petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

I. Validity of Ordinances; Substantive Questions

1. A landowner who, on substantive grounds, desires to challenge the validity of this Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

- a. to the Zoning Hearing Board, or
 - b. to the governing body, together with a request for a curative amendment.
2. Persons aggrieved by a use or development permitted on the land of another by This Ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon.
3. The submissions referred to above shall be governed by the following:
- a. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner decides to challenge the validity of such ordinance and elects to proceed by curative amendment, his application to the governing body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - b. If the submission is by curative amendment, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
 - c. If the submission is made to the Board of Supervisors, the municipal solicitor shall represent and advise it at the hearing or hearings.
 - d. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
 - e. Based upon the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in the Municipalities Planning Code. If a challenge by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In

reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (i) the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (ii) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - (iii) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - (iv) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (v) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- f. The governing body or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - g. If the governing body or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6), a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
4. The Zoning Hearing Board or governing body, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
 5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including the plans, explanatory material or proposed amendments may be examined by the public.
 6. The challenge shall be deemed denied when:

- a. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in the Municipalities Planning Code;
- b. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
- c. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
- d. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act upon the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.

7. Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run by the following procedure:

- a. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- b. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval and time therein specified for commencing a proceeding with the board shall run from the time when the second notice thereof has been published.

ARTICLE VII

(W-C) Woodland Conservation District

Section 700 Purpose

The purpose of the Woodland Conservation District is to discourage the scattering of commercial, industrial, residential, and other urban uses throughout predominantly forested areas of the Township where public services are neither presently available nor anticipated in the immediate future; to provide for the regulation of housing density in such areas; to encourage the preservation of natural and historic amenities and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

Section 701 Permitted Uses

1. Single family detached dwellings.
2. Forest reserves, tree farming, production of forest products and forest industries.
3. Parks, playgrounds, and recreation areas when owned or operated by the municipality.
4. Accessory buildings and uses customarily incidental to any of the above permitted uses and which may include a home occupation.

Section 702 Conditional Uses

1. Public utility facilities.
2. Outdoor recreational facilities and organizations such as private playgrounds, swimming clubs, golf clubs, tennis courts and similar activities subject to the following conditions.
 - a. That such use shall occupy a lot with an area of not less than five (5) acres.
 - b. That all lighting, which is necessary and incidental to such use shall be shielded from adjacent properties.
 - c. Along all property lines adjacent to a Residential Use or District, a 100 foot wide landscaped buffer strip shall be provided in addition to any required form of screening.
3. Fishing and hunting clubs.
4. Campgrounds, travel trailer or recreational vehicle camps, not for year round permanent residential occupancy, subject to the following conditions.

- a. Any such camp or campground site shall occupy a lot area of not less than ten (10) acres and no buildings shall be erected within one hundred feet (100') of a public road or lot line.
 - b. The maximum length of any buildings shall not exceed one hundred and fifty feet (150'). Distance between buildings shall not be less than twenty-five feet (25').
 - c. There shall be a minimum of two (2) points of ingress and egress.
 - d. All camps or campgrounds shall have a sewage disposal system and water supply system approved by the State Department of Environmental Protection.
 - e. Usable Open Space: All trailer camps or campgrounds shall provide not less than twenty percent (20%) of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all campers.
 - f. Campground and Camp Density: The campground and camp density shall not exceed fifteen (15) campsites per acre.
 - g. Setback: No trailer, tent, building, etc., shall be located closer than fifteen feet (15') to any internal street.
5. Churches or similar places of worship including all parish houses and parsonages.
 6. Neighborhood outdoor recreational facilities and organizations when not operated for gain or profit.
 7. Federal, State and Local municipal buildings and uses and essential services.
 8. Kennels, animal hospitals not located within one hundred (100') feet of any property line.
 9. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.

Section 703 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than ten (10%) percent of the area of the lot.
2. Minimum required for all uses not otherwise listed:

Lot Size	5 acres
Lot Width	200 feet
Lot Depth	250 feet
Front Yard	50 feet
Each Side Yard	25 feet
Rear Yard	25 feet
Height (maximum)	40 feet
Parking	2 off-street spaces
Building Width	16 feet

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.

ARTICLE VIII

(A) Agricultural District

Section 800 Purpose

The purpose of an Agricultural District is to provide standards for certain agricultural and residential uses in areas of agricultural activity where public water and public sewerage are generally not available.

Section 801 Permitted Uses

1. Single-family detached dwellings. Existing properties greater than or equal to ten (10) acres in size as of April 12, 2007 and proposing a total of five (5) or more residential dwelling units shall comply with the standards of Article XIV (Conservation Design Overlay District) for Options 1, 2 and/or 3.
2. Churches or similar places of worship including parish houses and parsonages.
3. Federal, State and Local municipal buildings and uses and essential services.
4. Agriculture and agriculturally related operations, including the following:
 - a. Forest reserves, tree farming and crop farming to include forage, sod, grain, and feed.
 - b. Vineyards, orchards, greenhouses, nurseries, gardens, commercial production of fruits, vegetables, flowers, plants and similar products, and sale of these products in buildings in which the retail area shall not exceed 1,000 square feet in floor area, and set back a minimum of thirty-five feet (35') from any property line or street right-of-way line, with off-street parking provided.
 - c. Animal husbandry, milk processing, livestock production including breeding of dairy and beef cattle, sheep, swine, horses, ponies, mules, goats, poultry, other birds, fowl, fur animals, associated farm animals including domestic cats and dogs, if the number exceeds 10.

Buildings housing animals and storage areas for animal waste shall have a minimum setback distance from any property line in accordance with the following schedules:

(1) Permitted Use:

<u>Type of Farm Animal</u>	<u>Minimum Setback Distance</u>
a. Swine (hogs & pigs)	100'
b. Cattle (cows, steer, heifers, calves and bulls)	100'

<u>Type of Farm Animal</u>	<u>Minimum Setback Distance</u>
c. Sheep & Goats	100'
d. Horses (ponies, mules and donkeys)	100'
e. Fowl (chickens, turkeys, ducks and other birds)	100'

- (2) Conditional Use: Operations requiring a Nutrient Management Plan in accordance with applicable State and Federal regulations shall be a conditional use and shall provide a minimum area of 25 acres for housing of animals and shall have a minimum setback distance for buildings housing animals and animal waste storage areas in accordance with the following schedule.

<u>Type of Farm Animal</u>	<u>Minimum Setback Distance</u>
a. Swine (hogs & pigs)	200'
b. Cattle (cows, steer, heifers, calves and bulls)	200'
c. Sheep & Goats	200'
d. Horses (ponies, mules and donkeys)	200'
e. Fowl (chickens, turkeys, ducks and other birds)	200'

- (3) Disposal of dead animals on all farm land including that land intended for nutrient management is expressly prohibited. Dead animals must be disposed of by rendering.

d. Granaries, sawmills, and similar agriculturally related activities.

5. Stables and riding academies.
6. Cemeteries and related uses provided no graves or structure shall be located within fifty (50') feet of any property line on the cemetery.
7. Kennels, animal hospitals not located within one hundred (100') feet of any property line.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses and which may include a home occupation.

Section 802 Conditional Uses:

1. Public utility facilities.
2. Outdoor recreational facilities and organizations such as private playgrounds, swimming clubs, golf clubs, tennis courts and similar activities subject to the following conditions.
 - a. That such use shall occupy a lot with an area of not less than five (5) acres.
 - b. That all lighting, which is necessary as incident to such use shall be shielded from adjacent properties.
 - c. Along all property lines adjacent to a Residential Use or District, a one hundred (100') foot wide landscaped buffer strip shall be provided in addition to any required form of screening.
3. Fishing and hunting clubs.
4. Campgrounds, trailers or recreational vehicles camps, not for year round permanent residential occupancy, and subject to the conditions contained in Section 702.4 of this Ordinance.
5. Total confinement and environment controlled animal husbandry subject to such building setback requirements as the Board of Supervisors may require.
6. Sanitary Landfills

Sanitary landfills designed and permitted in accordance with the rules and regulations promulgated under Act 97 and as it may be amended from time to time, the Pennsylvania Solid Waste Management Act of 1980, shall be permitted as a conditional use when said operation is located with vehicular access over a roadway with paving a minimum of three (3") inches thick and at least twenty (20') feet in width connecting said operation to a roadway classified in the Township Comprehensive Plan as an arterial roadway and subject to the following conditions and performance standards:

- a. The actual landfill area shall comply with the following minimum setback requirements:
 - (1) 300 feet from any property line.
 - (2) 500 feet from any occupied building or structure, or any private water supply.
 - (3) 0.25 mile (1,320 feet) from any public water supply.
 - (4) The landfill shall not be located within an Agricultural Security Area or on soils identified in the Adams County Soil Survey as Capability Units I or II.
- b. Vegetative screening shall be provided by the Owner along all of the property and street boundary lines separating the landfill from adjacent uses. The screening is to be in the form of vegetation and the following standards shall apply:
 - (1) A minimum of 3 rows of trees, shrubs, or other vegetation not less than fifty (50%) percent evergreen material shall be planted to produce the effective visual barricade.
 - (2) At least 2 different species of trees, shrubs, or other vegetation shall be utilized. Selected species shall exhibit different tolerances to insect and disease.
 - (3) Species selected must be capable of producing the effective visual barricade ten (10') feet in height within 5 years of planting.
 - (4) Prompt replacement of any dead species shall be required within one (1) year.
- c. The following security measures shall be provided:
 - (1) Adequate fencing shall be provided at any point where vehicular access into the landfill may be possible.
 - (2) All access points into the landfill shall be provided with gates that can be locked to prevent unauthorized entry during times of non-operation.
 - (3) Adequate security lighting shall be required at points of vehicular access, such as the front gate, scale house, other areas of public entry.
- d. The landfill shall have an adequate number of employees to operate in accordance with Section 26, Chapter 75 of State Solid Waste Management Rules and Regulations.
- e. The landfill shall have posted, in a conspicuous location, the days and hours of operation.

- f. A washdown facility or other mechanism shall be provided to clean off refuse vehicles prior to their entry onto the public road. However, all mud or debris shall be kept off the public road and adjoining lands.
- g. An operations plan shall be provided for all landfill operations which shall include the following:
 - (1) Procedures to be followed for compliance with Section 26, Chapter 75 of the Solid Waste Management Rules and Regulations regarding operation standards for sanitary landfills.
 - (2) A schedule of operation hours provided that no operation commences prior to 6:00 a.m. or after 7:00 p.m. prevailing time.
 - (3) Procedure for the removal of any mud or debris on any public road from the ingress or egress of landfill traffic.
- h. A site plan of the entire property, clearly and legibly drawn at a scale of 1"= 100' or less shall be provided and include the following items:
 - (1) North arrow, scale and date.
 - (2) Topographic contour lines.
 - (3) All property lines including a metes and bounds description and the size of the property expressed in acres or square feet.
 - (4) The location of all existing buildings, structures, streets and streams within 500 feet of the proposed landfill.
 - (5) The location of the proposed landfill on the property, and the staging of activities.
 - (6) The location of proposed buildings, structures, storage areas, access roads and washdown facilities associated with the proposed landfill operation.
 - (7) The location of security fences, gates, lights, and signs.
 - (8) The location and description of required screening.
 - (9) The location and description of any erosion and sedimentation control measures.
- i. A vicinity plan drawn at suitable scale shall be provided indicating the following:

- (1) The location of the proposed landfill with respect to all other land uses within one (1) mile of the proposed landfill.
 - (2) The location of all existing private and/or public wells within one (1) mile of the proposed landfill.
 - (3) The traffic routes that will be the primary ingress and egress routes.
- j. A maintenance bond not exceeding fifty (50%) percent of the full cost of repaving the Township roads servicing the operation, from the entry to the operation of the first utilized arterial roadway, as classified by the Township Comprehensive Plan, under such conditions, in form and with surety as shall be approved by the Township Board of Supervisors, shall be provided by the operator. In lieu of a bond, the operator may deposit cash or securities with the Township to secure said repaving under an escrow agreement approved by the Township Solicitor and Board of Supervisors. The amount of the bond or other guarantee shall be equal to fifty (50%) percent of the cost of the required repaving as estimated by the Township Engineer. The amount of financial security may be increased by up to an additional ten (10%) percent from each one-year period beyond the first anniversary date from posting of financial security.
 - k. The landfill operation shall provide the Township with a one dollar (\$1.00) per ton user fee payable on a monthly basis. The landfill production records shall be subject to an annual audit by the Township.
7. Public, private and parochial schools, and day care centers for the educational needs of the community; provided all outside active play areas are screened from adjacent residential properties.
 8. Hospitals, sanitariums and nursing or convalescent homes.
 9. Radio and television transmission facilities, electric or telephone substation.
 10. Neighborhood outdoor recreational facilities and organization when not operated for gain or profit.
 11. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.

Section 803 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.
2. Minimum required for all uses not otherwise listed:

Lot Area	2 acres
Lot Width	200 feet
Lot Depth	180 feet
Front Yard**	50 feet
Each Side Yard**	25 feet
Rear Yard**	25 feet
Height (maximum)	45 feet
Parking	2 off-street spaces

**Lots used for single-family detached dwellings shall utilize the R-1 district yard and building setback requirements for such structures as found in Article IX of this Ordinance.

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.

ARTICLE IX

(R-1) Low Density Residential District

Section 900 Purpose

The purpose of the R-1 Low Density Residential District is to provide for the orderly development of single family type residential areas; to provide for the public health and prevent overcrowding through density control, and to exclude activities not compatible with single family residential development.

Section 901 Permitted Uses

1. Single-family detached dwellings. Existing properties greater than or equal to ten (10) acres in size as of April 12, 2007 and proposing a total of five (5) or more residential dwelling units shall comply with the standards of Article XIV (Conservation Design Overlay District) for Options 1, 2 and/or 3.
2. Churches or similar places of worship including parish houses and parsonages;
3. Parks, playgrounds and recreation areas when owned or operated by the Municipality.
4. Federal, State and Local Municipal buildings and uses and essential services.
5. Agriculture and agriculturally related operations, including the following:
 - a. Forest reserves, tree farming and crop farming to include forage, sod, grain, and feed.
 - b. Vineyards, orchards, greenhouses, nurseries, gardens, commercial production of fruits, vegetables, flowers, plants and similar products, and sale of these products in buildings in which the retail area shall not exceed 1,000 square feet in floor area, and set back a minimum of thirty-five (35) feet from any property line or street right-of-way line, with off-street parking provided.
6. Cemeteries and related uses provided no graves or structures shall be located within fifty (50') feet of any property line of the cemetery.
7. Accessory buildings and uses customarily incidental to any of the above permitted uses and which may include a home occupation.

Section 902 Conditional Uses

1. Public utility facilities.

2. Public, private and parochial schools, and day care centers for the educational needs of the community; provided all outside active play areas are screened from adjacent residential properties.
3. Neighborhood outdoor recreational facilities and organizations when not operated for gain or profit.
4. Animal husbandry, milk processing, livestock production including breeding of dairy and beef cattle, sheep, swine, horses, ponies, mules, goats, poultry, game birds, fowl, fur animals, and associated farm animals provided that conditions for indoor confinement and housing be exercised and performed within the following requirements which shall not pertain to domestic pets like cats and dogs in compliance with the requirements of Section 801.4.C of this Ordinance.
5. Granaries, sawmills, and similar agriculturally related activities.
6. Stables and riding academies.
7. Kennels, animal hospitals not located within one hundred (100') feet of any property line.
8. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.

Section 903 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.
2. Minimum required for all uses not otherwise listed.

	<u>On-Lot Water & Sewer</u>	<u>On-Lot Sewer Water</u>	<u>On-Lot Water & Sewer</u>	<u>Central Water & Sewer</u>
Lot Area	1 acre	1 acre	30,000 sq.ft.	20,000 sq.ft.
Lot Width	150 feet	150 feet	100 feet	100 feet
Lot Depth	180 feet	150 feet	120 feet	100 feet
Front Yard	35 feet	35 feet	35 feet	35 feet
Each Side Yard	12 feet	12 feet	10 feet	10 feet
Rear Yard	25 feet	25 feet	25 feet	25 feet
Height (maximum)	40 feet	40 feet	40 feet	40 feet
Off-Street Parking per dwelling unit	2	2	2	2
Building Width	16 feet	16 feet	16 feet	16 feet

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.

ARTICLE X

(R-2) Moderate Density Residential District

Section 1000 Purpose

The purpose of an R-2 Moderate Density Residential District is to provide standards for certain residential types and to provide for the safety, health, and welfare of the community by applying density control while excluding uses not compatible with residential uses.

Section 1001 Permitted Uses

1. Single family detached dwellings.
2. Two family detached dwellings provided the lot area is 25% larger than the minimum required for single family detached dwellings and in compliance with the yard and setback requirements for single family detached dwellings.
3. Single family semi-detached dwellings (duplex).
4. Townhouse dwellings, not exceeding three (3) stories in height or eight (8) dwelling units per structure.
5. Multi family dwellings, apartment buildings not exceeding three (3) stories in height and twelve (12) dwelling units per structure.
6. Conversion apartments, conversions of existing single family detached dwellings to two-family dwellings provided each unit has two points of entrance/exit and a minimum of two off-street parking spaces per dwelling unit. Conversions of existing single family detached dwellings to three or more family dwellings provided that each dwelling unit has two points of entrance/exit and a minimum of two off-street parking spaces per dwelling unit. The minimum lot area shall be determined by the applicable single family detached dwelling lot size required in this section, for the first dwelling unit and additionally three thousand square feet (3,000 sq.ft.) for each subsequent dwelling unit. Setback requirements shall comply with the applicable provisions of This Ordinance for single family detached dwellings. In the event of any conversion project which is subject to approval of the Pennsylvania Department of Labor and Industry such approval must be obtained prior to the issuance of Township building permit.
7. Churches or similar places of worship including parish houses and parsonages.
8. Nursing homes, domiciliary care facilities, convalescent homes and geriatric centers.
9. Parks, playgrounds, and recreation areas when owned or operated by the Municipality.

10. Individual mobilehomes.
11. Federal, State and Local municipal buildings and uses and essential services.
12. Planned residential developments on tracts in excess of twenty (20) acres in accordance with the provisions of this Ordinance regarding such developments.
13. Boarding, lodging, rooming house, bed and breakfast.
14. Accessory buildings and uses customarily incidental to any of the above permitted uses and which may include a home occupation.

Section 1002 Conditional Uses

1. Neighborhood outdoor recreational facilities and organizations when not operated for gain or profit.
2. Public utility facilities.
3. Public, private and parochial schools, and day care centers for the educational needs of the community; provided all outside active play areas are screened from adjacent residential properties.
4. Mobile home parks on tracts of land in excess of ten (10) acres serviced by centralized water and sewer, in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
5. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.

Section 1003 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.
2. Minimum Required for All Uses Not Otherwise Listed

	<u>On-Lot Water & Sewer</u>	<u>On-Lot Sewer Water</u>	<u>On-Lot Water & Sewer</u>	<u>Central Water & Sewer</u>
Lot Area	1 acre	1 acre	25,000 sq.ft.	15,000 sq.ft.
Lot Width	150 feet	150 feet	100 feet	80 feet
Lot Depth	180 feet	150 feet	120 feet	100 feet
Front Yard	35 feet	35 feet	35 feet	35 feet
Each Side Yard	12 feet	12 feet	10 feet	10 feet
Rear Yard	25 feet	25 feet	25 feet	20 feet
Height (maximum)	40 feet	40 feet	40 feet	40 feet
Off-Street Parking per dwelling unit	2	2	2	2
Building Width	16 feet	16 feet	16 feet	16 feet

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.

3. Single Family Semi-detached Dwelling (duplex) - minimum required for each dwelling unit.

	<u>On-Lot Water & Sewer</u>	<u>On-Lot Sewer</u>	<u>On-Lot Water</u>	<u>Central Water & Sewer</u>
Lot Area	30,000 sq.ft	30,000 sq.ft.	10,000 sq.ft.	7,500 sq.ft.
Lot Width	125 feet	150 feet	60 feet	50 feet
Lot Depth	156 feet	156 feet	100 feet	100 feet
Front Yard	35 feet	35 feet	35 feet	35 feet
Each Side Yard	12 feet	12 feet	10 feet	10 feet
Rear Yard	25 feet	25 feet	25 feet	25 feet
Height (maximum)	40 feet	40 feet	40 feet	40 feet
Off-Street Parking per dwelling unit	2	2	2	2
Building Width	16 feet	16 feet	16 feet	16 feet

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.

4. Townhouse Dwelling - Minimum Required for Each Dwelling Unit

- a. Each townhouse residential project shall contain a minimum of forty thousand square feet (40,000 sq.ft.) of lot area.

Minimum Development Standards Per Dwelling Unit

Lot Area.	2,500 square feet
Lot Depth	120 feet
Interior Lot Width.20 feet
FrontYard.30 feet
Side Yard for End Units20 feet
Rear Yard	30 feet
Off-street Parking.	2.0 spaces
Height (maximum).	40 feet
Maximum Density.	8 dwelling units per acre

- b. No less than three (3) and no more than eight (8) dwelling units shall be permitted in a group.
- c. Centralized water supply and sewerage shall be provided.
- d. Active play area shall be furnished in townhouse development projects containing 16 or more dwelling units. Such area shall not be less than 2,000 square feet in land area, nor less than 30 feet in its smallest dimension. For each dwelling unit above the minimum number prescribed heretofore, an additional 100 square feet per dwelling unit shall be allocated to the total active play area.
- e. Where any townhouse project is proposed to be developed in conjunction with multi-family dwellings the active play area requirements for the multi-family dwellings shall be designed for and made accessible to the townhouse residents in addition to the multiple dwelling residents. The Board of Supervisors reserve the right to increase the active play area requirements upon recommendation of the Planning Commission when in its opinion additional area is necessary to accommodate the needs of the mixed use development in accordance with the spirit and objectives of this Ordinance.

- f. Interior yards and/or structural spacing between dwellings shall be provided in accordance with the following minimums:

Front to Front	60 feet
Front to Side	50 feet
Front to Rear	60 feet
Side to Rear	50 feet
Side to Side	40 feet
Rear to Rear	60 feet

- g. Dwelling structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.
- h. There shall be one hundred feet (100') setback from the property lines adjacent to any existing dwelling or residential district.

5. Multi-family Dwellings - Minimum Required

- a. Each multiple dwelling residential project shall contain a minimum of forty thousand square feet (40,000 sq ft) of lot area in accordance with the following standards.

Lot Width.150 feet
Lot Depth.150 feet
Each Side Yard	20 feet
Rear Yard.	30 feet
Front Yard	30 feet
Off-street parking per Dwelling Unit. . . .	2.0 spaces
Height (maximum)	40 feet

Active Play Area Per Dwelling Unit:

Efficiency.75 sq.ft.
1 Bedroom.100 sq.ft.
2 Bedroom.125 sq.ft.
3 or More Bedrooms. . . .	150 sq.ft.

Maximum Density. 8 dwelling units per acre

- b. The length or width of any dwelling shall not exceed one hundred and fifty feet (150').
- c. Centralized water supply and sewerage shall be provided.
- d. There shall be one hundred foot (100') setback from the property lines adjacent to any existing dwelling or residential district.
- e. Interior yards and/or structural spacing between dwellings and units shall be provided in accordance with the following minimums:

Front to Front	60 feet
Front to Side	50 feet
Front to Rear	60 feet
Side to Rear	50 feet
Side to Side	40 feet
Rear to Rear	60 feet

- f. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.

ARTICLE XI

(R-3) Mixed Residential District

Section 1100 Purpose

The purpose of the (R-3) Mixed Residential District is to provide areas within the Township where existing and established neighborhoods may develop a mix of compatible land uses, including businesses, services and residences to foster an ongoing sense of community and stability. This flexibility in design options will encourage economic strength and diversity, the preservation of community values and character, and will promote the quality of life in the surrounding vicinity.

Section 1101 Permitted Uses

1. Any of those uses identified as permitted uses within the R-2 Moderate Density Residential District.
2. Apartment(s) combined with a permitted nonresidential use in the same building.
3. Retail and wholesale businesses.
4. Business services, including financial lending institutions.
5. Personal services.
6. Restaurants, excluding those with drive-thru facilities.
7. Cemeteries.
8. Repair services, other than those for motor vehicles or heavy equipment.

Section 1102 Conditional Uses

1. Automotive service stations, repair garages, automated fueling facilities, new and used car dealers in accordance with the requirements of Section 1201.8.
2. Public, private and parochial schools, and daycare centers for the educational needs of the community; provided all outside active play areas are screened from adjacent residential properties.
3. Drive-thru facilities in accordance with the requirements of Section 1201.9.

4. Neighborhood outdoor recreational facilities and organizations.
5. Public utility facilities.
6. Hotels and motels.
7. Social and service clubs.
8. Kennels, animal hospitals not located within one hundred (100) feet of any property line.
9. Commercial recreation and entertainment facilities.
10. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.
11. Age Qualified Housing (See §317)

Section 1103 Minimum Area and Density Requirements.

The minimum area and density requirements for all uses within the Mixed Residential District shall be the same as those listed for the R-2 Moderate Density Residential District (Article X) unless otherwise specified in this Article. All non-residential uses within the R-3 district shall be subject to a maximum size restriction for the principal building(s) of five thousand (5,000) square feet or ten (10%) percent of the net lot area, whichever is greater.

ARTICLE XII

(C) Commercial District

Section 1200 Purpose

The purpose of the (C) - Commercial District is to provide reasonable standards for the development of commercial uses in areas where such uses already exist and where, due to the character of undeveloped land, the development of commercial uses is practical. This district is designed to centralize heavy commercial activity where such will be convenient to the majority of Township residents.

Section 1201 Permitted Uses

1. A single apartment when combined with a permitted commercial use in a multiple use building.
2. Conversion apartments when combined with a permitted commercial use in a multiple use building.
3. Churches or similar places of worship including parish houses and parsonages.
4. Nursing homes, domiciliary care facilities, convalescent homes and geriatric centers and hospitals.
5. Federal, state and local municipal buildings and essential services.
6. Multiple use buildings provided there is a minimum lot area of fifteen thousand square feet (15,000 square feet) for the first use and five-thousand square feet (5,000 square feet) for each additional use in accordance with the yard and setback requirements of this District.
7. Hotels, motels, tourist homes, restaurants, commercial recreational facilities.
8. Automotive, truck, trailer, and mobilehomes sales and service, such as service stations, automated fueling stations, repair garages, new and used car dealers, subject to the following:
 - a. Entrance and exit driveways shall each have an unrestricted width of not less than twelve (12') feet nor more than twenty (20') feet for one-way traffic and not less than twenty (20') feet nor more than thirty (30') feet for two-way traffic. Each drive shall be located not less than twenty feet (20') from any property line.
 - b. Vehicle lifts or pits, dismantled or salvage automobiles and all parts or supplies shall be located within completely enclosed buildings, wrecked automobiles shall be

screened from adjacent properties. In no case will more than five (5) unregistered, untagged vehicles be allowed on a single property.

- c. All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in completely enclosed building. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- d. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than fifty feet (50') from any property line other than the street line. Such facilities shall not be located closer than thirty-five (35) feet to any street right-of-way line.

9. Drive-Thru establishments.

- a. Frontage and access shall be provided on an arterial or collector road as identified in the most recent edition of the Hamiltonban Township Comprehensive Plan.
- b. Said establishment shall include a two hundred (200) foot separation from any residential district.
- c. The exterior of the property shall be screened from the view of adjacent residential properties in accordance with Section 315 of This Ordinance.
- d. All exterior seating and play areas shall be screened from all parking and circulation areas by a suitable screening material no less than three (3) feet in height.
- e. All drive-thru lanes shall be separated from the parking lot interior driveways by curbing.

10. Retail/Professional centers in accordance with the provisions of This Ordinance.

11. Retail businesses.

12. Business services.

13. Personal services.

14. Repair services.

15. Veterinary clinics, hospitals, animal care facilities and kennels.

16. Social and service clubs.

17. Accessory uses and buildings customarily incidental to the above permitted uses provided that no outside storage of materials or processing activity shall be permitted unless the activity is effectively screened from the adjacent properties by a wall or fence.

Section 1202 Conditional Uses

1. Mini-storage facilities provided the individual storage units do not exceed an area of 12 feet by 15 feet.
2. Commercial Wireless Telecommunications Service Facilities in accordance with Section 316 of This Ordinance.

Section 1203 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than thirty-five (35%) percent of the area of the lot. No less than ten (10%) percent of the lot area shall be covered with lawns and landscaping.
2. Minimum required for all uses not otherwise listed.

Minimum Required	Commercial
Lot Size *	1 acre
Lot Width	200 feet
Lot Depth	120 feet
Front Yard	35 feet
Side Yard **	12 feet
Rear Yard **	25 feet
Building Height (Maximum)	35 feet

* When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or Department of Environmental Protection for factors relating to health and sanitation.

** When mutual agreement is provided in writing by the adjoining property owners, no side yard or rear yard shall be required where two or more commercial uses or a commercial and industrial use adjoin side to side or back to back. In case of a series of adjoining structures abutting and paralleling a public right-of-way, an open and unobstructed passage of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet apart.

ARTICLE XIII

(I) Industrial District

Section 1300 Purpose

Consistent with the general purposes of this Ordinance, the specific purpose of this Article is:

1. To encourage the construction on and continued use of the land for industrial purposes.
2. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the District.
3. To establish reasonable standards for buildings and other structures, the area and dimensions of yards and other open spaces, and to provide for facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, fire, safety hazards, etc.

Section 1301 Permitted Uses

1. Any of the permitted uses for the (C) Commercial District listed in Article XII.
2. Vehicles and mobilehomes manufacturing, and assembling, auto body shops, vehicle painting, upholstery, reconditioning, repair or overhauling, tire retreading or recapping, welding shops, and the like.
3. Bottling works and bookbinding.
4. Building materials storage, lumber yards, and lumber mills.
5. Blacksmith and machine shops, excluding punch presses over twenty (20) tons capacity, and drop hammers.
6. Carpentry, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, plumbing, gas, steam, or hot water fitting shops.
7. Contractor's equipment, sales, service, and storage.
8. Electric and telephone public utility transmission and distribution facilities, including substations, water pumping stations, and reservoirs.
9. Laboratories.
10. Laundries, cleaning, dyeing, carpet and rug cleaning.
11. Distribution plants, parcel delivery, and service industries.

12. Photographics or film processing.
13. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals, or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
14. The manufacture, processing, or packaging of dairy and food products, excluding the rendering of hides and bones.
15. The manufacturing of pottery and figurines or other similar ceramic products, using only clay, and fired only by electricity or gas.
16. Printing, newspaper publishing, and lithography.
17. Salvage yards on tracts of land in excess of twenty-five (25) acres in size in accordance with the Hamiltonban Township Junk Yard Ordinance.
18. Light metal fabrication and assembly, and processing which shall include finishing, grinding, sharpening, polishing, cleaning, rust-proofing and painting.
19. Accessory uses and buildings customarily incidental to the above uses including dwellings for bona fide caretakers or watchmen only.
20. Wholesale and retail sales of products manufactured, produced or distributed pursuant to a permitted use in whole or part on the lot in question.
21. Wholesaling, storing and warehousing.
22. Other principal uses similar to the above provided that they meet the performance standards found in this Ordinance. Prior to any application for a land development plan, or a building permit, if a land development plan is not required, documentation shall be presented for the intended use establishing compatibility with other uses permitted in this District in terms of the performance standards enumerated in this Ordinance. Documentation shall be required in the event of a change of any use of any structure in this District. This documentation shall be subject to review and comment by the Planning Commission, and to a classification procedure establishing the basis for the intended use to be permitted or to be prohibited in a report to the Board of Supervisors. The Board of Supervisors shall act upon the proposed, intended use, within 30 days of receipt of said Planning Commission Report.

Documentation Required:

To determine whether or not the proposed use is permitted, if not specifically listed, a detailed site plan with accompanying documentation shall be submitted to the Hamiltonban Township Zoning Officer, who will distribute them to all the applicable review agencies, including the Planning Commission. Based upon their remarks and recommendations, the Board of Supervisors shall make an objective determination. This decision shall be furnished, in writing, not later than ten (10) days after the decision is rendered, to the person, persons or corporation requesting certification of the permitted use in this District. Once this is done, an official application for subdivision and land development plan approval or a building permit whichever is applicable, can be completed and processed. For the certification process to arrive at the proposed use being permitted or not, the information required shall be as follows:

- a. Sketch plan showing all property dimensions, existing locations of all buildings, structures, rights-of-way, easements, driveways, off-street parking facilities; utility lines, poles and appurtenances; entrances and exits on the site, and within 100 feet of the property; proposed locations and dimensions of proposed buildings, structures, walkways, buffer zones, parking areas, loading areas, storage areas, signs, sanitary sewer facilities, stormwater management facilities, water supply, waste disposal provisions, curbs, landscaping, exterior lighting; existing and proposed physical features such as water bodies, water courses, grades, woods, trees, soils, rock outcrops, subsurface formations, ecological habitats, vistas; all adjoining properties and uses within 200 feet of the site to include their historical, architectural and archaeological significance.
- b. Statement explaining the suitability of the site for development, and its compatibility and demand for the intended use of the type proposed in the particular location proposed; furthermore, its accessibility and availability of community facilities and services should be included as well as the proposed project's impact on the Hamiltonban Township Comprehensive Plan, planned capital improvements or proposed development regulations.
- c. Description of existing and proposed machinery, processes and products.
- d. Specifications for the mechanisms and techniques used or to be used in restricting emission of any dangerous and objectionable elements, and in measurement of the potential emission if any is anticipated.
- e. Inventory and analysis of water quantity requirements and water yields and quality; traffic counts, road capacities, circulation patterns and considerations; and, any other data that may be required.
- f. Designation of applicable local, Commonwealth, and Federal approvals and permits required, and compliance with same.

Section 1302 Conditional Uses

1. Any of the conditional uses for the (C) Commercial District listed in Article XII.
2. Surface Mining:

All new surface mining operations as defined in Section 404 of this Ordinance shall be permitted as a conditional use in the Industrial District. Proposed surface mining facilities permitted by the Pennsylvania Department of Environmental Protection following the date of adoption of this Ordinance, but with a pending application filed prior to said adoption, shall conform in all respects with the requirements of this Section. Said operation shall be located with vehicular access over a roadway with paving, a minimum of three (3") inches thick and at least twenty (20') feet in width connecting said operation to a roadway classified in the Township Comprehensive Plan as an Arterial roadway, and subject to the following conditions and performance standards:

- a. Surface mining operations shall include sandpits, gravel pits, removal of topsoil or rock, or the removal of any natural resource or mineral from the land or ground.
- b. Any person, corporation or otherwise, engaged in, or proposing to engage in, surface mining operation as defined herein, shall be properly licensed by Pennsylvania Department of Environmental Protection to engage in such operations.
- c. Surface mining operations including production, processing, excavation, extraction, reclamation, sedimentation ponds, stockpiling and related structures shall not be conducted or erected closer than 100 feet to any property line or outside line of right-of-way of any public highway and not closer than 300 feet to any occupied dwelling house, public building or commercial or industrial building, unless released by the owner thereof.
- d. Vegetative screening shall be provided by the Owner along all of the property and street boundary lines separating the operation from adjacent uses. Said vegetative screening is exempt from the setback restrictions of Section 1202.2.c. The screening is to be in the form of vegetation and the following standards shall apply:
 - (1) A minimum of 3 rows of trees, shrubs, or other vegetation not less than fifty (50%) percent evergreen material shall be planted to produce the effective visual barricade.
 - (2) At least 2 different species of trees, shrubs or other vegetation shall be utilized. Selected species shall exhibit different tolerances to insect and disease.

- (3) Species selected must be capable of producing the effective visual barrier, ten (10') feet in height, within 5 years of planting.
 - (4) Prompt replacement of any dead species, shall be required.
 - (5) Earthen mounds may also be used as a form of screening but in no case shall be located closer than 50 feet from a property line or outside line of right-of-way of any public highway.
- e. The following security measures shall be provided:
- (1) Prior to the commencement of surface mining operations, a physical barricade shall be constructed enclosing the area actively being excavated in accordance with the following standards: Fencing shall be at least six (6') feet high and constructed of wire mesh fabric and barbed wire across the top. Alternative varieties of fencing may be used upon approval by the Township Board of Supervisors.
 - (2) All access openings shall be provided with gates that can be locked to prevent unauthorized entry during periods of non-operation.
 - (3) Warning signs stating the nature of the operation shall be conspicuously posted around the perimeter of the operation.
- f. A site plan of the entire property, clearly and legibly drawn at a scale of 1" = 100' or less, shall be provided and include the following items.
- (1) North arrow, scale and date.
 - (2) Topographic contour lines.
 - (3) All property lines including a metes and bounds description and the size of the property expressed in acres or square feet.
 - (4) The location of all existing buildings, structures, cemeteries, streets, wells and streams within 500 feet of the property proposed for surface mining operation.
 - (5) The location of the proposed surface mining operation and the staging of operations if applicable.
 - (6) The location of proposed stockpiles, sedimentation ponds, access road and buildings associated with the proposed operation.
 - (7) The location of security fences, gates, and signs.

- (8) The location and description of required screening.
- (9) The location and description of all erosion and sedimentation control measures.
- g. A traffic circulation plan drawn at a suitable scale shall be provided indicating the following:
 - (1) The location of the proposed operation with respect to major traffic arteries.
 - (2) The proposed vehicular routing both to and from the proposed operation.
- h. An operation plan shall be provided for all surface mining operations and shall include the following:
 - (1) Procedures to be followed for compliance with Section 102, Chapter 77 of the Department of Environmental Protection Rules and Regulations.
 - (2) A schedule of operational hours provided that all required blasting shall be confined to the hours between 8:00 a.m. and 5:00 p.m. prevailing time.
 - (3) Procedures for the removal of mud or debris on any public road resulting from the ingress or egress of vehicular traffic from the operation. Said mud or debris shall be removed at the end of each working day, or more frequently if needed during the working day.
 - (4) Procedures for dust control shall include the following:
 - (a) Access roads shall be maintained with a dustless surface from the connecting public roadway to a point within 100 feet of any loading area.
 - (b) Stockpiling of any materials shall be in such a manner as to prevent dust from blowing onto adjacent properties.
 - (5) Procedures for controlling erosion and sedimentation resulting from the proposed operation as required by the Department of Environmental Protection and consistent with erosion and sedimentation control measures included in this Ordinance.
 - (6) Procedures for the ultimate closing and reclamation of the proposed operation as required by the Department of Environmental Protection.
- i. A maintenance bond not exceeding fifty (50%) percent of the full cost of repaving the Township roads servicing the operation, from the entry to the operation to the first utilized arterial roadway, as classified by the Township Comprehensive Plan, under

such conditions, in form and with surety as shall be approved by the Township Board of Supervisors, shall be provided by the operator. In lieu of a bond, the operator may deposit cash or securities with the Township to secure said repaving under an escrow agreement approved by the Township Solicitor and Board of Supervisors.

The amount of the bond or other guarantee shall be equal to fifty (50%) percent of the cost of the required repaving as estimated by the Township Engineer. The amount of financial security may be increased by up to an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security. Said financial security amount shall be reviewed annually by the Township in an attempt to determine any appropriate adjustments.

Section 1303 Performance Standards

All proposed Industrial uses, with the exception of surface mining, shall meet or exceed all of the following requirements. Surface mining operations shall be governed by the prevailing applicable performance standard requirements of the Pennsylvania Department of Environmental Protection and the requirements of Section 1202 of this Ordinance.

1. Buffer Zones

- a. The buffer zone shall be measured from the district Boundary Line or right-of-way line, if not co-existent with the District Boundary Line.
- b. A minimum buffer zone of 50 feet in width shall be provided along any common property line with a residential use or district.
- c. The buffer zone shall be maintained and kept clean of debris, rubbish, weeds, and other unsightly features.
- d. No building, structure, or physical improvement shall be permitted in the buffer zone except for stormwater management facilities and any required form of screening.
- e. No less than the exterior half of the buffer area shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs of such species and size as will produce, within two (2) growing seasons, a screen at least eight (8') feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises. The preservation of all natural wooded tracts, rock outcroppings or topographic features shall be an integral part of all said plans regardless of their proximity to required buffer zones.
 - (1) Massed evergreens used in screen planting shall be at least six (6') feet in height when planted and produce a complete visual screen year-round.

- (2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
- (3) The screen planting shall be so placed that at maturity it will be no closer than three (3) feet from any street or property line.
- (4) A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
- (5) The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.

f. No screen planting shall be required along street frontages.

2. Drainage

No stormwater or natural drainage which originates on the property or water generated by the activity, e.g., air conditioners, swimming pools, shall be diverted across property lines unless transported in an approved or existing drainage system.

3. Electricity

Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.

4. Glare

No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.

5. Radioactivity

Any proposed activity in this District shall not emit any dangerous radioactivity at any point on the site.

6. Vibration

There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

7. Fire and Explosion Hazard

All activities shall be carried out in buildings, structures and improvements which conform to the standards of the National Board of Fire Underwriters. Furthermore, protection against fire and explosion shall be upon the advice of the Adams County Fire Marshal and the local fire company serving the area of the site.

8. Traffic Control

All design traffic volumes shall be determined by accepted procedures of the Pennsylvania Department of Transportation. The design hourly volume and the average annual daily traffic count data shall be used as a basis of computation. Geometric design features shall be consistent with the design speeds and capacities of streets serving the site. Minimum stopping, turning and passing sight distances shall be determined. Grades, alignments, lanes, slopes, clearance, other street standards shall be consistent with the Hamiltonban Township Subdivision and Land Development Ordinance. Traffic control devices (signs, signals, pavement markings, etc.) shall be consistent with the Manual on Uniform Traffic Control Devices, American Association of State Highway Officials in cooperation with the Pennsylvania Department of Transportation. Anticipated traffic generation shall not exceed the design volume of the street or streets serving the site and surrounding area, unless appropriate provisions to upgrade and to construct necessary street provisions consistent with Hamiltonban Township street specifications.

9. Storage of Explosives or Flammable Substances and Waste Disposal

- a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal Specifications.
- b. All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.
- c. All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored in enclosed buildings or containers which are adequate to eliminate such hazards.
- d. No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, alcohol, oil, waste oil, and chemicals which can contaminate a stream or water source unusable or

undesirable as a source of water supply, recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or forces, or by rupture or storage containers or accidental discharge.

10. Noise Control

The sound level of any use within this District shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards of recommended decibel levels in the designated octave bands, except for emergency alarm system. Sound levels shall be projected in accordance with similar or identical operations or uses and shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter be utilized by the United States Government for the purpose.

11. Odor Control

There shall be no emission of odorous gases or other odorous material of any nature in such quantities as to be offensive to the average individual at any point on or beyond the lot boundary line within which the industrial operation is situated. Identical operations or processes may be compared to determine compliance with this subsection. This subsection shall not apply to the storage or application of manure by agricultural operations in this District.

12. Dust, Fumes, Vapor, and Gas Control

The emission of dust, dirt, flyash, fumes, vapors, or gases which can cause any damage to human health, to animals or to vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharge as set forth above, measurement procedures shall follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

13. Smoke Control

No smoke shall be emitted from any chimney or from any other source which has a visible gray opacity greater than number one (1) on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines, as amended to the time of the application for Building Permit. Identical operations or processes may be compacted to determine compliance with this subsection.

14. Liquid and Solid Wastes

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Evidence of such approval shall be provided.

Section 1304 Minimum Area and Density Requirements

1. All buildings including accessory buildings shall not cover more than fifty (50%) percent of the area of the lot. No less than ten (10%) percent of the lot area shall be covered with lawns and landscaping.
2. Minimum required for all uses not otherwise listed:

Minimum Required	Industrial
Lot Size *	2 acres
Lot Width	300 feet
Lot Depth	250 feet
Front Yard	50 feet
Side Yard **	50 feet
Rear Yard **	50 feet
Building Height (maximum)	40 feet

* When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Enforcement Officer or Department of Environmental Protection for factors to health and sanitation.

** When mutual agreement is provided in writing by the adjoining property owners, no side yard or rear yard shall be required where two or more commercial uses or a commercial and industrial use adjoin side to side or back to back. In case of a series of adjoining structures abutting and paralleling a public right-of-way, an open and unobstructed passage of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet apart.

ARTICLE XIV

Conservation Design Overlay District

Section 1400 Purposes

- A. In conformance with the state enabling legislation, the purposes of this Article, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as Class I, II and III agricultural soils, woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
 5. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township's Open Space Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
 6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan;
 7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
 8. To create neighborhoods with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 9. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents;
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as Class I, II and III agricultural soils, mature woodlands, hedgerows and tree lines, critical wildlife habitats, and historic buildings,);
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

12. To conserve elements of the Township's rural character, conserve scenic views and minimize perceived density by minimizing views of new development from existing and proposed roads.
- B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing three forms of "by-right" development in the "Conservation Design Overlay District", (often referred to as the "Conservation Design District") referred to as "options", as summarized below:
 1. Option One: *Neutral Density and Basic Conservation*, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise from 40% to 50% of the tract after floodplains, wetlands, slopes greater than 35%, land in existing and/or proposed public right of ways and lands under higher tension electrical transmission (69KV or greater) have been subtracted from the tract. The flexibly-designed layouts work well with either individual wells and septic systems located in the greenway, or with central wells and sewage treatment facilities. This option is permitted in the A and R-1 zoning districts.
 2. Option Two: *Enhanced Density with Greater Conservation*, providing for higher density residential uses and a larger percentage (50 % to 60%) of greenway land in more flexibly designed layouts with, other improvements serving the community such as central wells and sewage treatment facilities. This option is permitted in the A and R-1 zoning districts.
 3. Option Three: *Estate Lots*, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and streets are located carefully to minimize impacts on resource lands. This option is permitted in the A and R-1 zoning districts.
- C. Section 1403.C.4 sets forth the development densities and required greenway land percentages.

Section 1401 General Regulations

A. Applicability

1. The Conservation Design Overlay District encompasses all properties within the A and R-1 zoning districts in Hamiltonban Township. These properties shall be required to comply with the regulations in this Article and all other sections of the Ordinance when proposed for residential development. To the extent that other sections of the Ordinance are inconsistent with this Article, this Article shall control. Existing properties less than ten (10) acres in size as of the effective date of adoption of this amendment to the Zoning Ordinance and proposing less than a total of five (5) residential dwellings may be subdivided and developed as a permitted use in accordance with conventional design criteria for the underlying zoning district. The minimum area requirements and all other requirements of the conventional design criteria must be complied with.

- A. Exceptions – There is one exception where a property of ten (10) acres or larger and/or proposing more than a total of five (5) residential dwelling units may be developed in accordance with conventional design criteria. The exception is as follows:
2. In any instance where a property is limited due to the siting of individual on-lot sewage disposal systems within an area prone to documented high levels of nitrate/nitrogen in the groundwater, such properties may be required by the Pennsylvania Department of Environmental Protection to maintain a minimum lot size higher than the prescribed standards for the Conservation Design Overlay District. In such instances where groundwater conditions are documented via a hydrogeological study to be non-conductive to the higher densities prescribed in this overlay district, the property may be developed in accordance with conventional design criteria as a permitted use.
 3. Each property will be considered by the Board as it existed on the date of adoption of this amendment to the Township Zoning Ordinance and assessed cumulatively with regard to subsequent proposals.
- B. Minimum Standards - The design of all subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:
1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
 2. Combining the Design Options: The various layout and density options described in this Article may be combined, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.
 3. Intersections and Access: New intersections with existing public roads shall be minimized. Two access ways into and out of subdivisions containing more than fifty (50) dwellings are required for safety. However, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.
 4. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas (Primary and Secondary Conservation Areas), as shown on the Existing Resources and Site Analysis Plan. Lands within the 100-year floodplain, wetlands and slopes in excess of 35% constitute examples of such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that Primary and Secondary Conservation Areas will be protected by the proposed application shall be a prerequisite to approval of both the Preliminary Plan and the detailed Final Plan.

Section 1402 Use Regulations

Land in the Conservation Design Overlay District may be used for the following residential purposes:

A. Single-Family Detached Dwellings

Single-family detached dwellings in Options 1, 2, and 3 subdivisions pursuant to the following:

1. Single-family detached dwellings are permitted under the standards found in Sections 1403 and 1404 herein.
2. On tracts of less than ten (10) acres, existing on the effective date of adoption of this amendment to the Township Zoning Ordinance, and for developments proposing less than a total of five (5) residential dwelling units, single-family detached dwellings are permitted as conventional lots of an area equal to the minimum required for the underlying zoning district with no required greenway land, in accordance with conventional design criteria.

B. Single-Family, Semi-Detached Dwellings (Duplex Units)

1. Single-family, semi-detached dwellings are permitted in Option 1 and 2 subdivisions, according to the standards in Sections 1403 and 1404 and the other requirements of this Ordinance.
2. On tracts of less than ten (10) acres, existing on the effective date of adoption of this amendment to the Township Zoning Ordinance, and for developments proposing less than a total of five (5) residential dwelling units, and when single family semi-detached dwellings are permitted in the underlying zoning district, single-family semi-detached dwellings are permitted as conventional lots of an area equal to the minimum required for the underlying zoning district with no required greenway land, in accordance with conventional design criteria.

C. Greenway Land

Greenway land (also referred to as “open space”) comprising a portion of residential development, and according to requirements of this Article, including but not limited to, Sections 1403, 1404 and 1405.

D. Non-Residential Uses

The following non-residential uses may be incorporated into the proposed residential development in accordance with the standards of this Article, including but not limited to, Section 1404 and the Township Subdivision and Land Development Ordinance.

1. Agricultural uses, including, but not limited to, horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
2. Woodlots, arboreta, and other similar silvicultural uses.
3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

E. Accessory Dwelling Units

Accessory dwelling units shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use according to the following:

1. Accessory dwelling units (including elder cottages and tenant houses) proposed in Option 3 subdivisions (Estate Lots) are subject to the following provisions:
 - a. Accessory dwelling units in principal residences or in new outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the Township's historic landscape.
 - b. There shall be a maximum of one accessory dwelling unit (ADU) on any legal building lot in an Option 3 subdivision, and a maximum of two accessory dwelling units (ADUs) on any legal building lot containing ten (10) or more acres in an Option 3 subdivision, provided all performance standards of this Article are met.
 - c. The gross floor area in the first ADU shall not exceed 900 sq. ft. In the second ADU, where permitted, the maximum area shall be 750 sq. ft. However, on lots exceeding fifteen (15) acres, the second ADU may take the form of a tenant house containing up to 2,000 sq. ft. of floor space. Under this section, existing historic accessory buildings more than 75 years old that exceed these floorspace limits are permitted as ADU's without having to meet the dimensional setback requirements of this ordinance.
 - d. Building permits for ADUs shall not be issued until the applicant places a restrictive easement on the subject property prohibiting future enlargement of the ADUs, or the creation of additional ADUs beyond the limits described above. Issuance of permits for ADU's shall be contingent upon Township Sewage Enforcement Officer and Pennsylvania DEP approval for any on-site septic sewage disposal systems needed.

Section 1403 Dimensional Standards and Density Determination

A. Dimensional Standards For Option 1: Neutral Density And Basic Conservation

1. Density Factor: Single-family residential development at a density as determined through the Yield Plan described in Section 1403.C, herein.
2. Minimum Required Greenway Land:
 - a. The subdivision must include a minimum percentage of the property as greenway land as defined below for each underlying zoning district. Greenway land shall not be used for residential lots, except as provided below. Floodplain, wetlands, slopes greater than 35%, land within existing and proposed rights of way and land under high-tension electrical transmission lines (69KV or greater) shall not be used to calculate the minimum percentage of Greenway Land as required by Chart set forth below in Section 1403.C.4.e.
 - b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 1403.D, and owned by individuals may occupy up to 100 percent of the greenway land, with any remainder subject to a conservation easement or deeded to a homeowners' association, land trust, or the Township. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 1404, herein and must also be subject to a conservation easement.
3. Average Minimum Lot Area: As indicated on the table found in Section 1403.C.4.e below.
4. Minimum Lot Width at Building Line: As indicated on the table found in Section 1403.C.4.e below.
5. Minimum Street Frontage: 20 feet
6. Yard Regulations: The builder or applicant (also referred to as a developer) is urged to consider variations in the principal building position and orientation, but shall observe the minimum standards as indicated on the table found in Section 1403.C below.
7. Maximum Impervious Coverage: As indicated on the table found in Section 1403.C.4.e below.
8. Maximum Height Regulations: 35 feet

B. Dimensional Standards for Option 2: Enhanced Density with Greater Conservation

1. Density Factor: Single-family residential development at a density as determined through the Yield Plan described in Section 1403.C, herein.
2. Minimum Required Greenway Land:
 - a. The subdivision must include an additional 10% greenway land in addition to that required for Option 1 developments within the specific zoning district as set forth in Section 1403.C.4.e herein. Greenway land shall not be used for residential lots, except as provided below.
 - b. Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 1403.D, and owned by individuals may occupy up to 100 percent of the greenway land, with any remainder subject to a conservation easement or deeded to a homeowners' association, land trust, or the municipality. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 1405, herein.
3. Average Minimum Lot Area: As indicated on the table found in Section 1403.C.4.e below. Up to twenty (20) percent of the lots may be reduced by an additional 20%.
4. Minimum Lot Width at Building Line: As indicated on the table found in Section 1403.C.4.e below.
5. Minimum Street Frontage: 20 feet
6. Yard Regulations: The builder or applicant (also referred to as a developer) is urged to consider variations in the principal building position and orientation, but shall observe the minimum standards as indicated on the table found in Section 1403.C.4.e below.
7. Maximum Impervious Coverage: As indicated on the table found in Section 1403.C.4.e below.
8. Maximum Height Regulations: 35 feet

C. Density Determination For Option 1 & 2 Subdivisions

Applicants shall utilize a yield plan to determine the maximum permitted residential building density on their properties.

Yield Plan Approach: Determination of the maximum number of permitted dwelling units, shall be based upon a density factor of Option 1 or 2 applied to the gross tract acreage (excluding any area within the public right-of-way), as demonstrated by an actual Yield Plan. Yield Plans shall meet the following requirements:

1. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, slopes greater than 35%, lands

within existing and proposed right of way, lands under high-tension electrical transmission lines (69KV or greater), existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.

2. Yield Plans should also reflect the dimensional standards for the underlying zoning district, when Option 1 and 2 is chosen, found in Section 1403.C.4 below. The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis Plan.
3. On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on the proposed lots. Based on the primary and secondary conservation areas, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Planning Commission or Township staff shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence from the Township Sewage Enforcement Officer that these lots meet the standards for an individual septic system. Only after satisfying this requirement shall the applicant be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Township Planning Commission or Township staff and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system.
4. Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of Yield Plans for Option 1 and 2 subdivisions. These minimum area dimensions are exclusive of all wetlands, floodplain lands, slopes greater than 35 percent, lands within existing or proposed public rights of way and land under high-tension electrical transmission lines (69KV or greater).
 - a. Dimensional Standards for Option 1 Subdivisions in the A District. The dimensional standards of Section 803.2 of This Ordinance shall be used in the development of a Yield Plan for Option 1 subdivisions. Lots shall comply with all requirements of the Township Subdivision and Land Development Ordinance. Lot areas shall meet the definition of lot area in Article II.
 - b. Dimensional Standards for Option 1 Subdivisions in the R-1 District: The dimensional standards of Section 903.2 of This Ordinance shall be used in the development of a Yield Plan for Option 1 subdivisions. Lots shall comply with all requirements of the Township Subdivision and Land Development Ordinance. Lot areas shall meet the definition of lot area in Article II.
 - c. Dimensional Standards for Option 2 Subdivisions in the A District. The following dimensional standards shall be used in the development of a Yield Plan for Option 2 subdivisions. Lots shall comply with all requirements of the Township Subdivision and land Development Ordinance. Lot areas shall meet the definition of lot area in Article II.

Minimum required for all uses not otherwise listed:

Lot Area	60,000 square feet
Lot Width	150 feet
Lot Depth	120 feet
Front Yard	50 feet
Each Side yard	20 feet
Rear yard	25 feet
Height (maximum)	45 feet
Parking	2 off-street spaces

- d. Dimensional Standards for Option 2 Subdivisions in the R-1 District. The following dimensional standards shall be used in the development of a Yield Plan for Option 2 subdivisions. Lots shall comply with all requirements of the Township Subdivision and land Development Ordinance. Lot areas shall meet the definition of lot area in Article II.

Minimum required for all uses not otherwise listed:

	On-lot Water & Sewer	On-lot Sewer	On- lot Water	Central Water & Sewer
Lot Area	Not Permitted	30,000 s.f.	22,500 s.f.	15,000 s.f.
Lot Width	“	100 ft	90 ft	85 ft
Lot Depth	“	120 ft	100 ft	75 ft
Front Yard	“	35 ft	30 ft	25 ft
Each Side Yard	“	10 ft	8 ft	8 ft
Rear Yard	“	25 ft	25 ft.	25 ft.
Height (max)	“	40 ft	40 ft	40 ft
Off-Street Parking Per dwelling unit	“	2	2	2
Building Width	“	16 ft	16 ft	16 ft

- e. Conservation Design Dimensional Standards – Following the determination of maximum density through the Yield Plan, the following dimensional standards shall be used in the design of a conservation design development.

<u>Standard</u>	<u>A District</u>	<u>R-1 District</u>
Minimum Lot Size	18,000 s.f. (Option 1) 12,000 s.f. (Option 2)	12,000 s.f. (Option 1) 10,000 s.f. (Option 2)
Minimum Lot Width (20 feet at Street Line)	90 feet (Option 1) 80 feet (Option 2)	80 feet (Option 1) 75 feet (Option 2)
Front Yard Setback	25 feet (Option 1) 20 Feet (Option2)	20 feet
Rear Yard Setback	30 feet	25 feet
Side Yard Setback * * (Total, neither less than 5 feet)	20 feet	15 feet
Maximum % Impervious Coverage	30% (Option 1) 35% (Option 2)	35% (Option 1) 40% (Option 2)
Minimum % Open Space** (Greenway Land)	50% (Option 1) 60% (Option 2)	40% (Option 1) 50% (Option 2)

** Minimum % Open Space – This percentage is that of the remaining tract area once the primary site constraints have been subtracted. The total open space is equal to the primary site constraints plus this percentage.

D. Dimensional and Density Standards for Option 3 Subdivisions: Estate Lots

1. Maximum Density: 1 dwelling unit per four acres.
2. Minimum Lot Area: 1 acre. All lots created under Option 3 that are less than four acres shall be permanently restricted through a conservation easement from the development of more than one dwelling.
3. Minimum Street Frontage: 150 feet.
4. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
 - Front: 150 feet from the right-of-way of existing roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
 - Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
 - Sides: 25 feet each.
5. Maximum Impervious Coverage: 5 percent limit on entire subdivision tract.
6. Maximum Height Regulations: 35 feet

Section 1404 Design Standards For Option 1 and 2 Subdivisions

- A. Houselots (lots that dwellings are located on) shall not encroach upon Primary Conservation Areas and their layout shall respect Secondary Conservation Areas as described in both the Zoning Ordinance and in the Subdivision and Land Development Ordinance.
- B. All new dwellings shall meet the following setback requirements:
 - 1. From all external road ultimate rights-of-way - 100 feet.
 - 2. From buildings or barnyards housing livestock - 100 feet.
 - 3. From all original tract boundaries – 50 feet.
 - 4. From all cropland or pasture land – 100 feet.
 - 5. From all playing fields and courts – 150 feet.
- C. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.
- D. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.
- E. At least three-quarters of the lots shall directly abut greenway land or face greenway land across a street.
- F. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 1405 through 1408 of this Article.

Section 1405 Greenway Land Use And Design Standards

Protected greenway land in all subdivisions shall meet the following standards:

A. Uses Permitted On Greenway Lands

The following uses are permitted in greenway land areas:

- 1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
- 2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- 3. Pastureland for horses used solely for recreational purposes or associated accessory facilities. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.

4. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 150 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
7. Golf courses, including their parking areas and support facilities, may comprise 75% of the minimum required greenway land provided the land has restrictions and/or other legally binding constraints insuring that the land shall be perpetually used exclusively as a golf course. Driving ranges and/or miniature golf are not considered a golf course.
8. Water supply and sewage disposal systems, and stormwater detention areas.
9. Easements for drainage, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

B. Greenway Design Standards

1. Greenway lands shall be laid out in general accordance with the Township's Map of Potential Conservation Lands and/or layout of adjacent properties to ensure that an interconnected network of open space will be provided. (See Plates 1 through 4 attached to the Open Space Plan of the Township of Hamiltonban Comprehensive Plan.) The required greenway land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). PCAs comprise floodplains, wetlands, and slopes over 35%. SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed, prioritized and described in Section 812 in the Subdivision and Land Development Ordinance.
2. In Option 1 & 2 subdivisions, the greenway land comprises a minimum percentage of the property respectively, based on the underlying zoning district. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual. In all cases the land shall be subject to a conservation easement. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.

3. In Option 3 subdivisions, the required greenway land may lie within the Estate Lots. The greenway land must be subject to Conservation Easements.
4. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least fifty (50) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, vegetative screening shall be planted, or the buffer shall be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

C. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required greenway land, except as permitted in Option 3 Estate Lots of at least 10 acres. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to any public access greenway land in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per 25 lots, a minimum of thirty-five (35) feet in width.
 - b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.

Section 1406 Permanent Greenway Protection Through Conservation Easements

A. In Option 1, 2, and 3 Subdivisions

1. In Option 1, 2, and 3 subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities.) A list of permitted and conditional uses of greenway lands is contained in this Article in Section 1405.

B. In Option 3 Subdivisions (Estate Lots)

1. In Option 3 subdivisions where applicants voluntarily opt to develop their properties at densities conforming with a minimum four acres per principal dwelling, and offer to place a restrictive conservation easement preventing future subdivision of the

newly created parcels, the Board shall review the proposed easements and shall accept them, provided their wording accomplishes the purposes of this Ordinance and is consistent with the Comprehensive Plan and the Open Space Plan.

Section 1407 Density Bonuses

Additional density is permitted when one of the following public benefits is proposed:

A. Provision of Affordable Housing

1. A density increase is permitted where the subdivision proposal provides on-site or off-site housing opportunities for low- or moderate-income families. When off-site housing provision is proposed, the Board shall require evidence that these units will in fact be constructed by a certain date. The amount of density increase shall be based on the following standard: for each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum 10 percent increase in dwelling units. Affordable housing is herein defined as units sold or rented to families earning up to 120 percent of the area median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

B. Provision of Age-Restricted Housing

1. A density increase is permitted where the subdivision proposal provides age-restricted, on-site housing opportunities for individuals age 55 years or older. The amount of density increase shall be based on the following standard: for each housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum 10 percent increase in dwelling units. Age-restricted housing is herein defined as housing intended and operated for occupancy by persons 55 years of age or older, and at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older. This definition includes all other supplementary language in Section 807(b) of the United States Fair Housing Act as amended.

C. Implementation

1. For each of the above categories of public purposes, density bonuses may be implemented by reducing the amount of required greenway land by up to 10%, reducing the minimum lot area requirements by up to 10%, or by a combination of these approaches. The cumulative reductions may total up to 15 percent, if the Board is satisfied that the public purposes are being served.

Section 1408 Ownership And Maintenance Of Greenway Land And Common Facilities

A. Development Restrictions

All greenway land shall be permanently restricted from future subdivision and development by conservation easements. Under no circumstances shall any development be permitted in the greenway at any time, except for those uses listed in Section 1405.

B. Ownership Options

The following methods may be used, either individually or in combination, to own greenway land and/or common facilities. Common facilities and/or greenway land shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities, greenway land or in the greenway ratio of the overall development. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept any portion of the greenway and/or common facilities, provided that:
 - a. There is no cost of acquisition to the Township; and,
 - b. The Township agrees to accept the facilities and has access to maintain such facilities.
2. Condominium Association. Common facilities and/or greenway land may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All greenway land and common facilities shall be held as "common element."
3. Homeowners' Association. Common facilities and/or greenway land may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - a. The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities and greenway;
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
 - c. Membership in the association shall be automatic (mandatory) for all owners of dwelling units and/or lots therein and their successors in title;
 - d. A description of all lands and facilities to be owned by the Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities;
 - e. Statements setting forth the powers, duties, and responsibilities of the Association, including the services to be provided;

- f. The association shall be responsible for maintenance and insurance of common facilities;
 - g. A Declaration of Covenants, Conditions, and Restrictions, giving a perpetual conservation easement to the greenway lands and facilities owned by the Association. The Declaration shall be a legal document and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules;
 - h. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association;
 - i. A process of collection and enforcement to obtain funds from owners who fail to comply;
 - j. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
 - k. Statements prescribing the process by which Association decisions are reached and setting forth the authority to act;
 - l. Written notice of any proposed transfer of greenway land and/or common facilities by the association or the assumption of maintenance for greenway land and/or common facilities must be given to all members of the association and to the Township no less than thirty days prior to such event;
 - m. The association shall have adequate staff to administer, maintain, and operate such common facilities;
 - n. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
 - o. A process for transition of control of the Association from the developer to the unit owners;
 - p. Statements describing how the greenway lands and facilities of the Community Association will be insured, including limit of liability; and
 - q. Provisions for the dissolution of the Association, in the event the Association should become inviable.
4. Private Conservation Organization or the County. With permission of the Township, an owner may transfer either fee simple title of the greenway to a private non-profit conservation organization or to the County provided that:
- a. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions;

- c. The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
 - d. A maintenance agreement acceptable to the Township is established between the owner and the organization or the County.
5. Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the greenway land or facilities. In such cases, the greenway land and/or facilities remain in the ownership of the condominium association, homeowners' association, individuals, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to the Township;
 - b. Any such easements for public use shall be accessible to the residents of the Township; and
 - c. A satisfactory maintenance agreement shall be reached between the owner and the Township.
6. Non-Common Private Ownership.

Up to 100 percent of the required greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the greenway land is permanently restricted from future development through a conservation easement, except for those uses listed in Section 1405, and that the Township is given the ability to enforce these restrictions.

C. Maintenance

1. The cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, conservation organization, County or Township.
2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.
 - a. The Plan shall define ownership;
 - b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
 - c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

- d. The applicant shall be required to escrow sufficient funds for the maintenance and operation costs of greenway lands and common facilities for up to one year; and,
 - e. Any changes to the maintenance plan shall be approved by the Board
3. In the event that the organization or individual required to maintain the greenway lands and the common facilities, or any successor thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds shall be forfeited and any permits may be revoked or suspended.
 4. The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, county or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of the County.

ARTICLE XV

CONDITIONAL USES

Section 1500 Compliance

- A. Nothing in This Ordinance shall relieve the owner or his agent, the developer, or the applicant for either a Conditional Use Permit or a Site Development Plan approval from receiving a Subdivision Plan or Land Development Plan Approval in accordance with the Township Subdivision and Land Development Ordinance, if any.

Section 1501 Conditional Uses

A. Objectives

Upon receiving an application, and following the receipt of recommendations by the Township and County Planning Commissions, and following a public hearing, the Board of Supervisors may authorize the issuance of building permits for any Conditional Use permitted by This Ordinance and approved by the Board of Supervisors. In approving any such use, the Board of Supervisors shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards in addition to those specifically set forth in the Ordinance, as may be required in order that the result of its actions may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular.

1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District; or existing residential uses:
 - a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or

existing residential uses or conflict with the normal traffic of the neighborhood;
and

- b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate developments and use of adjacent land and buildings.
4. That the proposed use shall be designed, constructed and used in such a manner so as not to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, or vibration; smoke dust, odor or other form of pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such a manner or in such an amount as to adversely effect the reasonable use of the surrounding area on adjoining premises.

Additionally, special consideration should be given to assure that the following performance standard regulations are met:

- a. An application for a building permit or certificate of occupancy for an industrial use subject to Conditional Use procedures shall include a plan for the proposed construction and a description of the proposed machinery, operations, and products and specifications for the mechanisms and techniques to be used in restricting the emission of an dangerous and objectionable elements. The applicant shall also file, with such plans and specifications, an affidavit acknowledging the understanding of any conditions or safeguards as may be required by the Township and stating his agreement to conform with the same at all times. No applicant shall be required to reveal any secret process and any information will be treated as confidential.
- b. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devises standard in the industry. The relevant provisions of State and Local laws and regulations shall also apply.
- c. The maximum sound level of any use shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards of recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter by utilized by the United States Government for the purpose.

- d. All activities involving the use of ground or surface waters, or impacting on said waters shall provide the Township with usage estimates and appropriate hydrogeological and engineering analyses as may be required by the Board to review the proposed Conditional Use.
- e. There shall be no emission of odorous gases or other odorous material of any nature in such quantities as to be offensive to the average individual at any point on or beyond the lot boundary line within which the industrial operation is situated. This subsection shall not apply to the storage or application of manure or other materials by agricultural operations.
- f. The emission of dust, dirt, flyash, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from chimney, stack or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles discharged as set forth above, measurement procedures shall follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.
- g. No smoke shall be emitted from any chimney or any other source which has a visible gray opacity greater than number one (1) on the Ringlemann smoke chart as published by the U.S. Bureau of Mines, as amended the time of the application.
- h. No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of wastes disposal shall be approved by the Pennsylvania Department of Environmental Protection. Evidence of such approval shall be provided.
- i. No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances including, but not limited to, gasoline, oil, waste oil, or chemicals which can contaminate a stream or water course, or render such stream or water course unusable or undesirable as a source of water supply or damage aquatic life, shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or forces, or by rupture of storage containers or accidental discharge.
- j. No storm water or natural drainage which originates on the property or water generated by the activity, shall be diverted across property lines unless transported in an approved or existing drainage system.

- k. Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.
- l. No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.
- m. Any proposed activity in this District shall not emit any dangerous radioactivity at any point of the site.
- n. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- o. All activities shall be carried out in buildings, structures and improvements which conform to the standards of the National Board of Fire Underwriters. Furthermore, protection against fire and explosion shall be upon the advise of the Adams County Fire Marshal and the local fire company serving the area of the site.

B. Application

Each application of a Conditional Use shall be accompanied by a proposed plan showing:

1. All property dimensions, existing locations of all buildings, structures, rights-of-way, easements, driveways, off-street parking facilities; utility lines, poles and appurtenances; entrances and exits on the site, and within one hundred (100') feet of the property; proposed locations and dimensions of proposed buildings, structures, walkways, buffer zones, parking areas, loading areas, storage areas, signs, sanitary sewer facilities, stormwater management facilities, water supply, waste disposal provisions, curbs, landscaping, exterior lighting, existing and proposed physical features such as water bodies, water courses, grades, woods, trees, soils, rock outcrops, subsurface formations, ecological habitats, vistas; all adjoining properties and uses within two hundred (200') feet of the site to include their historical, architectural and archaeological significance.
2. Statement explaining the suitability of the site for development, and its compatibility and demand for the intended use of the type proposed in the particular location proposed; furthermore, its accessibility and availability of community facilities and services should be included, as well as the proposed project's impact on the Township Comprehensive Plan, planned capital improvements or proposed development regulations.
3. Description of existing and proposed machinery, processes and products.

4. Specifications for the mechanisms and techniques used or to be used in restricting emission of any dangerous and objectionable elements, and in measurement of the potential emission if any is anticipated.
5. Inventory and analysis of water quantity requirements and water yields and quality; traffic counts, road capacities, circulation patterns and considerations; market information; and, any other data that may be required.
6. Designation of applicable Local, Commonwealth, and Federal approvals and permits required, and compliance with same.

C. Referral to the Township and County Planning Commissions

Any Conditional Use application shall be referred to the Township and County Planning Commissions for comment. The Secretary of the Board of Supervisors shall transmit to the Secretary of the Township and County Planning Commissions and the County Office of Planning and Development a copy of said application, together with a copy of the notice of the hearing at least ten (10) days prior to said hearing by the Board of Supervisors. The Township and County Planning Commissions shall report to the Board of Supervisors in writing their advisory opinions, findings, and recommendations on said application within thirty (30) days. Failure of the Township Planning Commission to report to the Board of Supervisors within the prescribed time period shall constitute a favorable opinion on said application by the Township Planning Commission. Failure of the County Planning Commission to report shall be considered a “neutral” position on the matter.

D. Public Hearings

The Board of Supervisors shall not approve any application for a Conditional Use without first holding a public hearing. Notice of said hearing and of the substance of the application shall be given by publication in a newspaper at least ten (10) days before the date of such hearing. Notice shall also be sent by certified mail, at least five (5) days before the hearing, to the following: All owners of property which lies adjacent to that owned by the applicant in the immediate area and all other owners as the Board may deem advisable. The following procedures shall be followed:

1. The names of the adjoining owners shall be taken as they appear on the last completed tax roll of the Township.
2. The hearing shall be held within sixty days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time.
3. The Board shall render a written decision on the application within forty-five days after the last hearing before the Board of Supervisors.

4. Provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of the paragraph, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Commission in connection with the approval of any Conditional Use.

E. Conditions and Safe Guards

The Supervisors may require the Conditional Use permits to be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Supervisors to the effect that such conditions as may have been prescribed by the Supervisors in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.

F. Effect of Conditional Use Approval

Any use for which a Conditional Use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

ARTICLE XVI

AMENDMENTS

Section 1600 Amendments

A. This Ordinance or any part thereof, may be amended, supplemented or repealed, from time to time, by the Township Supervisors on their own motion or upon recommendation by the Planning Commission. Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. At least thirty (30) days prior to public hearing, every such proposed amendment shall be referred by the Township Supervisors to the Planning Commission for a report. The Township Supervisors shall not take action on any such amendment without such report from the Planning Commission unless the Planning Commission fails for any reason to render such report within thirty (30) days after its next regularly scheduled meeting following the date of such referral.

1. Report of the Planning Commission

In making such report on a proposed amendment, the Planning Commission shall make inquiry and determination concerning the items specified below:

a. Concerning a proposed amendment to, or change in text of, This Ordinance:

- 1) Whether such change is consistent with the aims and principles embodied in this Ordinance as to the particular Districts concerned.
- 2) Which areas, land uses, buildings, and establishments in the Township will be directly affected by such change and in what way they will be affected.
- 3) The indirect implications of such change in its effect on other regulations.
- 4) Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Township.

b. Concerning a proposed amendment involving a change in the Zoning Map:

- 1) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

- 2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.
- 3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
- 4) The effect of the proposed amendment upon the growth of the Township as envisioned by the Comprehensive Plan.
- 5) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Township and the probable effect thereof.

B. Referral to County Planning Commission

Any proposed amendment shall, at least thirty (30) days prior to the public hearing, refer the proposed amendment to the County Planning Agency for recommendations.

C. Referral to Other Agencies

Should any proposed amendment consist of or include either of the two following conditions, the Supervisors shall transmit to the designated office or official, a copy of the official notice of the public hearing not later than twenty (20) days prior to the date of the hearing.

The designated official for Boroughs, Cities, Townships, or Counties shall be the clerk of the municipality. In the case of State or Federal lands, the designated office shall be the appropriate State or Federal agency.

1. Any change, in the boundaries of any district, in which the change would occur within a distance of five hundred (500') feet of the boundary of any Borough, City, Township, or County; or any boundary of a State or Federal lands other than highways.
2. Any change in the regulations prescribed for any district, any portion of which is located within five hundred (500') feet of the boundaries listed in Section 1400-C.1.

D. Supervisors Public Hearing

By resolution adopted at a meeting of the Township Supervisors, the Township Supervisors shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be published once each week for two successive weeks in a newspaper of general circulation in the Township. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to said hearing.

All notices of public hearing shall specify the nature of any proposed amendment; the land or District affected; and the date when, and the place where, the public hearing will be held.

E. Supervisors Action

The Township Supervisors shall act to approve or disapprove said amendment within forty-five (45) days after the date of said public hearing.

F. Within thirty (30) days after the enactment, a copy of the amendment to This Zoning Ordinance shall be forwarded to the County Planning Agency.

Section 1601 Landowner Curative Amendments

- A. A landowner who desires to challenge on substantive ground the validity of This Ordinance and Map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Supervisors with a written request that his challenge and proposed amendment be heard and decided. The Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Planning Commission and notice of the hearing thereon shall be given. The hearing and all other procedural matters, shall be conducted by the Supervisors, as is outlined in the Municipalities Planning Code, Section 609.1.

Section 1602 Municipal Curative Amendments

- A. In the event the Township determines that This Zoning Ordinance, or any portion thereof, is substantially invalid, the Supervisors may proceed with a Municipal Curative Amendment pursuant to Section 609.2 of the Municipalities Planning Code.

Section 1603 Publication, Advertisement and Availability of Amendments

- A. Proposed amendments to This Ordinance shall not be enacted unless the required notices as set forth in Section 610 of the Municipalities Planning Code have been given.

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.

ARTICLE XVIII

LEGAL STATUS PROVISIONS

Section 1800 Interpretation

In their interpretation and application, the provisions of This Ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by This Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter, or premises; nor is it intended by This Ordinance, to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where This Ordinance imposes a greater restriction upon the use of a building or premises, or requires larger open spaces than that imposed or required by any other statute, ordinance, rule, regulations or permit, or by any easement, or agreement, the provisions of This Ordinance shall control.

Section 1801 Severability

If any article, section, or provisions of This Ordinance or the location of any District boundary shown on the Zoning Map that forms a part thereof should be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of This Ordinance or Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1802 Repealer

All other Township ordinances, or parts of other ordinances in conflict herewith, are hereby repealed.

Section 1803 Fees

The Township Board of Supervisors shall establish a schedule of fees and a collection procedure. No action shall be made on any application until all application fees have been paid in full. The schedule of fees shall be available in the Township Office and may be adjusted from time to time by resolution of the Board of Supervisors in order to reflect changing costs. The schedule of fees shall include, but not be limited to, the following:

- A. Each application for a building permit.
- B. Each application for a certificate of occupancy.
- C. Each application for a conditional use.

- D. Each application for a public hearing before the Zoning Hearing Board for an appeal, special exception, or variance.
- E. Each application for a change or amendment to this Ordinance including the Zoning Map.

Section 1804 Effective Date

After enactment by the Township Board of Supervisors, This ordinance shall become effective on _____.

Section 1805 Enactment

Enacted by the Board of Supervisors of Hamiltonban Township at its regular meeting the _____ day of _____, 2007.

BY: _____

Chairman
Board of Supervisors

ATTEST:

BY: _____
Secretary

EXHIBITS

Copies of these Exhibits are available from the
Township Zoning Officer

EXHIBIT A

Any building permit issued by the Commonwealth or any of its political subdivisions shall have printed upon its face notice that the provisions of Act 222 must be complied with. Builder must provide a written warranty to the homeowner certifying that the home is in compliance with Act 222, of 1980 which sets minimal energy conservation standards.

APPLICATION FOR BUILDING PERMIT
HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

Value of Completed Construction: \$ _____

Fee Received: \$ _____ Permit No.: _____

By: _____ Date Received: _____

Zoning District: _____ Effective Date: _____

Expiration Date: _____

**

The undersigned hereby applies for a permit to build or erect according to the following specifications and shall apply for a Certificate of Occupancy when said building has been completed and duly inspected.

1. Name and address of owner: _____

_____ Phone _____

2. Name and address of previous owner: _____

_____ Phone _____

3. Property location: _____

Subdivision name: _____

Section: _____ Block _____ Lot _____

Assessors Map Number _____

4. Name and address of builder: _____

_____ Phone _____

5. Lot type: Corner _____, Through _____, Other _____.

6. Lot size: Front _____, Rear _____, Depth _____

7. Yard size: Front _____, Rear _____, Side _____

8. Proposed building includes:

New principal _____ New Accessory _____

Altered Principal _____ Altered Accessory _____

Mobile Home _____ Other _____

8a. If a mobile home: Title holder's name and address: _____

_____ Phone _____

Base Price _____, Make _____, Color _____

9. Use of principal building: Resident _____

Other (specify) _____

9a. If a residence: Seasonal _____ Number of dwelling units _____

10. Use of accessory building:

Garage _____ Other (specify) _____

11. Height of building: Feet _____ Stories _____

Is there a basement or cellar? _____

12. Type of construction: _____

Foundation materials: _____

Wall materials: _____

13. Water system: Centralized _____ On-lot well _____ Other _____

14. Sewage system: Centralized _____ On-lot septic tank _____

Other _____

15. Other utilities (specify) _____

16. **Attach a proposed Site Development Plan Including the Proposed Construction.**

17. Description of work planned: _____

18. Estimated construction dates:

Starting: _____ Completion: _____

Applicant

Date

**

Permit granted: _____

Permit denied: _____

Reason for denial: _____

Zoning Officer

Date

Date of Inspection(s) _____

EXHIBIT B

APPLICATION FOR CONDITIONAL USE PERMIT
HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

Fee Received: _____ Application No.: _____

By: _____ Date Received: _____

Notices: _____ Date of Publication: _____

Date of Hearing: _____ Date of Action: _____

Action: _____

Application is hereby made to the Board of Supervisors for a Conditional Use Permit in conformity with Article ____, Section ____, Subsection ____, Paragraph ____ of the Zoning Ordinance and any amendments thereto for the following described work:

1. Name of: _____ Address: _____ Phone: _____

Applicant _____

Lessee _____

Owner _____

Attorney _____

Architect _____

Engineer _____

Contractor _____

2. The subject property is located as follows: _____

3. The subject property is situated in a _____ Zoning District.

4. Existing use of land and/or building is: _____

5. The applicant requests a Conditional Use permit for the use of the property above for a _____ as provided under the provisions of Article _____, Section _____ of the Zoning Ordinance, and in support thereof submits the following documents:

- a) A Certificate of Ownership
- b) A completed Building Permit Application
- c) A completed Preliminary Subdivision Plat Application
- d) A proposed Site Development Plan
- e) A Vicinity Map
- f) Subdivision Water and Sewage Report
- g) Soil Percolation Test Report
- h) Other (specify)

6. The applicant alleges that the proposed Conditional Use:

a) Would be in harmony with the character of the neighborhood because _____

b) and that it would not be detrimental to the property or persons in the neighborhood because _____

c. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will provide _____

in order that the public convenience and welfare will be further served.

Applicant

Date

Nothing in the Application shall relieve the owner or his agent, the developer or the applicant, for either a Conditional Use Permit or a Site Development Plan approval, from the necessity of obtaining Subdivision Plan or Land Development Plan Approval in accordance with the Township Subdivision and Land Development Ordinance, if applicable.

Referral to:	Date	Approved	Disapproved
Adams County Planning Agency	_____	_____	_____
Hamiltonban Township Planning Commission	_____	_____	_____
Other Agency	_____	_____	_____
Municipality	_____	_____	_____
Person (specify)	_____	_____	_____
Certificate of Compliance:	_____	_____	_____

EXHIBIT C

CERTIFICATE OF OCCUPANCY

HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

Fee Received: _____ Certificate No. _____

By: _____ Date: _____

This certifies that the building located on _____

_____ conforms to the approved plans on

file in this office (Building Permit No. _____ dated _____, 20____,

or Conditional Use Permit No. _____ dated _____, 20____) and

complies with the requirements of the Zoning Ordinance, Subdivision and Land Development

Ordinance, and Building Code, if any, of the Township.

This Certificate is issued to _____, owner of

The aforementioned building.

Address:

Zoning Officer

Date

EXHIBIT D

SIGN PERMIT APPLICATION

Hamiltonban Township - Adams County

Fee Received: _____ Application No.: _____

By: _____ Date Received: _____

Zoning District: _____ Date Approved: _____

Location: _____

Applicant Name and Address: _____

_____ Phone _____

Property Owner Name and Address: _____

_____ Phone _____

Contractor: _____ Phone _____

Type of Sign: (____) Temporary (____) Permanent

Description of Sign: _____

Setbacks or Size Requirements (Maximums and Minimums Required by Code)

Minimum Front Setback _____ Minimum Side and Rear _____

Maximum Height _____ Maximum Area _____

Fee Schedule (initial permit fee per sign)

- Up to 16 sq.ft. \$ 5.00
- 16 sq.ft. to 28 sq.ft. \$ 15.00
- 28 sq. ft. to 40 sq.ft. \$ 25.00
- 40 sq.ft. to 60 sq.ft. \$ 50.00
- 60 sq.ft. and over \$100.00

Market Value of Signs _____ To be removed by _____

PERMIT DISAPPROVED because of NONCOMPLIANCE with Ordinance _____

Article _____ Section _____ Subsection _____

All Off-Premise Outdoor Advertising Signs (“billboards”) must obtain a renewal permit annually.

The fee for such renewal shall be 25% of the permit fee applicable, and shall be due on July 1st of each year.

Signature of Applicant: _____

Date of Approval: _____

Zoning Officer

EXHIBIT E

APPLICATION TO APPEAR BEFORE THE ZONING HEARING BOARD
Hamiltonban Township - Adams County

Fee Received: _____ Application No.: _____
By: _____ Date Received: _____
Date of Hearing: _____ Date of Decision: _____

1. Applicant: _____
Address: _____
_____ Phone: _____
Attorney: _____
Address: _____ Phone: _____
Planning Consultant, Engineer or Surveyor: _____
Address: _____ Phone: _____
Property Owner: _____
Address: _____ Phone: _____

2. I hereby certify that I have been authorized by the Owner of record to make this application as his authorized agent.

Signature of Applicant Date

3. Type of Request (check one)
A. _____ Special Exception C. _____ Appeal
B. _____ Variance D. _____ Other

4. Brief Description of Request (include references to Sections of the Zoning Ordinance when applicable) _____

5. Property Information
Address: _____
Deed Reference: _____ Zoning: _____
Present Use: _____ Proposed Use: _____
Lot Area: _____ (attach site plan)

6. Certification by Applicant

I hereby certify that all of the above information and the information contained in any attachments to this application is true to the best of my knowledge and belief.

Signature of Applicant

Date