

ZONING ORDINANCE
of
HAMILTONBAN TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA



Adopted: March 3, 2020

**ZONING ORDINANCE
HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA**

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ARTICLE I

GENERAL PROVISIONS

SECTION 100: SHORT TITLE

This Ordinance shall be known and may be cited as the “Hamiltonban Township Zoning Ordinance.”

SECTION 101: AUTHORITY

A. Statutory Authority: Section 601 of the Pennsylvania Municipalities Planning Code, (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the Hamiltonban Township Board of Supervisors may enact and amend a zoning ordinance to implement community development objectives established by the Board of Supervisors. The Southwest Adams Joint Comprehensive Plan has been adopted by Board of Supervisors, and establishes specific policies and community development objectives that the Board of Supervisors seeks to implement through the adoption of the Hamiltonban Township Zoning Ordinance.

B. Applicability: This Ordinance requires that, within Hamiltonban Township, in the County of Adams and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, move, or structurally altered unless in conformity with all the regulations and procedures herein specified for the zoning district in which such land, body of water, or structure is located.

SECTION 102: PURPOSES

A. General Purposes: The Hamiltonban Township Zoning Ordinance is designed to promote, protect, and facilitate any or all of the following.

1. The public health, safety, morals, and general welfare.
2. Coordinated and practical community development and appropriate density of population.
3. Emergency preparedness and operation.
4. Provision of adequate light and air.
5. Access to solar energy, police protection, vehicle parking and loading spaces, transportation, water service, sewer service, schools, recreation facilities, and public grounds.
6. Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use.

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7. Preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
 8. Prevention of overcrowding of land, blight, danger, and congestion in travel and transportation.
 9. Prevention of loss of health, life, or property from fire, panic, or other dangers.
 10. Provision for the residential use of land within Hamiltonban Township for various dwelling unit types encompassing all basic forms of housing and including single-family dwellings, two-family dwellings, multi-family dwellings, and mobilehome parks.
 11. Accommodation of reasonable overall community growth, including population and employment growth and economic development.
- B. This Ordinance provides the legal basis and framework for future development and redevelopment in Hamiltonban Township. Its provisions are guided by the policies and community development objectives established in the Southwest Adams Joint Comprehensive Plan.

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ARTICLE II

DEFINITIONS

SECTION 200: INTERPRETATION

As used in this chapter, words expressed in their singular include their plural meanings, and words expressed in plural include their singular meanings. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory. Words used in the present tense include the future tense. The words "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."

SECTION 201: DEFINITIONS

Academic Clinical Research Center – An accredited medical school within the Commonwealth that operates or partners with an acute care hospital licensed within the Commonwealth.

Accessory Building – A building on the same lot with and used for purposes that are customarily incidental to the principal use of the property.

Accessory Dwelling Unit – A suite, either attached to or detached from the primary dwelling unit on the lot, for occupation by the following members of the lot owner's family:

- a. A parent, grandparent, adult child over age 18, and/or a spouse, partner or sibling of one of those relatives.
- b. A family relative, by blood, marriage, adoption or foster relationship who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more such activities as walking, seeing, hearing, speaking, working, or learning.
- c. A licensed, permanent caregiver for the occupants of the primary dwelling unit on the lot.

Accessory Structure – A structure on the same lot with and used for purposes that are customarily incidental to the principal use of the property.

Accessory Use – A use on the same lot with and customarily incidental to any of the permitted uses.

Agribusiness Operation – An agricultural operation that involves, but is not necessarily limited to, one or more of the following conditions:

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Concentrated Animal Feeding Operation – An animal feeding operation, which is required to obtain NPDES permits in accordance with the Clean Water Act.

Concentrated Animal Operation – An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

Other – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

Agricultural Operation – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and/or in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agricultural Product – Any of the range of crop and livestock commodities grown or produced as a result of the conduct of an agricultural operation or farm.

Agricultural Tourism – Recreation, entertainment, education, and tourism events and activities that are associated with and provide support for the on-going conduct of agricultural operations on a farm or farm property.

Agriculturally Related Product – Items sold at a Farm Market to attract customers and promote the sale of agricultural products. Such products are associated with agricultural products either produced on the farm where the Farm Market is located or on other farms within Adams County and surrounding counties.

Alley – A street, whether or not legally dedicated, intended and used primarily for vehicular access to the rear or side of properties that abut a street of higher classification, and not intended for the purpose of through vehicle traffic.

Animal Hospital – Any building or portion of a building designed or used for the medical or surgical care and treatment of domestic animals. This use may exist on the same premises with a commercial kennel use, as defined in this chapter.

Apartment Building – A residential building consisting of three or more apartments where each apartment is accessed from a common internal hallway or an external walkway and where at least one apartment is located above another apartment.

Assisted Living – A living arrangement within a Continuing Care Retirement Community that provides housing and support services for one or more persons who may require assistance with

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daily living activities but do not require 24-hour skilled nursing and medical care. Such assistance may include the provision of meals, housekeeping, laundry, transportation, daily personal care, programmed social activities, and dispensing of medications.

Bed and Breakfast – A short-term rental within any dwelling, concurrently being occupied by the owner, where overnight lodging and meals, limited to patrons, are provided for compensation to tourist or recreational guests.

Block – An area bounded by streets.

Building – A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

Building Height – The vertical distance between the average elevation of the proposed finished grade along the entire front of the building, and the highest point of the roof for flat roofs, and the deck lines for mansard roofs, and the mean height between eaves and ridges for gable, hip and gambrel roofs, but not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections.

Building Line – A line, drawn parallel to a front, side, or rear property line that depicts the closest distance of an existing building to said front, side, or rear property line.

Build-to Line – A line, running parallel to and measured from the front property line, at which construction of the front building façade is to occur on a lot.

Business Office – A place of business where management, clerical, and related elements of said business are conducted.

Camp – A facility, operated by a religious, institutional, or non-profit organization, and used to provide recreation, education, and related activities to groups of guests for a period of two (2) or more days, and which may include lodging and central dining facilities for such guests.

Campground – A commercial facility that provides spaces for cabins, recreational vehicles, motorhome, tents, or other similar types of shelter to the general public and intended for use in a temporary, seasonal manner.

Candela – The standard unit of luminous intensity in the International System of Units, and roughly equivalent to the luminous intensity of a single wax candle.

Child Care Facility – A facility, developed either as a principal use or as an accessory use to another principal non-residential use, where care is provided at any one time for seven (7) or more children unrelated to the operator.

Co-location – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless communication towers, water towers, utility poles,

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or any other building or structure not classified as a wireless communication tower that can support the placement or installation of wireless telecommunications facilities

Commercial Recreation – A business establishment designed and equipped for the conduct of sports and leisure-time activities in either an enclosed or unenclosed space.

Conference Center – A facility used for conferences and seminars, and which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services for conference center guests.

Continuing Care Retirement Community – A residential community designed to provide independent living, assisted living, and nursing or skilled unit living arrangements for person(s) aged fifty-five (55) years and older as part of a planned community, where said planned community may also include nursing services, medical services, and other health and lifestyle related services.

Convenience Store – A retail establishment that sells prepackaged foods products, household items, newspapers and magazines, candy, beverages (including alcoholic beverages if authorized by the Pennsylvania Liquor Control Board), and a limited amount of freshly prepared foods such as sandwiches and salads for off-premise consumption, and which may include self-service fuel and other goods associated with automobile service.

Density – A measure of the total number of dwelling units per acre of land.

Determination – Final action by an officer, body or agency charged with the administration of this Ordinance, and which has that authority as stated in various parts of this Ordinance.

Distributed Antenna Systems (DAS) – A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Distribution Center – A facility used for receipt, temporary storage, and redistribution of goods as they are received.

Divider Strip – A strip of land that separates two adjacent rows of off-street parking in a parking lot, that helps define vehicle circulation patterns within a parking lot, and which may contain parking lot landscaping and accommodations for pedestrians.

Drive-Through – An accessory facility to a business use that allows customers to receive service from outside the building housing the business and while remaining inside their vehicle.

Dwelling – Any building, which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

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Dwelling, Single-Family Attached – A building used by one (1) family and having at least one (1) party wall in common with other buildings, and where at least three (3) dwelling units are so connected. Includes row house or townhouse.

Dwelling, Single-Family Detached – A building containing one dwelling unit, and having no party wall in common with an adjacent building.

Dwelling, Single-Family Semi-Detached – A building containing one dwelling unit, and having a party wall in common with an adjacent building that contains a single dwelling unit.

Dwelling, Two Family – A building containing two dwelling units with one dwelling unit being wholly or partly above the other which has no party wall in common with an adjacent building and which may or may not have a common entrance.

Electronic Message Center – Any sign or portion of a sign that uses changing illumination to form a message wherein the message and the rate of change of such message is electronically programmed and can be modified by electronic processes. Illumination sources include, but are not limited to, light emitting diodes (LEDs), fiber optics, light bulbs, liquid crystal display (LCD), or other similar forms of illumination.

Emergency Service – Organizations which ensure public safety by responding to emergencies when they occur. Includes, but is not necessarily limited to, police, fire, and ambulance services.

Enforcement Notice – A notice provided by the zoning officer to a property owner or other person with either fee simple or equitable interest in property in accordance with applicable provisions of this Ordinance indicating that a violation of one or more of the provisions of this Ordinance exist or have been permitted to exist on said property, and identifying the measures that must be taken to remedy said violation(s).

Environmental Education Center – A facility, operated by an institutional or non-profit organization, and used to provide education programs related to environmental and natural resources to groups of guests during daytime hours.

Estate Lot – A large single-family detached residential lot developed in accordance with applicable standards of this Ordinance and which includes a designated Living Area and designated Open Land.

Events Venue – An establishment whose primary function is being leased on a temporary basis for private functions, including but not limited to banquets, weddings, receptions, business and organizational meetings, and other similar functions. Such establishments may include kitchen facilities, areas for dining and entertainment, and temporary lodging. Such use does not include uses including places of worship, fire halls, conference centers, and similar use within which a private event can be considered to be a customary and ordinary accessory use.

Evergreen Tree – A tree with a mature height of at least ten (10) feet and that maintains its foliage throughout the year.

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Family Child Care – A facility, located within a residence, in which child day care is provided at any one time for four (4), five (5), or six (6) children unrelated to the operator.

Farm – A parcel, which may include a residence, farm-related buildings, and surrounding land, and which is devoted to the production of agricultural products.

Farm Equipment Sales Facility – The distribution, sale, and/or servicing of new and used equipment and machinery commonly used for agricultural purposes, not including the sale or service of automobiles.

Farm Market – An establishment located on a farm or other property where agricultural operations are conducted and providing for the sale of horticultural and agricultural products or agriculturally-related products that are either produced on the farm or are directly related to agricultural products produced within Adams County.

Farm Stand – A booth or stall on a farm and from which agricultural products produced on said farm are sold to the general public.

Farm Worker Housing – A dwelling unit or dwelling units located on a farm and occupied by persons who are employed on said farm or occupied by families with at least one family member who is employed on said farm.

Farm-Related Business – A business located on a farm and which is incidental to, and supportive of, the use of the property as a farm.

Financial Institution – A business establishment in which money is kept for saving or commercial purposes, or is invested, supplied for loans, or exchanged. Includes, but is not necessarily limited to, bank, credit union, and savings and loan businesses.

Floodplain – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

Floodplain or Flood Hazard Ordinance – The Hamiltonban Township Floodplain Ordinance, Ordinance No. 2009-01, as may be amended, of the Hamiltonban Township Code

Food Truck – A mobile food vendor business in which food that is prepared and made ready for consumption at the point of sale is sold from or out of a motor vehicle that does not exceed eight feet in width or twenty-five feet in length and that is removed each day from the location where the food is sold.

Forestry – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Governing Body – The Hamiltonban Township Board of Supervisors.

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Governmental Use – Any use proposed by or conducted by a governmental entity, including local, county, state, or federal levels of government.

Group Child Care – A facility, located in a residence, in which child care is provided at one time for more than six (6) but fewer than sixteen (16) school-age children, or more than six (6) but fewer than thirteen (13) children of another age level, who are unrelated to the operator.

Group Home – A dwelling inhabited by disabled persons functioning as a common household unit, and provided with non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, mental retardation or development disability.

Heavy Industry – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

Home Occupation – A business conducted within a dwelling or a single building accessory to the dwelling by the inhabitants thereof and which is clearly incidental and subordinate to the primary residential use of the property.

Homestay – A short-term rental within any dwelling or accessory building to an owner-occupied dwelling, where such dwelling is concurrently being occupied by the owner, where one (1) or more short-term lodging rooms or suites is provided for compensation.

Hotel – A building consisting lodging rooms designed or occupied primarily as the temporary place of abode of individuals who are lodged for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites, and where individual rooms or suites are accessed from hallways internal to the building.

Independent Living – A living arrangement within a Continuing Care Retirement Community in which residents live independently while having access to all common facilities and services of the Community, but without the inclusive supportive services typically associated with Assisted Living or Nursing or Skilled Units.

Infill Development – A development project, surrounded by other properties that have already been developed, and that is designed in a manner that complements the developed nature of surrounding properties by employing characteristics that include, but are not necessarily limited to, similar mixtures of uses, complimentary architectural designs, consistent building bulk and massing, and overall site design.

Junk Yard – A property, or portion of a property, that is used and maintained, or permitted to be used and maintained, for the collection, accumulation, storage, or disposal of used or secondhand goods or materials including, but not limited to, junked or wrecked motor vehicles or parts thereof, garbage, putrid matter, refuse, and/or rubbish.

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Kennel, Commercial – The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age, primarily for commercial gain.

Landfill – A system of trash and garbage disposal in which the waste is buried between layers of earth and absorbent material and/or sheets of plastic to keep pollutant from leaking into soil and water.

Landscaping Compliance Table – A table to be include on zoning applications, land development plan applications, and other applications that demonstrates that the application meets the requirements of this Ordinance with regard to the plantings proposed to be installed on a development site.

Landscaping Plan – A site plan that depicts the special placement of the plantings required by this Ordinance on a development site.

Light Industry – A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Loading Space – A designated area where delivery vehicles are parked when delivering products to and from a place of business or similar use.

Lot – A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit. For the purposes of this Ordinance, any property recorded and consolidated under one deed as a single tract of land with a single set of meets and bounds shall be considered one lot. Separate tracts of land with separate meets and bounds already in existence and recorded in a single deed shall be considered separate lots.

Lot Area – The area contained within the property lines of a lot, excluding any street right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

Lot Coverage – The area of any lot covered by buildings, driveways and parking lots (whether paved or provided with crushed stone, pavers, or similar surface), sidewalks, swimming pools, or other similar structural features.

Lot, Width – The horizontal distance between side lot lines measured at the required front yard setback line.

Major Deciduous Tree – A canopy tree with a mature height exceeding twenty-five (25) feet and a minimum caliper at the time of planting in excess of two (2) inches.

Medical Marijuana – Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016.

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Medical Marijuana Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

Medical Marijuana Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

Medical Marijuana Transport Vehicle Service – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Mid-Row Island – A piece of land, typically connected to a divider strip, that separates groups of parking spaces within an row of parking within a parking lot, and which may contain parking lot landscaping and help define parking lot circulation.

Minor Deciduous Tree – A tree with a mature height of between ten (10) and twenty-five (25) feet and a minimum caliper at the time of planting of between one (1) and two (2) inches.

Manufactured Home – A dwelling unit assembled or partially assembled away from the site on which it will be located and produced as a standardized unit.

Medical Office – An office for a member of a medical profession such as family practice, specialist practices, dentist, optometrist, psychologist, and similar professions, and including necessary space for reception, record-keeping and billing, and patient examination and treatment.

Mixed-Use Building – A building that includes, or is proposed to include, two (2) or more different uses.

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.

Mobile Home Lot – A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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.

Motel – A building or group of buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient automobile travelers, together with accessory off-street parking facilities, and where such individual rooms are accessed from sidewalks or walkways on the exterior of the building.

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Municipalities Planning Code – The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Nits – A unit of measurement of luminance equal to one candela per square meter.

No-Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Nonconforming Structure – A structure or part of a structure, including but not limited to buildings, which does not comply with the applicable use or extent of use provisions in this Ordinance, or an amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance, or an amendment thereto.

Nonconforming Use – A use, whether of land or of structure, which does not comply with the applicable provisions of this Ordinance, or an amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance, or an amendment thereto.

Nursing or Skilled Unit – A living arrangement within a Continuing Care Retirement Community which is licensed by the Commonwealth of Pennsylvania and provides board, shelter, and 24-hour nursing and medical care to a single chronic or convalescent patient.

Open Land – That portion of a parcel designated to be retained as open space and / or to retain rural features following the subdivision of a parcel for residential purposes in accordance with applicable requirements of this Ordinance.

Open Space – Any parcel or area of land or water, or a combination of land and water, within a development site that is substantially free of improvement and impervious surfaces. Open space may or may not be designed or intended for the use and enjoyment of, and direct access by, residents of the development and shall not include areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and areas set aside for public facilities.

Parent Tract – A tract of land existing, as of the effective date of the Hamiltonban Township Zoning Ordinance which could be subjected to future subdivision or land development proposals and approvals.

Parking Access Drive – A driveway providing connectivity between a public street and an off-street parking lot.

Parking Aisle Drive – A driveway within an off-street parking lot that provides direct access to the individual parking spaces of said off-street parking lot.

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Parking Circulation Drive – For a larger off-street parking lot, a driveway that extends around the perimeter of said parking lot, and that connects the parking access drive to the parking aisle drives.

Parking Space – The space within a building or on a lot or parking lot for the parking or storage of one motor vehicle off the right-of-way of a public street or road

Parking Space Row – Within an off-street parking lot, a grouping of adjoining parking spaces where said parking spaces are arranged in a side-by-side fashion.

Parking Lot – An area of a lot set aside for and specifically designed to accommodate the parking of motor vehicles.

Personal Service Shop – A business that provides a process directly to the customer at the place of business. Includes, but is not necessarily limited to, barbers, hair stylists, tailors, and similar businesses.

Place of Worship – A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, mosques, monasteries, and similar religious facilities. This definition does not include educational or day-care facilities, lodging facilities, conference facilities, or dining facilities. The definition may include a residence for a religious leader and his/her family and/or communal living arrangements for monks, nuns, or comparable members of a religious institution..

Planning Commission – The Hamiltonban Township Planning and Zoning Commission.

Planting Unit – A unit of measure used to determine the quantity of plantings required in a residential, commercial, industrial, or other development project. For the purposes of this Ordinance, one (1) Planting Unit (PU) equals:

- One (1) Major Deciduous Tree, or
- Two (2) Minor Deciduous Trees, or
- Two (2) Evergreen Trees, or
- Five (5) Shrubs

Prime Farmland – Land that contains soils listed by the Soil Survey of Adams County, Pennsylvania, issued 2005, and as may be updated, as having Soil Capability Classes I and II.

Primary Street – The street that constitutes the street frontage for a property. For a property with two (2) or more street frontages, the street from which the property is addressed. For a property with no street frontage, the street from which the property is addressed.

Principal Building – A building in which the main or primary use of the a property in conducted, including any structure that is physically attached to said building.

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Principal Use – The main or primary use of land or structures, as distinguished from an accessory use, as herein defined.

Professional Office – The office of a member of a recognized profession, such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister or similar religious leader, optometrist, planner, physician, realtor, or similar professions.

Produce Stand – A booth or stall on a non-farm property from which produce grown on said property are sold to the general public.

Public Notice – Notice published once a week for two (2) successive weeks in a newspaper of general circulation in this County. Such notice shall state the time and place of a hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and not less than seven (7) days from the date of the hearing.

Public Recreation – Parks and other recreation facilities, including activity fields and recreation equipment contained therein, that are operated by the township, county, state, or federal government, or the school district.

Public Sewer – A sanitary sewer system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

Public Utility – Any agency or entity that, under public ownership, or under a certificate of convenience and necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or similar service.

Public Water – A water system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

Recycling Facility – A facility dedicated to the collection and processing on used or discarded materials with the intent of preparing or packaging said materials to use in the creation of new products.

Refuse Area – A designated area on a property where waste management facilities, including but not necessarily limited to dumpsters, are placed.

Rental Storage – A commercial facility in which customers can rent space to store possessions.

Research and Development – A business or industrial use dedicated to the innovation, introduction, and improvement of products and processes.

Resource Extraction – The process and / or business of removing coal, ores, minerals, or similar materials from the ground.

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Resource Management – The practice of conservation, retention, and protection of natural, environmental, landscape, cultural, and similar resources that define an area's rural and natural character.

Restaurant – A commercial establishment where food is prepared and served to customers.

Retail Store – A business that deals in the sale of general goods individually or in small quantities to customers.

Retreat Center – A facility, operated by a religious, institutional, or non-profit organization, and used for educational, religious, or comparable meetings, conferences, and seminars, and which includes lodging, meals, and recreation for participants during the such events.

Right-of-Way – A public or private area, usually configured as a narrow strip of land, that allows for the passage of people, goods, or services. Includes public or private passageways such as roads, bike paths, pedestrian walkways, railroads, utilities, electricity and fuel transmission, and similar features.

School – An institution, whether public or private, primarily devoted to the provision of instruction in vocational, professional, musical, dramatic, artistic, linguistic, scientific, religious, or other special subjects.

Setback – A line, parallel to the street right-of-way line for front yards, and parallel to the lot lines for side and rear yards, designating the minimum distance from the right-of-way and/or lot lines that a building, structure, or other improvements may be erected under the various land requirements of this Ordinance.

Shopping Center - A group of retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the unit.

Short-Term Rental – Any dwelling unit or portion thereof, or a building accessory to a dwelling unit, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty (30) consecutive days. Includes Bed-and-Breakfast, Homestay, and Vacation Rental.

Shrub – A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

Sign – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Animated – A sign that revolves, rotates, oscillates, swings, or otherwise moves by mechanical means; or a sign which uses flashes or other changes of lighting to depict action or to create a special effect or scene.

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Sign, Area of – The entire area within a single continuous perimeter enclosing all elements of the sign that form an integral part of the display, including the perimeter border, and calculated using the best-fit rectangular and / or triangular shape or shapes that approximate the perimeter of the sign display.

Sign, Billboard – Any sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Changeable Copy – A type of sign designed to accommodate a changing message, whether such changing message occurs manually, remotely, or automatically.

Sign, Community Welcome – A sign constructed by one or more governmental, institutional, civic, or religious organizations which announces welcome to the community and which contains no other advertising except for the name(s) of the organization(s).

Sign, Feather – A sign made of a flexible material, shaped like a feather, quill, sail, blade, or teardrop, and mounted on a solid or flexible pole or cord.

Sign, Freestanding – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Height of – The vertical distance measured from the elevation of the nearest curb, sidewalk, or street grade to the top of the highest component of the sign, sign face, sign structure, or any other appurtenance of the sign.

Sign, Off Premise Directional – A sign, not including billboard signs as defined herein, located for the purpose of providing directions to a use not readily visible and not located on the lot where the sign is erected.

Sign, Portable – A sign that is movable and not permanently attached to a structure or to the ground.

Sign, Roof – A sign erected and constructed wholly on and over the eaves of the roof of a building and supported by the roof structure.

Sign, Wall – Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Small Wireless Facility – A wireless communications facility that meets all of the following conditions

- (1) The facility is mounted on structures fifty (50) feet or less in height including the antenna.

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- (2) The facility is mounted on a structure that is no more than ten percent (10%) taller than other adjacent structures.
- (3) The facility does not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%, whichever is greater).
- (4) Each antenna associated with such deployment is no more than three (3) cubic feet in volume, exclusive of associated antenna equipment.
- (5) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume.
- (6) The facility does not require antenna structure registration in accordance with Federal Communications Commission rules.
- (7) The facility is not located on Tribal lands.
- (8) The facility does not result in human exposure to radiofrequency radiation in excess of applicable safety standards specified by Federal Communications Commission rules.

Solar Array – A grouping of multiple solar panels.

Solar Energy Production Facility – An electricity generating facility whose main purpose, as a principal and commercial use of property, is to generate and supply electricity and which consists of one (1) or more ground-mounted solar arrays and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Solar Panel – A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.

Special Exception – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and Sections 2206.F and 2208 of this Ordinance.

Specialty Retail Shop – A retail establishment that offers for sale to the public a specific type of or category of product.

Stealth Technology – Methods applied to wireless communications facilities which render them more visually appealing or blend the facilities into the existing structure or visual backdrop in a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae

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painted to match the existing structure, and facilities constructed to resemble telephone, electric, and street light poles.

Street – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, Arterial – Major regional highways, with full or partial access control, designed for a large volume of through traffic.

Structure – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Terminal Island – A piece of land, typically connected to a divider strip, that defines the end of a row of parking within an off-street parking lot, that separates the end of a row of parking spaces from a parking access drive or parking circulation drive, and which may contain parking lot landscaping and help define parking lot circulation.

Vacation Rental – A short-term rental within any dwelling unit or portion thereof, or a building accessory to a dwelling unit, where such dwelling is not concurrently being occupied by the owner, and where rooms of suites within the dwelling unit or accessory building are made available to one (1) or more party(ies) of guests.

Variance – Relief granted pursuant to the provisions of Article 2207 of this Ordinance.

Vegetative Coverage – The portion of a lot covered by vegetation

Vehicle Sales – The use of a building, land area, or other premises for the display and sale of new and/or used automobiles, trucks, vans, motorcycles, boats, and/or similar vehicles. Such use may include vehicle service and vehicle repair (including warranty repair) as an accessory component to the use.

Wireless Communications Antenna – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission to operate such device. This definition does not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Wireless Communications Facility – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications service.

Wireless Communications Tower – A structure, other than a building, but including monopole towers, self-supporting towers, or guyed towers, that comprises an element of a wireless

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communication facility and that is designed to be used to support Wireless Communications Antennae.

Yard – A space open to the sky and unoccupied by any building, structure, or merchandise for display or sale.

Yard, Front – A yard extending the full width of the lot, and situated between the street right-of-way line and the front building line.

Yard, Interior – An open, unoccupied space between the building of a dwelling group or its accessory buildings which is not a front, side, rear or exterior yard.

Yard, Rear – A yard extending the full width of the lot, and situated between the rear lot line and the rear building line.

Yard, Side – A yard extending from the front building line to the rear building line and located between the side property line and the side building line.

Zoning Hearing Board – The Hamiltonban Township Zoning Hearing Board.

Zoning Map – The map establishing the boundaries of the zoning districts of the Hamiltonban Township Zoning Ordinance, which map shall be and is a part of this Ordinance.

Zoning Ordinance – The Hamiltonban Township Zoning Ordinance.

Zoning Officer – The municipal official duly appointed by the Hamiltonban Township Board of Supervisors to administer and enforce this Ordinance.

Zoning Permit – A permit required by this Ordinance to document compliance with the applicable provisions of this Ordinance.

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ARTICLE III

DESIGNATION OF DISTRICTS

SECTION 300: PURPOSE

For the purpose of this Ordinance, the land and water courses contained within the boundaries of Hamiltonban Township are hereby designated into the following districts:

OS	Open Space
LC	Land Conservation
RR	Rural Residential
AP	Agricultural Preservation
SR	Single Family Residential
VM	Village Mixed-Use
V	Village
MC	Mixed-Use Corridor
C	Commercial
I	Industrial
FO	Floodplain Overlay
AO	Airport Overlay

SECTION 301: ZONING MAP

The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance, which map is dated, and designated as the "Hamiltonban Township Zoning Map." The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Ordinance as if all were fully described herein.

SECTION 302: DISTRICT BOUNDARIES

When uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply.

A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, railroads, and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot line, and where it does not scale more than ten (10) feet therefrom, such lot line shall be construed to be such boundary line unless specifically shown otherwise. In case of any uncertainty, the Zoning Officer shall interpret the intent of the map and determine the location of district boundaries.

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SECTION 303: PRINCIPAL USE

Unless specifically provided by this Ordinance, the provisions of this Ordinance shall be interpreted to allow only one (1) principal use on a lot.

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ARTICLE IV

OPEN SPACE (OS) DISTRICT

SECTION 400: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the OS District to:

- A. Recognize and protect those areas of Hamiltonban Township that are primarily characterized by existing public lands (primarily Michaux State Forest) and resource oriented institutional uses.
- B. Encourage the conservation of natural and environmental features associated with these public lands and resource oriented uses.
- C. Allow uses of property, at appropriate densities, that are consistent with the conservation of natural and natural features in the setting.

SECTION 401: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the OS District
 - 1. Agricultural Operations, excluding Agribusiness Operations.
 - 2. Camp, in accordance with Section 1801.G.
 - 3. Environmental Education Center, in accordance with Section 1801.N.
 - 4. Farms.
 - 5. Forestry.
 - 6. Nature Preserves.
 - 7. Place of Worship.
 - 8. Public Park, Recreation, and Resource Management Uses.
 - 9. Retreat Centers, in accordance with Section 1801.PP.
 - 10. Single-Family Detached Dwellings.
 - 11. Wildlife Sanctuaries.
- B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the OS District.

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1. Cabins, Lodges, Picnic Shelters, and similar uses associated with and supportive of Nature Preserves, Wildlife Sanctuaries, and Public Park, Recreation, and Resource Management Uses.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Farm Stand, in accordance with Section 1801.T.
4. Growing or producing an Agricultural Product on a property other than a farm.
5. Homestays, in accordance with Section 1801.Y.
6. Home Occupations, in accordance with Section 1801.Z.
7. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
8. Processing of Agricultural Products on the property on which said Agricultural Products are grown or produced.
9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the OS District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Events Venue, in accordance with Section 1801.P.
2. Vacation Rentals, in accordance with Section 1801.TT.
3. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
4. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
5. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 401, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

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SECTION 402: DIMENSIONAL REQUIREMENTS

- A. Minimum Lot Area:
 - 1. Single-Family Detached Dwelling: One (1) acre.
 - 2. All Other Uses Not Otherwise Defined: Two (2) acres.
- B. Maximum Lot Area:
 - 1. Single-Family Detached Dwelling: Two (2) acres.
 - 2. Place of Worship: Four (4) acres.
 - 3. All Other Uses Not Otherwise Defined: None.
- C. Maximum Density:
 - 1. Single-Family Detached Dwellings: One (1) dwelling unit for every ten (10) acres.
 - 2. Other Uses: None.
- D. Minimum Lot Width
 - 1. Single Family Detached Dwelling: One Hundred Twenty-five (125) feet.
 - 2. All Other Uses: One Hundred Fifty (150) feet.
- E. Minimum Front Setback: Thirty-five (35) feet.
- F. Minimum Side Setback: Twenty (20) feet.
- G. Minimum Rear Setback: Twenty (20) feet.
- H. Maximum Lot Coverage
 - 1. Residential Uses: Twenty-five percent (25%).
 - 2. Non-residential Uses: Ten percent (10%).
- I. Minimum Vegetative Coverage
 - 1. Residential Uses: Eighty percent (80%).
 - 2. Non-residential Uses: Ninety percent (90%).

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J. Maximum Building Height

1. Farms and Agricultural Operations: None
2. All Other Uses: Forty (40) feet.

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ARTICLE V

LAND CONSERVATION (LC) DISTRICT

SECTION 500: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the LC District to:

- A. Retain the rural character and scenic qualities in areas of Hamiltonban Township that have already experienced low density, large lot residential development.
- B. Allow for additional low density residential development in rural areas of Hamiltonban Township where extensive active agricultural uses have either not developed or transitioning away from agricultural use to some other form of rural use.
- C. Limit permitted residential development density to limit the possibility of the Township having to provide public or community sewer and/or water systems to address failing on-lot septic systems.
- D. Conserve existing natural and environmental features (including but not limited to woodlands, steep slopes, streams, floodplains, and wetlands) by limiting the extent to which development may occur within or near such features.
- E. Protect surface and groundwater quality, and minimize erosion and stream sedimentation, by minimize the extent of conversion of existing natural and environmental features through site grading or development of extensive manicured yard areas.

SECTION 501: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the LC District
 - 1. Agricultural Operations, excluding Agribusiness Operations.
 - 2. Farms, excluding farms in which a component of the farm is an Agribusiness Operation.
 - 3. Forestry.
 - 4. Nature Preserves.
 - 5. Places of Worship.
 - 6. Public Park, Recreation, and Resource Management Uses.
 - 7. Single-Family Detached Dwellings.

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8. Wildlife Sanctuaries.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the AP District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Farm Stand, in accordance with Section 1801.T.
3. Farm Worker Housing, as an accessory use to a farm or an agricultural operation, in accordance Section 1801.U.
4. Growing or producing an Agricultural Product on a property other than a farm.
5. Homestays, in accordance with Section 1801.Y.
6. Home Occupations, in accordance with Section 1801.Z.
7. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
8. Processing of Agricultural Products on the property on which said Agricultural Products are grown or produced.
9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the LC District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Accessory Dwelling Units, in accordance with the requirements of Section 1801.B.
2. Bed and Breakfast, in accordance with Section 1801.F.
3. Estate Lots, in accordance with Section 1801.O.
4. Events Venue, in accordance with Section 1801.P.
5. Farm Market and/or Agricultural Tourism in accordance with the requirements of Section 1801.R.
6. Farm-Related Businesses, in accordance with Section 1801.S.

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7. Vacation Rentals, in accordance with Section 1801.TT.
8. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
9. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
10. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 501, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 502: OPEN LAND USES AND STANDARDS

For a parcel of land proposed for subdivision (a parent tract existing on the date of application of the LC District to the parcel in question), a portion of the parcel must be set aside as Open Land in accordance with the following requirements.

- A. Open Land shall be provided in accordance with the following scale:
 1. For a parent tract of less than ten (10) acres in size, no Open Land must be provided.
 2. For a parent tract of ten (10) acres to twenty-five (25) acres in size, fifty percent (50%) of the parcel shall remain in Open Land. The Open Land shall be retained either on the parent tract or on the Open Land portion of an Estate Lot.
 3. For a parent tract of greater than twenty-five (25) acres in size, seventy-five percent (75%) of the parcel shall remain in Open Land. The Open Land shall be retained either on the parent tract or on the Open Land portion of an Estate Lot.
- B. Open Land may be devoted to one or more of the following uses:
 1. Conservation of land in its natural state.
 2. Passive recreation area including hiking and bicycling trails, nature observation, and picnicking. Easements for these areas may be offered to Hamiltonban Township or to Adams County, land trusts, or other non-profit organizations whose purpose is to conserve and protect open spaces, scenic views, and rural qualities.
 3. Drainage, access, sewer or water line, and / or similar easements.
 4. Agricultural uses authorized in Sections 501.A.1 or 501.A.2.

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C. The following standards shall apply to the land set aside, in accordance with the requirements of this Ordinance, as Open Land:

1. Significant site features including, but not limited to, major tree stands, hedgerows, water bodies, slopes, and important farmland, shall be protected as Open Land in compliance with the intent of this Ordinance.
2. Open Land of adjacent parcels shall share a common boundary to the maximum extent possible to provide areas of continuous Open Land throughout an area. Subdivision plans, or other plans prepared to comply with this Ordinance, shall depict any Open Land that has been so designated on adjoining parcels.
3. Natural features shall be maintained, and can be modified to improve the appearance, operation, functionality, or overall condition of an Open Land area. Such modification may include:
 - a. Reforestation.
 - b. Woodland Management.
 - c. Meadow Management.
 - d. Streambank Management.
 - e. Wetlands Management.

SECTION 503: DIMENSIONAL REQUIREMENTS:

A. Minimum Lot Area:

1. Single Family Detached Dwelling: One (1) acre.
2. Farm: Twenty-five (25) acres.
3. All Other Uses: One (1) acre.

B. Maximum Lot Area:

1. Single Family Detached Dwelling: Five (5) acres.
2. Estate Lot: Twenty-five (25) acres.
3. All Other Uses: None.

C. Density: Within the LC District, the following maximum residential density standards apply.

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1. A maximum of one (1) dwelling unit per eight (8) acres, with the exception that, if a lot of less than sixteen (16) acres has been in existence before the application of the LC District to the subject property, one (1) dwelling unit may be subdivided from said property.
 2. The density allocated by Section 503.C.1 above shall be calculated based on the parcel size, as of the original date of application of the Hamiltonban Township Zoning Ordinance. Additional dwelling units will not be allocated where a lot addition is added to the subject parcel after the original date of application.
- D. Minimum Lot Width:
1. Single Family Detached Dwelling: One Hundred (100) feet.
 2. Estate Lot: One hundred fifty (150) feet.
 3. All Other Uses: One hundred fifty (150) feet.
- E. Minimum Front Setback: Thirty-five (35) feet. For Estate Lots, the entire Living Area is subject to the front setback requirement.
- F. Minimum Side Setback: Twenty (20) feet. For Estate Lots, the entire Living Area is subject to the side setback requirement.
- G. Minimum Rear Setback: Twenty (20) feet: For Estate Lots, the entire Living Area is subject to the rear setback requirement.
- H. Maximum Lot Coverage
1. Residential Uses: Twenty-five percent (25%).
 2. Non-residential Uses: Twenty percent (20%).
- I. Minimum Vegetative Coverage
1. Residential Uses: Seventy-five percent (75%).
 2. Non-residential Uses: Eighty percent (80%).
- J. Maximum Building Height: Forty (40) feet.

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ARTICLE VI

RURAL RESIDENTIAL (RR) DISTRICT

SECTION 600: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the RR District to:

- A. Recognize the existence of various lower density residential neighborhoods that have developed in a variety of settings in Hamiltonban Township, including various settings that have developed along private lanes rather than along public streets and roads.
- B. Apply dimensional standards that reflect the existing developed character of these lower density residential neighborhoods in terms of building placement and lot coverage.
- C. Enable these settings to continue to develop as lower density residential neighborhoods, but only at densities that limit the potential that public sewer and water services would have to be extended to these settings.

SECTION 601: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the RR District
 - 1. Agricultural Operations, excluding Agribusiness Operations.
 - 2. Farms.
 - 3. Forestry.
 - 4. Place of Worship.
 - 5. Public Park, Recreation, and Resource Management Uses.
 - 6. Single-Family Detached Dwellings.
- B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the RR District.
 - 1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
 - 2. Farm Stand, in accordance with Section 1801.T.
 - 3. Growing or producing an Agricultural Product on a property other than a farm.
 - 4. Homestays, in accordance with Section 1801.Y.

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5. Home Occupations, in accordance with Section 1801.Z.
6. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
7. Processing of Agricultural Products on the property on which said Agricultural Products are grown or produced.
8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the RR District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Bed-and Breakfast, in accordance with Section 1801.F.
2. Group Home, in accordance with Section 1801.W.
3. Vacation Rental, in accordance with Section 1801. TT.
4. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
5. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
6. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 601, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 602: DIMENSIONAL REQUIREMENTS

- A. Minimum Lot Area:
1. Single-Family Detached Dwelling: One (1) acre.
 2. All Other Uses Not Otherwise Defined: Two (2) acres.
- C. Maximum Density:

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1. Single-Family Detached Dwellings: One (1) dwelling unit for every two (2) acres.
 2. Other Uses: None.
- D. Minimum Lot Width
1. Single Family Detached Dwelling: One Hundred Twenty-five (125) feet.
 2. All Other Uses: One Hundred Fifty (150) feet.
- E. Minimum Front Setback: Thirty-five (35) feet.
- F. Minimum Side Setback: Twenty (20) feet.
- G. Minimum Rear Setback: Twenty (20) feet.
- H. Maximum Lot Coverage
1. Residential Uses: Thirty percent (30%).
 2. Non-residential Uses: Twenty-five percent (25%).
- I. Minimum Vegetative Coverage
1. Residential Uses: Seventy percent (70%).
 2. Non-residential Uses: Seventy-five percent (75%).
- J. Maximum Building Height
1. Farms and Agricultural Operations: None
 2. All Other Uses: Forty (40) feet.

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ARTICLE VII

AGRICULTURAL PRESERVATION (AP) DISTRICT

SECTION 700: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the AP District to:

- A. Protect and stabilize agriculture as an on-going economic activity within appropriate areas of Hamiltonban Township by generally permitting only those land uses and activities which are agricultural in nature or act in direct support thereof.
- B. Discourage development from occurring on prime farm lands which are most conducive to high crop yields.
- C. Protect agriculture from incompatible uses which may also interfere with normal and customary agricultural practices within agricultural settings.
- D. Provide a range of opportunities for farmers to engage in direct marketing to consumers.
- E. Enable farmers to pursue a range of agriculturally supportive businesses that are supportive of the farm operation and that can provide supplemental income to the farm operation while providing agricultural and entertainment opportunities for customers.

SECTION 701: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the AP District
 - 1. Agricultural Operations, excluding Agribusiness Operations.
 - 2. Agricultural society meeting hall and/or offices.
 - 3. Animal Hospital.
 - 4. Cemetery, either as a principal use or as an accessory use to a Place of Worship.
 - 5. Farms, excluding farms in which a component of the farm is an Agribusiness Operation.
 - 6. Forestry.
 - 7. Horticultural activities, including nurseries and greenhouses.
 - 8. Kennel, Commercial.

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9. Place of Worship.
10. Single-Family Detached Dwellings.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the AP District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Farm Stand, in accordance with Section 1801.T.
3. Farm Worker Housing, as an accessory use to a farm or an agricultural operation, in accordance Section 1801.U.
4. Growing or producing an Agricultural Product on a property other than a farm.
5. Homestays, in accordance with Section 1801.Y.
6. Home Occupations, in accordance with Section 1801.Z.
7. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
8. Processing of Agricultural Products on the property on which said Agricultural Products are grown or produced.
9. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.

C. Special Exception Uses: The following uses are permitted by Special Exception in the AP District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Accessory Dwelling Units, in accordance with Section 1801.B.
2. Agribusiness Operation, in accordance with Section 1801.C.
3. Bed and Breakfast, in accordance with Section 1801.F.
4. Events Venue, in accordance with Section 1801.P.
5. Farm Equipment Sales Facility, in accordance with Section 1801.Q.
6. Farm Market and/or Agricultural Tourism in accordance with Section 1801.R.

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7. Farm-Related Business, in accordance with Section 1801.S.
8. Vacation Rental, in accordance with Section 1801.TT.
9. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
10. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
11. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1801.XX.
12. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 701, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 702: GENERAL DISTRICT REQUIREMENTS

A. General District Requirements: All principal buildings, structures, and uses erected or established after the adoption date of this ordinance shall comply with the following requirements:

1. Lot Allocation: Existing parcels shall be permitted to subdivide the following number of lots, based upon the property size as of the original date of application of this Ordinance, as may be amended or reenacted, to the subject parcel:

Size of Property	Maximum Number of Lots
0 acres to less than 10 acres	3
10 acres to less than 25 acres	4
25 acres to less than 50 acres	5
50 acres to less than 100 acres	6
100 acres to less than 150 acres	7
150 acres to less than 200 acres	8
Over 200 acres	8, plus 1 lot for each 50 acres over 200 acres

2. Re-subdivision of lots created after the original date of application of this Ordinance to the subject parcel shall be subject to the overall lot allocation determined for the parcel as it existed on said original date of application.
3. Large Lot/Lot Consolidation Option: Landowners may elect to combine the lot allocations that they are entitled to by the scale established in Section 702.A.1 to create a

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lot that is larger than the ordinarily required maximum lot area for the given use. If this option is elected, the maximum area of the large lot created by combining two or more of the entitled lot allocations, shall be determined by adding two (2) acres to the maximum lot size for the given use for each additional lot allocation used to create the new lot.

4. Where new lots are proposed in accordance with this Section, but where all of the lots allocated in Section 702.A.1 are not used, the subdivision plan shall indicate which lot or lots retain the right to subdivide the remaining lot allocation.

5. All subdivision plans shall indicate the number of lots allocated to the parent tract, based on the scale established in Section 702.A.1, the number of lots previously subdivided from the parent tract, the number of new lots proposed by the subdivision plan, and the number of lots remaining from the allocation that may be subdivided.

B. All subdivision plan submissions shall include a sheet that depicts existing site characteristics associated with agricultural function of the property and area. This information can be incorporated into an overall existing conditions sheet for the subdivision plan. The sheet shall include the following information.

1. Size, shape and dimensions of the farm or property; size and location of all existing building; and size, location and use of all proposed buildings or lots.

2. Lots or uses previously approved under these regulations.

3. Land under active cultivation and land in woodlots or forests.

4. Soil information for the parcel, including extent of prime farmland, soil series and soil capability class, subclass, and unit as classified by the most current version of the Soil Survey of Adams County, Pennsylvania, as published by the United States Department of Agriculture, Natural Resources Conservation Service. Any property owner who disagrees with the classification of his or her property or any part of it by the most current version of the Soil Survey of Adams County, Pennsylvania, may submit a scientifically based analysis of the soils on that portion of the property which he or she seeks to develop.

C. Applications to subdivide a property shall be subject to the following criteria:

1. All nonagricultural uses or lots shall be established or located on non-prime farmland (Soil Capability Classes III - VIII), when such land is available; or on lots or lands which cannot feasibly be farmed due to existing features of the site such as rock outcroppings, heavily wooded areas, or property configuration that is insufficient to permit the efficient use of farm machinery. In all cases, such lots shall be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.

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2. The least suitable farmland (highest number Soil Capability Unit) shall be utilized for development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland shall be utilized for development.

3. When a farm or property is comprised entirely of prime farmland (Soil Capability Classes I and II), then the least suitable or least prime land shall be utilized for development.

4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations.

SECTION 703: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. Single-Family Detached Dwelling: One (1) acre.
2. All Other Uses Not Otherwise Defined: One (1) acre.

B. Maximum Lot Area

1. Single-Family Detached Dwelling: Two (2) acres, unless the Large Lot/Lot Consolidation Option established in Section 702.A.3 is applied.
2. Non-Residential Uses not Associated with a Farm or Agricultural Operation: Four (4) Acres, unless the Large Lot/Lot Consolidation Option established in Section 702.A.3 is applied.
3. Farm and Agricultural Operation Uses: None.

C. Minimum Lot Width

1. Single Family Detached Dwelling: One Hundred Twenty-five (125) feet.
2. All Other Uses: One Hundred Fifty (150) feet.

D. Minimum Front Setback: Thirty-five (35) feet.

E. Minimum Side Setback: Twenty (20) feet.

F. Minimum Rear Setback: Twenty (20) feet.

G. Maximum Lot Coverage

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1. Residential Uses: Twenty-five percent (25%).
2. Farm and Agricultural Uses: Thirty-five percent (35%).
3. Other Uses: Thirty percent (30%).

H. Minimum Vegetative Coverage

1. Residential Uses: Seventy-five percent (75%).
2. Farm and Agricultural Uses: Sixty-five percent (65%).
3. Other Uses: Seventy percent (70%).

I. Maximum Building Height

1. Farms and Agricultural Operations: None
2. All Other Uses: Forty (40) feet.

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ARTICLE VIII

SINGLE-FAMILY RESIDENTIAL (SR) DISTRICT

SECTION 800: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the SR District to:

- A. Recognize the existence of various neighborhoods within Hamiltonban Township that have developed or are developing with a suburban residential character.
- B. Apply dimensional standards that reflect the existing developed character in these residential neighborhoods in terms of building placement and lot coverage.
- C. Enable the appropriate expansion of these residential neighborhoods at densities that reflect the existing residential neighborhood itself and the availability or lack, respectively, of public sewer and water services.

SECTION 801: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the SR District.
 - 1. Forestry.
 - 2. Golf Course.
 - 3. Place of Worship.
 - 4. Schools.
 - 5. Single-Family Detached Dwellings. Existing properties greater than or equal to ten (10) acres in lot area as of April 12, 2007 and proposing a total of five (5) or more residential dwelling units shall comply with the standards of Article XVI – Conservation by Design.
 - 6. Public Park, Recreation, and Resource Management Uses.
- B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the SR District.
 - 1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
 - 2. Group Child Care, in accordance with Section 1801.I.

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3. Growing or producing an Agricultural Product on a property other than a farm.
4. Homestays, in accordance with Section 1801.Y.
5. Home Occupations, in accordance with Section 1801.Z.
6. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
7. Produce Stand, in accordance with Section 1801.JJ.
8. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the SR District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Group Home, in accordance with Section 1801.W.
3. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
4. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
5. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 801, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 802: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. Single-Family Detached Dwelling
 - a. With Public Sewer and Water: Fifteen Thousand (15,000) Square Feet.
 - b. Without Public Sewer or Water: One (1) Acre.

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2. Public Park, Recreation, and Resource Management Uses: None.
 3. Public Utility Uses: None.
 4. All Other Uses: One (1) Acre.
- C. Maximum Density:
1. Single-Family Detached Dwellings: Two (2) dwelling units per acre.
 2. All Other Uses: None.
- D. Minimum Lot Width
1. Single Family Detached Dwelling:
 - a. With Public Sewer and Water: One Hundred (100) feet.
 - b. Without Public Sewer or Water: One Hundred Twenty-five (125) feet.
 2. Public Park, Recreation, and Resource Management Uses: None.
 3. Public Utility Uses: None.
 4. All Other Uses: One Hundred Fifty (150) feet.
- E. Minimum Front Setback: Thirty-five (35) feet.
- F. Minimum Side Setback: Twenty (20) feet.
- G. Minimum Rear Setback: Twenty (20) feet.
- H. Maximum Lot Coverage
1. Residential Uses: Thirty-five percent (35%).
 2. Non-residential Uses: Forty-five percent (45%).
- I. Minimum Vegetative Coverage
1. Residential Uses: Sixty-five percent (65%).
 2. Non-residential Uses: Fifty-five percent (55%).
- J. Maximum Building Height: Forty (40) feet.

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ARTICLE IX

VILLAGE MIXED-USE (VM) DISTRICT

SECTION 900: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the VM District to:

- A. Encourage creative development of the lands surrounding Fairfield Borough using village design character that complements the existing character of the Borough.
- B. Promote the use of a grid street system that connects new development with the existing street network within Fairfield Borough and that accommodates both motorized and non-motorized modes of transportation equally.
- C. Provide for a variety of dwelling unit types in a manner that precludes any one dwelling unit type from dominating the streetscape and that avoids the development of neighborhoods with a variety of dwelling unit options.
- D. Establish village design standards, including building placement, landscaping, and parking placement standards, that emulate the development patterns found in traditional villages.
- E. Encourage the appropriate development of limited, community-serving commercial uses within village development projects.

SECTION 901: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the VM District
 - 1. Child Care Facility, in accordance with Section 1801.I.
 - 2. Emergency Services.
 - 3. Forestry.
 - 4. Governmental Uses.
 - 5. Mixed Use Buildings, included as part of a development subject to the Site Development Standards of Section 902, and in accordance with Section 1801.GG
 - 6. Places of Worship.
 - 7. Personal Service Shops, included as part of a development subject to the Site Development Standards of Section 902.

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8. Professional Offices, included as part of a development subject to the Site Development Standards of Section 902.
9. Public Park, Recreation, and Resource Management Uses.
10. Schools.
11. Single-Family Detached Dwellings.
12. Single-Family Semi-Detached Dwellings.
13. Specialty Retail Shops, included as part of a development subject to the Site Development Standards of Section 902.
14. Two-Family Dwellings.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the VM District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1801.I.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Group Child Care, in accordance with Section 1801.I.
4. Homestays, in accordance with Section 1801.Y.
5. Home Occupations, in accordance with Section 1801.Z.
6. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
7. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the VM District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Apartment Buildings, in accordance with Section 1801.D.
2. Continuing Care Retirement Community, in accordance with Section 1801.K.

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3. Group Home, in accordance with Section 1801.W.
4. Mobilehome Parks, in accordance with Section 1801.HH.
5. Single Family Attached Dwellings, in accordance with Section 1801.RR.
6. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
7. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
8. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 901, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 902: SITE DEVELOPMENT STANDARDS

All development proposals involving the construction of expanded or new streets shall meet the following minimum site development standards.

A. Grid Street System: A grid street network shall be employed for all developments. The grid street network shall be based on, and become an extension of, the existing grid street network in Fairfield Borough. The grid street network shall meet the following specific requirements.

1. Vehicle Access: Vehicle access to all properties shall be provided from alley streets. No vehicle access to property may be permitted from streets other than alley streets.
2. Blocks shall be of sufficient depth to allow for lots to be arranged on both sides of an alley. Block length and width shall comply with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance.
3. Street Connectivity:
 - a. Existing Streets: Where the development is proposed on a parcel that either borders or is bisected by an existing street, the grid street network for the development shall incorporate the existing street in a manner that logically extends the grid street network between lands in Hamiltonban Township and Fairfield Borough.
 - b. Reserve Strips: Where existing strips of property have been reserved to enable future street connections to be established, such reserve strips shall be used

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to facilitate such street connections within the grid street network. In addition, reserve strips shall be retained to enable further extension of the grid street system to adjoining undeveloped properties.

c. Extensions: Where a logical extension of the existing grid street network is identified, but where such extension involves a portion of a street to be constructed on land other than that being proposed for development, the developer shall provide the necessary street right-of-way to the property line to enable the future street connection when development is proposed on the adjoining property. The developer shall complete construction of the street to the property line prior to the completion of any phase of development on the adjoining property that would require the street connection.

B. Sidewalks: Sidewalks, constructed to standards established in the Hamiltonban Township Subdivision and Land Development Ordinance or other controlling ordinances, shall be provided along both sides of all streets. A three (3) foot wide planting strip shall be provided between the street cartway / curb and the sidewalk.

C. Landscaping: Street trees shall be planted within all planting strips required by Section 902.B. Street trees shall be located and planted in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance, with the exception that street trees shall be planted no further than thirty (30) feet apart.

D. Dwelling Unit Types: Any development that includes residential uses (excluding Mobilehome Parks and Continuing Care Retirement Communities) shall include a mix of dwelling unit types within the development. The mix of dwelling unit types shall comply with the following standards.

1. Number of Dwelling Unit Types: The number of dwelling unit types within a development shall be based upon the number of proposed dwelling units, in accordance with the following criteria.

a. For a development with twenty-five (25) or more but less one hundred (100) dwelling units, two (2) dwelling unit types shall be proposed.

b. For a development with one hundred (100) or more but less than two hundred (200) dwelling units, three (3) dwelling unit types shall be proposed.

c. For a development with two hundred (200) or more dwelling units, four (4) dwelling unit types shall be proposed.

2. Dwelling Unit Percentages: The percentage of individual dwelling unit types within a development shall be in accordance with the following criteria.

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- a. Where two (2) dwelling unit types are proposed, no dwelling unit type shall constitute more than sixty percent (60%) nor less than forty percent (40%) of the total proposed dwelling units.
 - b. Where three (3) dwelling unit types are proposed, no dwelling unit type shall constitute more than fifty percent (50%) nor less than twenty-five percent (25%) of the total proposed dwelling units.
 - c. Where four (4) dwelling unit types are proposed, no dwelling unit type shall constitute more than fifty percent (50%) nor less than fifteen percent (15%) of the total proposed dwelling units.
3. Dwelling Unit Organization: A development with two or more residential dwelling types shall be designed in a manner that disperses each dwelling unit type throughout the development. Development designs that concentrate each dwelling unit type into specific areas are prohibited. To achieve this standard, the following standards shall be applied.
- a. Single-Family Detached Dwellings: The maximum number of Single-Family Detached Dwellings that may be arranged along one side of a street with no break shall be twelve (12).
 - b. Single-Family Semi-Detached and Two-Family Dwellings: The maximum number of Single-Family Semi-Detached or Two-Family Dwellings that may be arranged along one side of a street with no break shall be sixteen (16).
 - c. Single-Family Attached Dwellings and Apartment Buildings: The maximum number of Single-Family Attached Dwellings and units within Apartment Buildings that may be arranged along one side of a street with no break shall be twenty-four (24).
 - d. Features that provide the required breaks between an individual dwelling unit type grouping shall include street intersections, a grouping of a different housing type with four (4) or more dwelling units, one (1) or more nonresidential uses, or common open space with at least two hundred (200) feet of frontage on the street.
- E. All principal buildings, including both residential and nonresidential uses, shall be oriented in a manner where the front façade of the building faces the street to which the use is addressed. Further, access to principal buildings shall comply with the following.
1. Where a lot is developed with a single dwelling unit (a single-family detached dwelling, a single-family semi-detached dwelling, or a semi-family attached dwelling) or a single nonresidential use, a primary entrance to the building must be provided within the front façade.

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2. Where a lot is developed with two or more dwelling units or nonresidential uses on the same lot, at least one of the uses shall be provided with a primary entrance within the front façade. Where the uses are oriented using common entrances (such as within an apartment building), at least one of the common entrances must be provided within the front façade.

F. Off-Street Parking: In addition to the requirements established in Article XIX, all off-street parking shall comply with the following requirements.

1. All off-street parking spaces shall be accessed from an alley street.
2. Off-street parking for a lot developed with a single dwelling unit shall be provided within the rear yard.
3. Off-street parking for a lot developed with a nonresidential use or with two or more dwelling units shall be located in either the side or rear yard.

G. Trash Disposal: For any use or combination of uses that will require use of a trash dumpster, said dumpster shall be located within the rear yard of the property on which the use or uses are proposed. The dumpster shall be serviced from the alley street, and shall be screened on all sides by a six (6) foot fence.

H. Commercial Uses: Where commercial uses are proposed in accordance with a development project, such uses shall comply with the following requirements.

1. Location: Commercial uses shall be located on lots that adjoin an intersection of two streets other than alley streets.
2. Tenures: Commercial Uses may be established on a lot specifically dedicated to the use, or they may be established on a lot together with residential uses. When developed in tandem with residential uses, the building shall be developed with the commercial use on the first floor and residential uses (such as apartments) on the upper floors.
3. Building Design: Commercial uses shall be located in buildings of at least two stories in height. Single story commercial buildings shall not be permitted in the VM District.

I. Utilities: Public sewer and public water service shall be provided.

SECTION 903: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area

1. Single-Family Detached Dwellings: Ten Thousand (10,000) square feet.

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2. Single-Family Semi-Detached and Two-Family Dwellings: Seven Thousand Five Hundred (7,500) square feet per dwelling unit.
 3. Single-Family Attached Dwellings: Four Thousand (4,000) square feet per dwelling unit.
 4. Apartment Buildings: Fifteen Thousand (15,000) square feet per building.
 5. Mobilehome Parks: Ten (10) acres.
 6. Continuing Care Retirement Community: Ten (10) acres.
 7. All Other Uses: Twenty Thousand (2,000) square feet.
- B. Maximum Density: Five (5) dwelling units per acre. The Maximum Density calculation shall be applied to the parcel as it existed on the effective date of this Section.
- C. Minimum Lot Width
1. Single-Family Detached Dwellings: Seventy-five (75) feet.
 2. Single-Family Semi-Detached and Two Family Dwellings: Sixty (60) feet per dwelling unit.
 3. Single-Family Attached Dwellings: Twenty-five (25) feet per dwelling unit.
 4. Apartment Buildings: One Hundred (100) feet per building.
 5. Mobilehome Parks: Two Hundred Fifty (250) feet.
 6. Continuing Care Retirement Community: Two Hundred Fifty (250) feet.
 7. All Other Uses: One Hundred Fifty (150) feet.
- D. Build-to Line: All principal buildings shall be placed within a Build-to Line range of between four (4) and twelve (12) feet.
- E. Minimum Side Setback
1. Single-Family Detached Dwellings, Single-Family Detached Dwellings, and Two-Family Dwellings: Five (5) feet.
 2. Single-Family Attached (Townhouse) Dwellings and Apartment Buildings: Ten (10) feet.

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3. Mobilehome Parks and Continuing Care Retirement Community: Twenty-five (25) feet.

4. All Other Uses: Fifteen (15) feet.

5. Where attached dwelling units include a side lot line arranged along a common party wall separating two dwelling units, no side setback shall be applied along said side lot line for principal or accessory structure on the lot.

F. Minimum Rear Setback

1. Single-Family Detached, Dwellings, Single-Family Detached Dwellings, and Two-Family Dwellings: Five feet.

2. Single-Family Attached (Townhouse) Dwellings and Apartment Buildings: Ten (10) feet.

3. Mobilehome Parks and Continuing Care Retirement Community: Twenty-five (25) feet.

4. All Other Uses: Fifteen (15) feet.

G. Maximum Lot Coverage

1. Single Family Detached Dwellings: Thirty-five percent (35%).

2. Single-Family Detached Dwellings and Two-Family Dwellings: Forty percent (40%).

3. Single-Family Attached (Townhouse) Dwellings and Apartment Buildings: Forty-five percent (45%).

4. Mobilehome Parks and Continuing Care Retirement Community: Fifty percent (50%).

5. All Other Uses: Fifty percent (50%).

H. Minimum Vegetative Coverage

1. Single Family Detached Dwellings: Sixty-five percent (65%).

2. Single-Family Detached Dwellings and Two-Family Dwellings: Sixty percent (60%).

3. Single-Family Attached (Townhouse) Dwellings and Apartment Buildings: Fifty-five percent (55%).

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4. Mobilehome Parks and Continuing Care Retirement Community: Fifty percent (50%).
 5. All Other Uses: Fifty percent (50%).
- I. Maximum Building Height: Thirty-five (35) feet.

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ARTICLE X

VILLAGE (V) DISTRICT

SECTION 1000: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the V District to:

- A. Recognize the existing, mixed-use village character of unincorporated villages within Hamiltonban Township, including but not limited to Orrtanna Village.
- B. Establish reasonable standards to provide for a mix of residential, limited commercial, office, and institutional uses within existing village settings.
- C. Encourage the full economic use of established and historic structures within existing village settings.
- D. Permit uses that promote conversion of existing buildings in a manner than maintains the visual character and architectural scale of existing development within village settings.
- E. Accommodate infill development in a manner that reflects the placement, location pattern, and scale of the existing village, while also maintaining the visual and community character of the village.
- F. Limit the degree to which the accommodation of the automobile affects the visual character of existing villages.

SECTION 1001: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the V District
 - 1. Bed-and-Breakfast, in accordance with Section 1801.F.
 - 2. Child Care Facility, in accordance with Section 1801.I.
 - 3. Emergency Services.
 - 4. Forestry.
 - 5. Galleries / Museums.
 - 6. Governmental Uses.
 - 7. Mixed Use Buildings, in accordance with Section 1801.GG.
 - 8. Personal Service Shops.

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9. Places of Worship.
10. Professional Offices.
11. Single-Family Detached Dwellings.
12. Single Family Semi-Detached Dwellings.
13. Specialty Retail Shops.
14. Studios.
15. Theaters.
16. Two Family Dwellings.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the SR District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1801.I.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Group Child Care, in accordance with Section 1801.I.
4. Homestays, in accordance with Section 1801.Y
5. Home Occupations, in accordance with Section 1801.Z.
6. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
7. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the V District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Events Venue, in accordance with Section 1801.P.
2. Group Home, in accordance with Section 1801.W.

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3. Infill Development, in accordance with Section 1801.AA.
4. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
5. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
6. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 1001, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 1002: SITE DEVELOPMENT STANDARDS

A. Developed Properties: Currently developed properties shall be subject to the following requirements.

1. The front façade of buildings on existing developed properties shall be maintained.
2. Additions to buildings on existing developed properties shall be located to the side or rear of the building. Additions to the side of an existing building shall be located behind the front building line of the existing building. Additions to the front of buildings on existing developed properties shall not be permitted.

B. Vacant or Redeveloped Properties: Vacant properties or properties proposed for redevelopment shall be subject to the following requirements.

1. Development on vacant property or the redevelopment of a currently developed property shall be reviewed in accordance with Section 1001.C.3 and be subject to the development standards of Section 1801.AA.

SECTION 1003: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. Single Family Detached Dwelling: Three thousand five hundred (3,500) square feet.
2. Single Family Semi-Detached Dwelling: Two thousand five hundred (2,500) square feet for each dwelling unit.
3. All Other Uses: Five thousand (5,000) square feet.

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B. Minimum Lot Width

1. Single Family Detached Dwelling: Thirty-five (35) feet.
2. Single Family Semi-Detached Dwelling: Twenty-five (25) feet for each dwelling unit.
3. All Other Uses: Fifty (50) feet.

C. Maximum Build-to Line: Five (5) feet.

D. Minimum Building Setbacks

1. Side Setback: Five (5) feet. No side setback requirement shall be applied along a side property line that follows a common party wall of a Single Family Semi-Detached Dwelling.
2. Rear Setback: Five (5) feet.
3. Where existing buildings on an adjacent property are closer than five (5) feet to the side or rear property line, a setback of an equivalent distance may be applied.

E. Maximum Lot Coverage

1. Residential Uses: Fifty percent (50%).
2. Non-residential Uses: Sixty-five percent (65%).

F. Minimum Vegetative Coverage

1. Residential Uses: Fifty percent (50%).
2. Non-residential Uses: Thirty-five percent (35%).

G. Maximum Building Height: Forty (40) feet.

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ARTICLE XI

MIXED-USE CORRIDOR (MC) DISTRICT

SECTION 1100: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the MC District to:

- A. Recognize the existing mixture of uses present along PA Route 16 (Waynesboro Pike) and similar transportation corridors in Hamiltonban Township.
- B. Provide for the continuation of a similar mixture of uses along these corridors by accommodating a variety of residential, institutional, and small business and commercial uses.
- C. Limit development density and intensity along these corridors to limit the potential of having to extend public sewer and public water services to these areas.
- D. Manage access to and from these corridors to protect public safety and maintain the current regional transportation function of these corridors.
- E. Establish standards to prevent the commercial strip commercial form of development to ensure that the corridors retain their rural appearance and function.

SECTION 1101: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the MC District
 - 1. Business, Professional, and Medical Offices, provided that the gross floor area of the business does not exceed three thousand (3,000) square feet.
 - 2. Child Care Facility, in accordance with Section 1801.I.
 - 3. Emergency Services.
 - 4. Forestry.
 - 5. Government Uses.
 - 6. Personal Service Shops.
 - 7. Places of Worship.
 - 8. Restaurants, excluding Restaurants with Drive-Through service.
 - 9. Retail Stores, provided that the gross floor area of the business does not exceed three thousand (3,000) square feet.

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10. Single-Family Detached Dwellings.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the MC District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1801.I.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Food Trucks, in accordance with Section 1801.V.
4. Homestays, in accordance with Section 1801.Y.
5. Home Occupations, in accordance with Section 1801.Z.
6. No-Impact Home-Based Businesses, in accordance with Section 1801.II.
7. Wireless Communication Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the MC District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Bed-and-Breakfast, in accordance with Section 1801.F.
2. Campground, in accordance with Section 1801.H.
3. Events Venue, in accordance with Section 1801.P.
4. Medical Marijuana Dispensary, in accordance with Section 1801.DD.
5. Vacation Rental, in accordance with Section 1801.TT.
6. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
7. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.

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8. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1801.XX.

9. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 1101, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 1102: GENERAL DEVELOPMENT STANDARDS

The following General Development Standards shall be applicable to all nonresidential uses, unless specifically designated otherwise in this Article.

A. Site Design: The following site design standards shall apply to all nonresidential development within the MC District. Where a principal building directly faces two (2) or more abutting streets, these requirements shall apply to all such faces of the principal building.

1. All of the area between a principal building and the public right-of-way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) and limited parking may be permitted within the required landscaping area.

2. Limited parking spaces and parking lots may be located in the area between a principal building and the public-right-of way, in accordance with the following standards.

a. No more than twenty-five percent (25%) of the minimum number of parking spaces required for a given use, as established in Section 1900, may be located between a principal building and a public right-of-way. Where a principal building faces two (2) or more abutting streets, this standard may be applied along all such faces of the principal building.

b. Where limited parking between a principal building and public right-of-way is proposed, a low level vegetative screen shall be provided between the parking lot and the public right-of-way. Such screen shall be comprised of shrubs with a minimum mature height of three (3) feet. The required shrubs shall be planted at no less than five (5) foot intervals. This screening requirement shall be in addition to the parking lot landscaping standards of Section 1901.G that may be applicable.

3. Loading spaces and refuse areas shall not be located between a principal building and any public right-of-way.

B. Refuse Areas: The design of all principal buildings in the MC District shall include either a provision for the storage of refuse inside the building(s) or within an area enclosed by walls or opaque fencing outside the building(s) designed to be architecturally compatible with

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the primary building(s). Such walls or fencing shall be designed to shield the refuse areas from the direct view of any adjacent property and must be at least six (6) feet high.

C. Outdoor Storage and Display: Outdoor storage and/or display of merchandise for sale is prohibited within the MC District.

D. Site Access: Access to nonresidential uses shall be taken from a roadway with functional classification of Arterial (including Minor and Principal Arterials) as designated in the Southwest Adams Joint Comprehensive Plan. Access to residential uses may be taken from any roadway.

SECTION 1103: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area: One (1) acre.

B. Minimum Lot Width: Two Hundred (200) feet.

C. Minimum Front Setback: Twenty (20) feet.

D. Minimum Side Setback: Twenty (20) feet.

E. Minimum Rear Setback: Twenty (20) feet.

F. Maximum Lot Coverage:

1. Residential Uses: Thirty-five percent (35%).

2. Nonresidential Uses: Fifty percent (50%).

G. Minimum Vegetative Coverage:

1. Residential Uses: Sixty-five percent (65%).

2. Nonresidential Uses: Fifty percent (50%).

H. Maximum Building Height: Forty (40) feet.

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ARTICLE XII

COMMERCIAL (C) DISTRICT

SECTION 1200: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the C District to:

- A. Provide for a variety of commercial and business uses customarily associated with commercial areas along major roadways.
- B. Maintain and enhance attractive gateways along PA Route 116 (Fairfield Road) to the adjoining communities of Fairfield Borough and Carroll Valley Borough.
- C. Provide for appropriate landscaping and related on-site improvements within commercial areas to ensure that the aesthetic and environmental qualities are maintained.
- D. Discourage the development of the strip commercial form of commercial development through the careful placement of buildings, parking lots, and landscaping.
- E. Provide for development patterns that not only accommodate, but encourage the use of transportation alternatives (including but not limited to pedestrian and bicycle alternatives) beyond the personal automobile.

SECTION 1201: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the C District
 - 1. Banks and Financial Institution, excluding those with Drive-Through service.
 - 2. Bars and Nightclubs.
 - 3. Brewery, Cidery, Distillery, and Winery.
 - 4. Business, Professional, and Medical Offices.
 - 5. Car Wash.
 - 6. Child Care Facility, in accordance with Section 1801.I.
 - 7. Commercial Recreation.
 - 8. Emergency Services.
 - 9. Forestry.

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10. Governmental Uses.
11. Health / Exercise Clubs.
12. Hospitals, Clinics, and Related Medical Care Facilities.
13. Hotels and Motels.
14. Mobilehome / Manufactured Home Sales.
15. Museums / Galleries.
16. Personal Service Shops.
17. Restaurants, excluding those with Drive-Through service.
18. Retail Stores, excluding those with Drive-Through service.
19. Places of Worship.
20. Theaters.
21. Vehicle Sales, which may include Vehicle Service as an accessory use, but excluding Fuel Sales.
22. Vehicle Service, excluding Fuel Sales.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the C District.

1. Child Care Facility (Accessory to Non-Residential Use), in accordance with Section 1801.II.
2. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
3. Food Trucks, in accordance with Section V.
4. Wireless Communications Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the C District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

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1. Academic Clinical Research Center, in accordance with Section 1801.A.
2. Banks and Financial Institutions with Drive Through service, in accordance with Section 1801.E.
3. Campground, in accordance with Section 1801.H.
4. Conference Center, in accordance with Section 1801.J.
5. Continuing Care Retirement Community, in accordance with Section 1801.K.
6. Convenience Stores, in accordance with Section 1801.L.
7. Medical Marijuana Dispensary, in accordance with Section 1801.DD.
8. Mobilehome Parks, in accordance with Section 1801.HH.
9. Rental Storage, in accordance with Section 1801.LL.
10. Restaurants with Drive Through service, in accordance with Section 1801.NN.
11. Retail Stores with Drive-Through service, in accordance with Section 1801.OO.
12. Shopping Center, in accordance with Section 1801.QQ.
13. Vehicle Service with Fuel Sales, in accordance with Section 1801.YY.
14. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
15. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
16. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1801.XX.
17. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 1201, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

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SECTION 1202: GENERAL DEVELOPMENT STANDARDS

The following General Development Standards shall be applicable to all uses, unless specifically designated otherwise in this Article.

A. Site Design: The following site design standards shall apply to all development within the C District. Where a principal building directly faces two (2) or more abutting streets, these requirements shall apply only to the side of the building facing the primary street.

1. All of the area between a principal building and the public right-of-way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) and required parking may be permitted within the required landscaping area.

2. Sidewalks shall be provided along all abutting streets. In addition, sidewalks shall be provided to connect the sidewalks along the abutting street to the main entrance of the all principal buildings. Such connection shall be provided in a manner that precludes a pedestrian having to walk through a parking aisle, fuel service canopy, or any similar site feature to access the main entrance of the principal building.

3. Loading spaces and refuse areas shall not be located between a principal building and any public right-of-way.

B. Building Orientation. Principal buildings within the C District shall be oriented in a manner where the front of the building(s) face the primary street. The front of the building(s) shall include the main customer / client / visitor entrance to the use(s) within the building(s).

C. Refuse Areas: The design of all principal buildings in the C District shall include either a provision for the storage of refuse inside the building(s) or within an area enclosed by walls or opaque fencing outside the building(s) designed to be architecturally compatible with the primary building(s). Such walls or fencing shall be designed to shield the refuse areas from the direct view of any adjacent property and must be at least six (6) feet high.

D. Outdoor Storage and Display: Outdoor storage and/or display of merchandise for sale is prohibited within the C District. This standard shall not be applied to Vehicle Sales and Mobilehome / Manufactured Home Sales businesses, or for other uses where outdoor storage and display is specifically provided for in this Ordinance.

E. Site Landscaping: The following site landscaping standards shall apply to all development within the C District.

1. Quantity of Landscaping: A minimum of one (1) Planting Unit shall be provided for every one thousand (1,000) square feet, or portion thereof, of building coverage. This quantity shall be in addition to any other plantings required in other sections of this Ordinance, including but not limited to Article XIX.

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2. Credit for Existing Landscaping: Credit for up to fifty percent (50%) of the minimum landscaping quantity requirements may be given for retaining major deciduous trees, minor deciduous trees, and/or evergreen trees on the site, provided the following conditions are achieved:

- a. The trees shall be in good health.
- b. The trees shall be located within twenty-five (25) feet of the non-residential use or improvements on the property (for example, parking lots) that support the non-residential use.
- c. The applicant shall replace any tree which contributes to the minimum quantity of landscaping with another comparable tree if it should die within two (2) years of the completion of the development.

3. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval.

4. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this Section. At a minimum, the table shall include the following.

- a. Calculation of minimum Planting Units required.
- b. Calculation of Planting Units provided.
- c. Biological and Common Name of all plants.
- d. Size of all plants at time of planting.
- e. Size of all plants at maturity.

F. Illumination: All site illumination shall be designed to minimize impact on surrounding properties. All lights, whether mounted on a building, on a pole within a parking lot, or otherwise, shall include shielding to prevent direct view of the light source from surrounding properties and to direct the lighting to the surfaces (building, parking lots, or otherwise) intended to be illuminated.

SECTION 1203: DIMENSIONAL REQUIREMENTS

- A. Minimum Lot Area: Twenty Thousand (20,000) square feet.
- B. Minimum Lot Width: One Hundred (100) feet.

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- C. Minimum Front Setback: Twenty (20) feet.
- D. Minimum Side Setback: Twenty (20) feet.
- E. Minimum Rear Setback: Twenty (20) feet.
- F. Maximum Lot Coverage: Sixty percent (60%).
- G. Minimum Vegetative Coverage: Forty percent (40%).
- H. Maximum Building Height: Forty (40) feet.

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ARTICLE XIII

INDUSTRIAL (I) DISTRICT

SECTION 1300: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the I District to:

- A. Recognize the existence of various industrial, resource extraction, and similar uses within various locations of Hamiltonban Township.
- B. Provide for the continuation and reasonable expansion of these uses, and enable the development of uses of a similar character within these settings.
- C. Enable the development of manufacturing, industrial, and similar uses in appropriate areas of Hamiltonban Township to provide employment opportunities for residents.
- D. Ensure that the Township meets its responsibility to accommodate all legal uses of property within its jurisdiction.
- E. Establish appropriate standards to mitigate the potential off-site impacts of manufacturing, industrial, resource extraction, and similar uses.

SECTION 1301: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the I District
 - 1. Emergency Services.
 - 2. Forestry.
 - 3. Governmental Uses.
 - 4. Light Industrial Uses.
 - 5. Research and Development Laboratories.
- B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the I District.
 - 1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
 - 2. Food Trucks, in accordance with Section 1801.V.

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3. Wireless Communications Facility – Co-location – Outside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.VV.

C. Special Exception Uses: The following uses are permitted by Special Exception in the I District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 2208 of this Ordinance:

1. Distribution Center, in accordance with Section 1801.M.
2. Heavy Industrial Uses, in accordance with Section 1801.X.
3. Junk Yard, in accordance with Section 1801.BB.
4. Landfills, in accordance with Section 1801.CC.
5. Medical Marijuana Grower / Processor, in accordance with Section 1801.EE.
6. Medical Marijuana Transport Vehicle Service, in accordance with Section 1801.FF.
7. Resource Extraction, in accordance with Section 1801.MM.
8. Recycling Facility, in accordance with Section 1801.KK.
9. Solar Energy Production Facility, in accordance with Section 1801.SS.
10. Wireless Communication Facility – Co-location – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.UU.
11. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1801.WW.
12. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way, in accordance with Section 1801.XX.
13. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Section 1301, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Sections 1801.ZZ and 2208.

SECTION 1302: GENERAL DEVELOPMENT STANDARDS

A. Site Landscaping: The following site landscaping standards shall apply to all development within the I District.

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1. Quantity of Landscaping: A minimum of one (1) Planting Unit shall be provided for every one thousand (1,000) square feet, or portion thereof, of building coverage. This quantity shall be in addition to any other plantings required in other sections of this Ordinance, including but not limited to Article XIX.

2. Credit for Existing Landscaping: Credit for up to fifty percent (50%) of the minimum landscaping quantity requirements may be given for retaining major deciduous trees, minor deciduous trees, and/or evergreen trees on the site, provided the following conditions are achieved:

a. The trees shall be in good health.

b. The trees shall be located within twenty-five (25) feet of the non-residential use or improvements on the property (for example, parking lots) that support the non-residential use.

c. The applicant shall replace any tree which contributes to the minimum quantity of landscaping with another comparable tree if it should die within two (2) years of the completion of the development.

3. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval.

4. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this Section. At a minimum, the table shall include the following.

a. Calculation of minimum Planting Units required.

b. Calculation of Planting Units provided.

c. Biological and Common Name of all plants.

d. Size of all plants at time of planting.

e. Size of all plants at maturity.

B. Screening:

1. Outdoor Storage: Outdoor storage of raw or process materials shall be prohibited unless said storage area is screened from view from adjoining roads or properties by landscaping or fencing.

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2. Exterior Mechanical Equipment: Such equipment, including but not limited to utility valves and meters, above ground storage tanks, and HVAC equipment, shall be either incorporated into the building design or screened by landscaping or fencing to minimize view from adjoining roads or properties.

3. Refuse Areas: Refuse Areas may be located within any yard. Such refuse areas shall be subject to the setback standards of Section 1303, and shall be screened from view from adjoining roads or properties by landscaping or fencing.

C. Illumination: All site illumination shall be designed to minimize impact on surrounding properties. All lights, whether mounted on a building, on a pole within a parking lot, or otherwise, shall include shielding to prevent direct view of the light source from surrounding properties and to direct the lighting to the surfaces (building, parking lots, or otherwise) intended to be illuminated.

SECTION 1303: DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area: Two (2) acres.

B. Minimum Lot Width: Two Hundred Fifty (250) feet.

C. Minimum Front Setback:

1. Buildings: Fifty (50) feet.

2. Other Improvements: Twenty-five (25) feet.

D. Minimum Side Setback:

1. Buildings: Fifty (50) feet.

2. Other Improvements: Twenty-five (25) feet.

E. Minimum Rear Setback:

1. Buildings: Fifty (50) feet.

2. Other Improvements: Twenty-five (25) feet.

F. Maximum Lot Coverage: Sixty-five percent (65%).

G. Minimum Vegetative Coverage: Thirty-five percent (35%).

H. Maximum Building Height: Fifty (50) feet.

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ARTICLE XIV

FLOODPLAIN OVERLAY (FO) DISTRICT

SECTION 1400: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the FO District to:

- A. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- B. Minimize danger to public health by protecting water supply and natural drainage.
- C. Reduce financial burdens imposed on the Township and its residents by preventing excessive development in areas subject to flooding.
- D. Comply with federal and state floodplain management requirements.

SECTION 1401: REGULATIONS

All uses, activities, and development occurring within the FO District shall comply with the Hamiltonban Township Floodplain Ordinance, Ordinance No. 2009-01, as may be amended, of the Hamiltonban Township Code. All zoning permit approvals issued in accordance with this Ordinance shall be subject to compliance with the applicable provisions of the Floodplain Ordinance. No zoning permit approval for a use, activity, or development that is also subject to the provisions of the Floodplain Ordinance shall be issued until such time that all permitting required by the Floodplain Ordinance is obtained by the applicant.

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ARTICLE XV

AIRPORT OVERLAY (AO) DISTRICT

SECTION 1500: PURPOSE

The purpose of the Airport Overlay (AO) District is to prevent the creation or establishment of a hazard within an airport hazard area, to regulate the land uses permitted within the territorial limits of such airport hazard area, to regulate the height to which structures may be erected or objects of natural growth may be allowed to grow, pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. §§5101 *et. seq.*, hereinafter “Aviation Code,” and Section 5912, hereinafter, “Airport Zoning Act,” as amended or reauthorized.

SECTION 1501: REGULATED AREA

The lands within Hamiltonban Township subject to the Airport Overlay District are those contained within the defined Airport Hazard Area of the Mid-Atlantic Soaring Center (the Airport), located at 154 Pecher Road in Liberty Township, Adams County. The Airport Hazard Area is defined by the Mid-Atlantic Soaring Center Airport Surface Areas Map, as may be updated or amended, and as prepared by the Pennsylvania Department of Transportation (PennDOT) Bureau of Aviation. The Map is hereby included by reference as a component of the Hamiltonban Township Zoning Map.

SECTION 1502: AIRPORT SURFACE ZONES

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the Airport Hazard Area associated with the Airport. Only one zone covers lands within Hamiltonban Township. Therefore, the following listing of zones is limited to those zones necessary to establish the required regulations within the Hamiltonban Township portion of the Airport Hazard Area.

A. **Horizontal Surface Zone:** The Horizontal Surface Zone is established beneath the Horizontal Surface to a height of one hundred fifty (150) feet above the Airport Elevation. The perimeter of the Horizontal Surface Zone is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the surface of the runway and by connecting said arcs by drawing lines tangent to those arcs. The Airport Elevation is hereby established as five hundred sixty-five (565) feet above sea level.

B. **Conical Surface Zone:** The Conical Surface Zone is established beneath the Conical Surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a distance of four thousand (4,000) feet. It is hereby acknowledged that only a portion of the Conical Surface Zone is applicable in Hamiltonban Township.

SECTION 1503: PERMITTED USES

The following uses are permitted in the zones set forth above.

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A. Conical Surface Zone: All uses in the underlying Zoning District shall be permitted in accordance with the bulk, area, and performance standards associated with said uses unless otherwise indicated herein.

SECTION 1504: USE RESTRICTIONS

The following general restrictions shall apply to all Airport Surface Zones. No use may be made of land or water within any zone that would result in the following.

- A. Building height or tree height that extends into the Conical Surface Zone.
- B. Electrical interference with navigational signals or radio communication between the airport and the aircraft.
- C. Lighting interference making it difficult for pilots to distinguish between airport lights and others.
- D. Impairment to visibility as a result of glare in the eyes of pilots using the Airport or in the vicinity of the airport.
- E. Attraction of birds and creation of bird strike hazards.
- F. In any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

SECTION 1505: NONCONFORMING USES

The following regulations shall apply to nonconformities within the Airport Overlay District. These shall be in addition to the regulations of Article XXI.

- A. The regulations of this Section shall not be construed to require the removal, lowering, or other change in any structure or tree not conforming to the requirements of this Section as of the effective date of this Section, or otherwise interfere with the continuance of any nonconforming use, except as provided herein.
- B. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Section.
- C. Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or before any nonconforming tree may be allowed to grow higher or replanted, a Zoning Permit must be secured from Hamiltonban Township authorizing such change. No Zoning Permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on

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the effective date of this Section or any amendments thereto or than it was when the application for a Zoning Permit was made.

D. Nonconforming Uses Abandoned or Destroyed – Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no Zoning Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Section.

SECTION 1506: AIRPORT OVERLAY DISCLOSURES

A. Every deed conveying property located in the Airport Overlay District shall contain the following language:

“This real property, hereinafter “Property,” which may or may not be part of a larger development, is conveyed to <<Name of Conveyee>> with the understanding that there is an Airport located in close proximity to portions of the property. The Airport is located at 154 Pecher Road in Liberty Township, Adams County, Pennsylvania, and is designated in Federal Aviation Administration records as W73.

<<Name of Conveyee>> hereby receives this Property with the understanding of the above disclosure and hereby covenants and agrees for him/herself, his/her heirs, assigns, and successors in interest to accept the flight operations of the Airport, including reasonable future expansion of the Airport and activities related thereto and change of ownership of the Airport, and not take or participate in any action adverse to the flight operations of the Airport as disclosed herein.”

B. Where the property to be developed includes multiple lots or uses proposed by a developer, the following acknowledgement of the Airport flight operations shall be included in the Public Offering Statement, and the following shall be incorporated in each individual deed.

“This real property is acquired with the understanding that there is an Airport located in close proximity to the development of which this property is a part. The Airport is located at 154 Pecher Road in Liberty Township, Adams County, Pennsylvania, and is designated in Federal Aviation Administration records as W73. Departures and arrivals may cross over substantial portions of the development.”

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ARTICLE XVI

CONSERVATION BY DESIGN

SECTION 1600: APPLICABILITY

All residential development proposals involving five (5) or more dwelling units (either initially or cumulatively) on properties greater than or equal to ten (10) acres in lot area as of April 12, 2007 shall be designed in accordance with the provisions of this Article.

SECTION 1601: DEVELOPMENT OPTIONS

All residential development proposed in accordance with the Conservation by Design requirements of this Ordinance shall employ one of the following development options. The development option being employed shall be identified by the applicant at the Sketch Plan submission or the Preliminary Plan submission phase, whichever first occurs in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance.

A. Option 1 – Neutral Density and Basic Conservation

1. Density: The maximum development density shall be that authorized by the underlying zoning district.
2. Minimum Greenway Land: The minimum greenway land shall be forty percent (40%) of the parent tract.

B. Option 2 – Enhanced Density and Greater Conservation

1. Density: The maximum development density shall be reflect the density bonus authorized in Section 1601.C.2.a.
2. Minimum Greenway Land: The minimum greenway land shall be fifty percent (50%) of the parent tract.

C. Option 3 – Estate Lots

1. Density: Option 3 developments shall not be subject to a maximum density standard. Density of Option 3 development shall, however, be dictated by applying the lot standards of Section 1602.C.3.
2. Minimum Greenway Land: Option 3 development shall not be subject to a minimum greenway land standard. However, a minimum portion of each residential lot within an Option 3 development shall include conserved land, and such land shall be used and managed in accordance with the Greenway Land standards of this Ordinance and the Hamiltonban Township Subdivision and Land Development Ordinance.

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SECTION 1602: DEVELOPMENT STANDARDS

All Conservation by Design developments shall be subject to the following general development standards.

A. **Ownership:** The parent tract(s) may be held in single and separate ownership or in multiple ownership. For parent tracts held in multiple ownership, the resulting Conservation by Design development shall be planned as a single project with common authority and common responsibility.

B. **Intersections and Access:** The following standards shall govern intersections and access for all Conservation by Design developments.

1. All Option 1 and Option 2 Conservation by Design developments proposing greater than five (5) new dwelling units shall include new local streets to provide for individual lot access.

2. New intersections with existing public roads shall be minimized. However, for Option 1 and Option 2 Conservation Design developments proposing greater than five (5) new dwelling units, two intersection of the new local street(s) with the existing public street network shall be provided for public safety.

3. All new local streets and new street intersections shall comply with applicable public street design requirements of the Hamiltonban Township Subdivision and Land Development Ordinance.

C. **Density and Dimensional Standards:** The following density and dimensional standards shall be applied to Conservation by Design development projects.

1. **Option 1 Developments:**

a. **Maximum Density:** Two (2) dwelling units per acre.

b. **Minimum Lot Area:** Fifteen thousand (15,000) square feet.

c. **Minimum Lot Width:** One Hundred (100) feet

d. **Minimum Front Setback:** Thirty-five (35) feet.

e. **Minimum Side Setback:** Twenty (20) feet.

f. **Minimum Rear Setback:** Twenty (20) feet.

g. **Maximum Lot Coverage – Residential Lots:** Thirty-five percent (35%).

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- h. Minimum Vegetative Coverage – Residential Lots: Sixty-five percent (65).
 - i. Maximum Building Height: Forty (40) feet.
- 2. Option 2 Developments.
 - a. Maximum Density: Two and one half (2.5) dwelling units per acre.
 - b. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.
 - c. Minimum Lot Width: Seventy-five (75) feet
 - d. Minimum Front Setback: Twenty (20) feet.
 - e. Minimum Side Setback: Ten (10) feet.
 - f. Minimum Rear Setback: Ten (10) feet.
 - g. Maximum Lot Coverage – Residential Lots: Fifty percent (50%).
 - h. Minimum Vegetative Coverage – Residential Lots: Fifty percent (50%).
 - i. Maximum Building Height: Forty (40) feet.
- 3. Option 3 Developments
 - a. Maximum Density: None.
 - b. Minimum Lot Area: Five (5) acres.
 - c. Maximum Living Area – Residential Lots: One and one-quarter (1.25) acres.
 - d. Minimum Lot Width: One Hundred fifty (150) feet
 - e. Minimum Front Setback – Residential Lots (Entire Living Area): Thirty-five (35) feet.
 - f. Minimum Side Setback – Residential Lots (Entire Living Area): Twenty (20) feet.
 - g. Minimum Rear Setback – Residential Lots (Entire Living Area): Twenty (20) feet.

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- h. Maximum Lot Coverage – Residential Lots (percentage of Living Area): Thirty-five percent (35%).
- i. Minimum Vegetative Coverage – Residential Lots (percentage of Living Area): Sixty-five percent (65%).
- j. Maximum Building Height: Forty (40) feet.

SECTION 1603: RESIDENTIAL DESIGN STANDARDS

All Conservation by Design developments shall be subject to the following residential design standards.

A. Residential Lots in Option 1 and Option 2 Conservation by Design developments shall not encroach on the required Greenway Land to be retained in said development.

B. Residential Lots in Option 1 and Option 2 Conservation by Design developments shall meet the following separation distance standards.

- | | |
|---|-------------------------------|
| 1. Existing road rights-of-way: | One Hundred (100) feet. |
| 2. Farm buildings: | One Hundred (100) feet. |
| 3. Barnyards housing livestock: | One Hundred (100) feet. |
| 4. Property lines of parent tract: | Fifty (50) feet. |
| 5. Cropland or pastureland: | One Hundred (100) feet. |
| 6. Existing or proposed active recreation facilities: | One Hundred Fifty (150) feet. |

C. Views of Residential Lots in Option 1 and Option 2 Conservation by Design developments from existing roads and abutting properties shall be minimized. Compliance with this standard shall be evaluated during the Four-Step Design Exercise component of the Pre-Application Meeting as required by the Hamiltonban Township Subdivision and Land Development Ordinance.

D. Residential Lots in Option 1 and Option 2 Conservation by Design developments shall be accessed from new streets internal to the development rather than from existing roads.

E. A minimum of seventy-five percent (75%) of Residential Lots in Option 1 and Option 2 Conservation by Design developments shall adjoin designated Greenway Land or face designated Greenway Land across a new street internal to the development.

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SECTION 1604: GREENWAY USE AND DESIGN STANDARDS

All Conservation by Design developments shall be subject to the following greenway use and design standards.

A. Greenway areas within a Conservation by Design development shall be identified and organized in accordance with the following minimum standards.

1. Hamiltonban Township Official Map: At a minimum, the greenway areas within a Conservation by Design development shall include all those lands identified on the Hamiltonban Township Official Map as “Potential Greenway / Buffer Lands.”

a. For Option 1 and Option 2 Conservation by Design developments, such lands shall be included in the required Minimum Greenway Land.

b. For Option 3 Conservation by Design development, such lands may be included within individual Estate Lots provides that such lands are not included within a Living Area of an Estate Lot.

2. Additional Greenway Area: Where additional Greenway area beyond that depicted on the Hamiltonban Township Official Map is required to meet the required Minimum Greenway Land standards of this Ordinance, such lands shall be identified and prioritized in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance, including but not limited to Section 801.A of said Ordinance. At a minimum, such process shall be initiated during the Conservation by Design Pre-Application meeting(s) and shall be refined during the Site Inspection and Four-Step Design Exercise. The Exiting Resources and Site Analysis Plan (ERSAP), the Prioritized List of Resources to be Conserved, and the Other Design Consideration shall be relied upon during this process.

B. Greenway areas within a Conservation by Design development shall be used in accordance with the following standards.

1. Conservation of land in its natural state (for example, woodland, fallow field, managed meadow, etc.).

2. Agricultural use, excluding Agribusiness Operations.

3. Forestry.

4. Neighborhood open space.

5. Active and passive recreation areas.

6. Water supply and sewage disposal systems.

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7. Stormwater management areas.

C. Greenway areas shall be designed and organized in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance, including but not limited to Sections 801.B and 908 of said Ordinance.

SECTION 1605: GREENWAY PROTECTION STANDARDS

All Conservation by Design developments shall be subject to the following Greenway area protection standards.

A. All Greenway areas shall be permanently conserved through a conservation easement to be held by the Township, land trust, or other comparable entity.

B. Said easement shall define the permitted uses of the Greenway areas, provided that such uses are consistent with the Greenway area permitted uses established in this Ordinance.

C. Said easement shall be recorded in the Office of the Adams County Recorder of Deeds.

SECTION 1606: GREENWAY OWNERSHIP STANDARDS

Ownership of Greenway areas within Conservation by Design development shall comply with one of the following ownership options.

A. Fee Simple Dedication to Township: All Greenway areas shall initially be offered for dedication to the Township. Should the Township agree to accept dedication of the Greenway areas, there shall be no cost of acquisition to the Township and the Township shall agree to accept and maintain any existing or proposed facilities within the Greenway area. Should the Township refuse the offer of dedication, one of the remaining ownership options of this Section shall be employed.

B. Homeowners' Association: Greenway areas may be held in common ownership subject to all of the provisions for homeowners' associations as set forth in state regulations and statutes.

C. Private, Non-Profit Conservation Organization: Greenway areas may transfer fee simple title to a private, non-profit conservation organization. Should this option be chosen, the required conservation easement shall be held by the Township, and the Township shall be provided the ability to enforce the provisions of the conservation easement and to maintain said Greenway land and any existing or proposed facilities within the Greenway area.

D. Non-Common Private Ownership: Greenway areas within Option 3 Conservation by Design developments may include the designated Greenway areas in non-common private ownership, provided that the required conservation easement is established.

E. Combination of Ownership Options: A combination of ownership options may be employed to address various components of the designated Greenway area.

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SECTION 1607: GREENWAY MAINTENANCE STANDARDS

Maintenance of Greenway areas within Conservation by Design development shall comply with the following standards.

- A. Maintenance responsibility of the Greenway areas shall be borne by the designated owner(s) of said Greenway areas. However, the holder of the required conservation easement shall be afforded the ability to conduct Greenway area maintenance should the designated owner(s) fail to do so.
- B. At the time of Preliminary Plan submission in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance, a Maintenance Plan for the designated Greenway areas shall be submitted. Such plan shall include the following.
1. Schedule of regular and periodic operation and maintenance activities for each component of the Greenway area.
 2. Estimate of funding the Greenway area operation and maintenance activities.
 3. Estimate of other costs associated with the designated Greenway areas. These may include, but are not necessary limited to, staffing and insurance costs.
 4. Estimate of cost of potential long-term capital improvements and the means for funding said improvements.
- C. The applicant shall be required to escrow with the Township sufficient funds to meet maintenance and operation costs of the designated Greenway area and associated facilities for one (1) year.
- D. The holder of the required conservation easement and/or the Township shall be afforded the ability to conduct Greenway area maintenance should the designated owner(s) fail to do so. Escrow funds may be used for this purpose.
- E. The Township may enter the premises to take corrective actions, including extended maintenance, should the owner(s) neglect to maintain the Greenway areas and associated facilities in a manner consistent with the conservation easement and/or the Maintenance Plan. The costs associated with such action shall be charged to the property owner and shall become a lien on the property.

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ARTICLE XVII

GENERAL REQUIREMENTS

SECTION 1700: STATEMENT OF LEGISLATIVE INTENT

The following standards shall be applied to all properties within Hamiltonban Township. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and signs standards.

SECTION 1701: CORNER LOTS

For all corner lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along each adjoining street. The rear setback standard shall be applied to the property line opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

SECTION 1702: DOUBLE FRONTAGE LOTS

For all double frontage lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along the adjoining street to which the property is addressed. The rear setback standard shall be applied along the street opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

SECTION 1703: CLEAR SIGHT TRIANGLE

No building, structure, sign, fence, landscape planting, or other property improvement regulated by this ordinance may be located within the required clear sight triangle at any street intersection.

SECTION 1704: ACCESSORY BUILDINGS

Accessory buildings shall be permitted in accordance with the following requirements.

- A. Accessory buildings shall be located in the side or rear yard. Accessory building shall not be authorized to be located in the front yard.
- B. Accessory buildings less than or equal to two hundred (200) square feet in size may be located within five (5) feet of any side or rear property line. Accessory buildings greater than two hundred (200) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district.

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C. Accessory building shall be subject to the building height standard of the underlying zoning district.

SECTION 1705: FENCES

Fences shall be permitted as an accessory structure in accordance with the following requirements.

A. Maximum Height – Front Yards: The maximum fence height in the OS, LC, RR, AP, SR, VM, V, and MC Districts shall be four (4) feet. The maximum fence height in the C and I Districts shall be six (6) feet.

B. Maximum Height – Side and Rear Yards: The maximum fence height in the OS, LC, RR, AP, SR, VM, V and MC Districts shall be six (6) feet. The maximum fence height in the C and I Districts shall be eight (8) feet.

C. For nonconforming uses, the maximum fence height shall be the maximum fence height authorized within the zoning district where the nonconforming use would be a permitted use.

D. Hazardous Attachments: No fence in the OS, LC, RR, AP, SR, VM, V and MC Districts or on residential properties in the C and I Districts shall include barbed wire or similar hazardous attachments. Nonresidential properties in the C and I Districts may include no more than three (3) strands of barbed wire or may include wrought iron spikes.

E. Electrification: No fence in any zoning district may be electrified. The following types of fences are exempted from this standard

1. Livestock fencing on a farm.
2. Fencing around a garden.
3. Deer fencing.
4. Invisible pet fencing.

F. Setbacks: Fences shall not be subject to the setback requirements of the underlying zoning district. However, fences shall be subject to a three (3) foot setback from any right-of-way along a public or private street or alley.

SECTION 1706: SWIMMING POOLS

Swimming pools shall be permitted as an accessory structure in accordance with the following requirements.

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- A. A Zoning Permit shall be required for any swimming pool constructed as a permanent fixture on the property. Inflatable swimming pools and kiddie pools that are placed and removed seasonally shall not be subject to this requirement.
- B. Swimming pools shall be located within a side or rear yard. Swimming pools shall not be permitted to be located in a front yard.
- C. Any swimming pool with a surface area of one hundred fifty (150) square feet or a depth greater than two (2) feet shall be surrounded by a fence or wall of no less than four (4) feet in height. All gates or doors through said fence shall be provided with a self-closing, self-locking mechanism. These standards shall not be applicable to above-ground swimming pools of at least three and one-half (3 ½) feet above ground level.

SECTION 1707: SOLAR PANELS

Use of solar panels shall be permitted as an accessory structure in all zoning districts in accordance with the following standards.

- A. Solar Panels – Roof Mounted: Roof mounted solar panels shall be permitted in accordance with the following standards.
1. Roof mounted solar panels shall comply with the maximum building height requirements of the zoning district where the installation of the solar panel is proposed.
 2. On pitched roofs, roof mounted solar panels shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar panel.
 3. On flat roofs, roof mounted solar panels may be installed at an angle to improve the efficiency of the solar panel with regard to the predominant sun angle provided that the solar panel is placed in a manner to minimize its visibility from street level. In no case may solar panels extend more than five (5) feet above the top of a flat roof.
- B. Solar Panels – Ground Mounted: Ground mounted solar panels shall be permitted in accordance with the following standards.
1. Ground mounted solar panels shall comply with the setback requirements of the district where the installation of the solar panel is proposed.
 2. Ground mounted solar panels shall not be permitted by-right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar panel in a front yard if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
 3. Ground mounted solar panels shall not exceed a height of ten (10) feet.

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4. Glare from ground mounted solar panels shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.

C. General Requirements – The following requirements shall apply to all solar panel installations.

1. Building Permit Required – The installation of solar panels shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

2. Purpose of Facility: The primary purpose of a solar panel installation shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

SECTION 1708: WIND TURBINES

Use of wind turbines shall be permitted as an accessory structure in all zoning districts in accordance with the following standards.

A. Performance Standards

1. Wind turbines shall be setback from all property lines a distance of one-half (1/2) the height of the tower supporting the wind generation facility.

2. The tower supporting the wind turbine shall not exceed one hundred fifty percent (150%) of the maximum building height for the zoning district where installation of the wind generation facility is proposed.

3. Wind turbines shall not be permitted in any front yard.

B. General Requirements – The following requirements shall apply to all wind turbine installations.

1. Building Permit Required – The installation of wind turbines shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

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2. Purpose of Facility: The primary purpose of a wind turbine installation shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

SECTION 1709: OUTDOOR WOOD-FIRED BOILERS

The use of outdoor wood-fired boilers shall be permitted as an accessory structure in accordance with the following standards.

A. Locations Authorized: The use of outdoor wood-fired boilers is permitted in the OS, LC, RR, AP, MC, C, and I Districts. The use of outdoor wood-fired boilers is not permitted in the SR, VM, and V Districts.

B. Performance Standards: The use of outdoor wood-fired boilers shall comply with the following performance standards.

1. Boiler Type: Only Phase 2 outdoor wood-fired boilers shall be permitted.
2. Setbacks: No outdoor wood-fired boiler shall be located closer than one hundred fifty (150) feet from any property line.’
3. Stack Height: All outdoor wood-fired boilers shall be installed with a permanent attached stack with a minimum stack height of ten (10) feet above ground level.
4. Fuel Requirements: Fuel for outdoor wood-fired boilers shall be limited to the following. Use of fuel sources not listed below shall be considered to be a violation of this Ordinance.
 - a. Clean wood.
 - b. Wood pellets made from clean wood.
 - c. Home heating oil, natural gas, propane, or other fuel that meets applicable sulfur limits and that is used sole as a starter or as supplemental fuel for dual-fired outdoor wood-fired boilers.
5. Number: There shall be no more than one (1) outdoor wood-fired boiler on any property.
6. Building Permit Required – The installation of outdoor wood-fired boilers shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any

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required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.

SECTION 1710: ON ROOF EQUIPMENT

Fans, skylights, cooling towers, vents, heating and cooling equipment, and any other similar on-roof equipment shall be effectively shielded from view from any public or private street by an architecturally sound method. Such method shall be documented on the Zoning Permit application for the building or building addition to which said on-roof equipment is associated.

SECTION 1711: HEIGHT REGULATION EXEMPTIONS

Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, silos, and similar structures shall be exempt from the maximum height regulations of this Ordinance.

SECTION 1712: PROJECTIONS INTO SETBACKS

The following standards shall be applied to instances where architectural or other related building features are proposed to extend into setbacks as may be established by this Ordinance.

- A. Cornices, canopies, eaves, or other similar architectural features may project into front, side, or rear setbacks a maximum of one (1) foot.
- B. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project into front, side, or rear setbacks and maximum of three (3) feet.
- C. The above requirements shall not be applied in a manner that would allow architectural or building features to project across a property line or into a street right-of-way.

SECTION 1713: RIPARIAN BUFFERS AREAS

The following standards shall be applicable to Riparian Buffer Areas in any location of the Township.

- A. Delineation: The Riparian Buffer Area shall be delineated in accordance with the following parameters.
 - 1. Second Order Streams: The minimum width of the Riparian Buffer Area shall be twenty-five (25) feet from the defined edge of the stream at bank full flow.
 - 2. Third Order and Higher Order Streams: The minimum width of the Riparian Buffer Area shall be fifty (50) feet from the defined edge of the steam at bank full flow.
 - 3. Riparian Buffer Map: The Riparian Buffer Areas shall be shown upon the map attached to and made part of this Ordinance, which map is dated, and designated as the

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“Hamiltonban Township Zoning Map – Riparian Buffer Areas.” The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein.

B. Management of Existing Riparian Buffers: Riparian Buffer Areas shall be managed in accordance the following provisions.

1. Where forest vegetation exists within a Riparian Buffer Area, such forest vegetation shall be maintained. Dead trees, diseased trees, or hazardous trees that jeopardize public safety may be removed.
2. Where forest vegetation does not exist within a Riparian Buffer Area, the vegetation that does exist shall be maintained in its current condition or be managed to allow forest succession and regeneration to occur.
3. Structural development and other non-vegetative cover shall be prohibited. Structural development and non-vegetative cover that exists as of the effective date of this Article shall be considered to be nonconforming and may be maintained in accordance with Section 2100.
4. Stream crossings for farm vehicles, livestock, roads, railroads, central sewer and water lines, and similar types of crossings may be permitted provided that applicable stream crossing permitting from the Pennsylvania Department of Environmental Protection or similar agency is obtained.
5. Fishing access and passive recreation use of Riparian Buffer Areas may be permitted.

C. Restoration of Riparian Buffer Areas: Where a property that includes a Riparian Buffer Area is proposed for development, or where such property is subject to an application for a change of land use that involves the development of new structural features (buildings, parking lots, stormwater management facilities, and similar features), the Riparian Buffer Area shall be restored in accordance with the following provisions.

1. Planting of Trees Required: The entire Riparian Buffer Area, minus any existing structural development such as buildings, parking lots, streets, or similar features, shall be restored by planting trees meeting the requirements Subsections 2 through 7 below.
2. Number of Trees Required: The number of trees to be planted shall be calculated by multiplying the Riparian Buffer Area, minus the area devoted any existing structural development and expressed in acres, by fifty-five (55) trees. Where the multiplication above yields a fractional portion of a tree, the calculation shall be rounded up.
4. Tree Credit: Where trees already exist within the Riparian Buffer Areas, such existing trees shall be credited to the total number of trees calculated in Subsection 2 above.

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5. Tree Species: Tree species chosen for planting in the Riparian Buffer Area shall be native to Pennsylvania and shall prefer wet growing conditions. Suitable trees include the following.

Common Name	Latin Name
Red Maple	Acer Rubrum
River Birch	Betula Nigra
Black Gum	Nyssa Sylvatica
Sycamore	Platanus Occidentalis
Pin Oak	Quercus Palustris
Sugar Maple	Acer Saccharum
Silver Maple	Acer Saccharinum
Black Willow	Salix Nigra
American Beech	Fagus Grandifolia
Smooth Alder	Alnus Serrulata

Other tree species may be chosen provided the applicant documents that said other tree species are native to Pennsylvania and offer the same growing characteristics as those listed above.

6. Mix of Tree Species: A mixture of tree species shall be chosen to encourage a diverse buffer from an ecological perspective. Mixture of tree species shall comply with the following scale.

Acres of Riparian Buffer Area	Minimum Number of Tree Species
0 to <1	2
1 to <2	3
2 to <3	4
3 to <5	5
5 to <10	6
10 or more	7

7. Standards at Time of Planting: Riparian Buffer Areas shall be planted in accordance with the following standards.

- a. Tree Spacing: Tree spacing within Riparian Buffer Areas shall be a maximum of forty (40) feet.
- b. Trees shall be planted as seedlings with a minimum height of eighteen (18) inches.
- c. Trees shall be sheltered and staked to prevent damage from competing plants, and from animals and / or maintenance equipment. At a minimum, the tree shelter shall be comprised of a four (4) foot tree tube. The tree tube shall be

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retained until such time that the tree achieves a height that precludes deer browsing damage.

8. Replacement: Should any trees that have been planted to meet the Riparian Buffer Area restoration requirements of this Section die or become damaged (due to animals, mowing, or other impacts) within three (3) years of said planting, such trees shall be replaced.

SECTION 1714: STEEP SLOPES

The following standards shall be applied to any property characterized by steep slopes.

A. Delineation: Steep slopes are hereby defined as any land area with a slope equal to or exceeding fifteen percent (15%). Very steep slopes are hereby defined as any land area with a slope equal to or exceeding twenty-five percent (25%). Steep slopes and very steep slopes shall be shown upon the map attached to and made part of this Ordinance, which map is dated, and designated as the "Hamiltonban Township Zoning Map – Steep Slope Areas." The said map and all notations, references, and other data shown therein are hereby incorporated into this Ordinance as if all were fully described herein. The delineated areas shall represent the minimum area within the Township for which the standards of this Section apply. Application of these standards to other areas of the Township may occur based on specific analysis or calculation of slopes on a given site.

B. Limitations on New Development: New development on property comprised of steep slope and very steep slope areas shall be limited by the following standards.

1. No building along with accessory improvements (including but not limited to parking lots, but not including agricultural fields, forestry, or resource extraction operations), shall be permitted to be constructed on a very steep slope. Where an entire property is comprised of very steep slope, the building or accessory improvements shall be located on the least steep portion of the property.
2. Buildings and accessory improvements may be permitted on a steep slope provided the following requirements are met.
 - a. There are no portions of the property not comprised of steep slope where building and accessory improvement placement is possible.
 - b. The maximum area of disturbance of any steep slope for building and accessory improvement placement shall not exceed twenty percent (20%) of the steep slope area.
3. No access drive, other than access drives associated with a farm or forestry operation, shall be constructed on a very steep slope. Where an entire property is comprised of very steep slope, the access drive shall be located in a manner that results in the lowest possible land area being used for said access drive.

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4. Access drives may be permitted on a steep slope provided the following requirements are met.

- a. There are no portions of the property not comprised of steep slope where driveway placement is possible.
- b. The maximum area of disturbance of any steep slope for location of an access drive shall not exceed ten percent (10%) of the steep slope area.
- c. Access drives shall roughly follow topographic contour lines rather than cross said contour lines in a perpendicular fashion.

C. Limitations on Developed Properties: Development on previously developed properties comprised of steep slope and very steep slope areas shall be limited by the following standards.

1. No building expansion or accessory improvements expansion (including but not limited to parking lots, but not including agricultural fields, forestry, or resource extraction operations), shall be permitted to be constructed on a very steep slope. Where an entire property is comprised of very steep slope, the building expansion or accessory improvements expansion shall be located on the least steep portion of the property.

2. Building expansions and accessory improvements expansions may be permitted on a steep slope provided the following requirements are met.

- a. There are no portions of the property not comprised of steep slope where building expansion and accessory improvement expansion is possible.
- b. The maximum area of disturbance of any steep slope for building expansion and accessory improvement expansion shall not exceed ten percent (10%) of the steep slope area.

3. No expansions or relocations of an access drive, other than access drives associated with a farm or forestry operation, shall be constructed on a very steep slope. Where an entire property is comprised of very steep slope, the access drive shall be located in a manner that results in the lowest possible land area being used for said access drive.

4. Expansions or relocation of access drives may be permitted on a steep slope provided the following requirements are met.

- a. There are no portions of the property not comprised of steep slope where driveway placement is possible.
- b. The maximum area of disturbance of any steep slope for location of an access drive shall not exceed five percent (5%) of the steep slope area.

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- c. Access drives shall roughly follow topographic contour lines rather than cross said contour lines in a perpendicular fashion.

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ARTICLE XVIII

GENERAL USE REQUIREMENTS

SECTION 1800: STATEMENT OF LEGISLATIVE INTENT

The following standards shall be applied to the specific listed uses, regardless of how said uses are authorized and where said uses are proposed within Hamiltonban Township. These provisions shall be applied by the Zoning Officer for uses permitted as a matter of right, or by the Zoning Hearing Board for uses permitted by special exception. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and sign standards.

SECTION 1801: REQUIREMENTS FOR SPECIFIC USES

A. Academic Clinical Research Center

1. An Academic Clinical Research Center may grow medical marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
2. External lighting, if proposed, shall comply with Section 1302.C.
3. Screens and Buffers shall be provided in accordance with Section 1302.A.
4. Parking shall be provided in accordance with Section 1900.UU and designed in accordance with Sections 1901.C through 1901.G.

B. Accessory Dwelling Units

1. No more than one (1) ADU shall be permitted on any property.
2. The maximum number of occupants of the ADU shall be two (2) persons. Minor children under age eighteen (18) and related to the occupants of the ADU by blood, adoption or foster relationship shall not count towards this limit.
3. The ADU shall not exceed fifty percent (50%) of the total residential living area of the existing dwelling or one thousand (1,000) square feet, whichever is less. The ADU shall not be less than four hundred (400) square feet.
4. The ADU shall meet the following architectural standards:
 - a. Attached ADUs shall be designed to maintain the architectural design, style, appearance and character of the existing dwelling as a single-family

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residence. Such an addition shall be consistent with the existing facade, roof pitch, siding and windows.

b. Detached ADUs (including manufactured dwelling units) shall be designed to maintain the architectural design, style, appearance and character of the existing primary dwelling on the lot.

c. Applicants shall submit a photo, rendering, or plan depicting the exterior of the proposed ADU.

5. The height of a detached ADU shall not exceed the height of the principal dwelling unit on the lot.

6. Each ADU shall have a kitchen and full bath.

7. The applicant shall contact the Adams County Tax Services Office to obtain an address for the ADU (whether attached or detached) and the applicant shall provide this information to the Zoning Officer prior to Zoning Permit approval.

8. The ADU shall be physically connected to and shall share the same sewage disposal system as the principal dwelling, unless such connection shall be prohibited by the Sewage Enforcement Officer. If sewage disposal is provided by an individual on-lot sewer system (whether or not connected to the system serving the principal dwelling), the applicant shall demonstrate that the total number of residents of the property does not exceed the maximum capacity(ies) for which the system(s) was (were) designed, unless the system(s) shall be suitably expanded. The applicant shall provide documentation confirming that the Sewage Enforcement Office has approved the sewage system to serve the ADU.

9. The applicant shall record, at the cost of the applicant, a memorandum of the decision of the Zoning Hearing Board granting such special exception. Such recorded memorandum shall indicate that the occupancy of the ADU shall be limited to permitted occupants as stated in Section 201, that the ADU shall not be rented to persons who are not related to the occupants of the principal dwelling, that detached ADUs shall be removed when it is no longer used by persons to related to the occupants of the principal dwelling or converted to a non-residential accessory use in accordance with the underlying Zoning District within one hundred eighty (180) days.

10. All ADUs shall be connected to a public sewer system or an on-lot septic system as approved by the Township Sewage Enforcement Officer.

11. All ADUs shall adhere to the following permitting requirements:

a. Zoning Permits for ADUs shall be issued for a period of no longer than one (1) year and must be renewed at the end of the first term of issuance and every such period thereafter.

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b. Renewal of said permits requires inspection of the ADU by the Zoning Officer or his/her designee.

c. If a permit for an ADU is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new Zoning Permit under the then current standards for the issuance of such permits.

d. Zoning Permits for ADUs shall be renewed when a change of occupancy is proposed.

C. Agribusiness Operation

1. Minimum lot size shall be fifty (50) acres. Where a lot is comprised of more than one tract, the owner of such tracts shall combine them under a single deed, which will preclude individual tracts being placed in separate ownership without processing a subdivision plan in accordance with the municipal subdivision and land development ordinance. The deed shall be recorded in the Adams County Register and Records Office, and a copy of such deed shall be included in the applicant's Special Exception application.

2. Setbacks: The following setbacks are required:

a. For new Agribusiness Operations, the structure housing the agribusiness operation shall be located no closer than two hundred (200) feet from any front property line, or from any public road center-line where the subject property is located on both sides of a public road. The structure housing the agribusiness operation shall be located no closer than one hundred (100) feet from any side or rear property line, no closer than one thousand (1000) feet from any dwelling or water well not owned by the owner of the Agribusiness Operation, and no closer than one thousand (1000) feet from any place of worship or school. For expansions of existing Agribusiness Operations, any additional building coverage shall not be located on the property in such a manner that would increase the degree of non-conformity of the existing operation, if such non-conformity exists, with the setback requirements established by this Section.

b. For new Agribusiness Operations or expansions of existing Agribusiness Operations, any manure storage facility shall be designed, located, and managed in accordance with the setback requirements established by the Pennsylvania Nutrient Management Law.

3. For new Agribusiness Operations, or expansions of existing Agribusiness Operations, which require a Nutrient Management Plan in accordance with the Pennsylvania Manure Management Law, the applicant shall demonstrate that such Plan has been prepared and submitted to the Adams County Conservation District for review

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prior to the Special Exception Hearing of the Zoning Hearing Board. Further, the applicant shall demonstrate that such Plan has been approved by the Adams County Conservation District prior to the issuance of the Zoning Permit in accordance with Section 2212 of this Ordinance.

4. A Water Supply Feasibility Report shall be prepared to demonstrate that sufficient water resources are available to serve the project without adversely affecting the area's groundwater supplies, specifically the groundwater supplies serving surrounding properties. The Report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.

5. The applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board, that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, poult, swine, shoats or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

6. A Land Development Plan shall be submitted to, and approved by, the local municipality in accordance with the local subdivision and land development ordinance. If the special exception application required by this Section precedes land development plan submission, approval of the land development plan shall be a condition of any special exception approval granted in accordance with this Section.

7. Areas designed for outdoor storage of pallets, machinery, or other materials, shall be provided a vegetative screen consisting of major deciduous trees, minor deciduous trees, evergreen trees, and/or shrubs. Such outdoor storage areas may also be screened by an earthen berm. The vegetative screen shall be of sufficient height to shield the storage area from view from public rights-of-way and adjoining properties.

D. Apartment Buildings

1. The maximum number of dwelling units in any Apartment Building shall be twelve (12).

2. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every external wall.

3. Parking for Apartment Buildings: Off-street parking shall not be located between the front façade of the building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations.

a. In a common parking lot located to the rear of the building.

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- b. In a common garage located underneath the building and accessed from the rear of the building.
 - c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.
 - d. A maximum of two access driveways are permitted to provide access a common parking area from public streets or main internal circulation driveways.
 4. Architectural styles and building materials shall be similar to those found in surrounding residential areas. An architectural rendering shall be supplied showing all architectural elements and indicating construction materials.
 5. Where an Apartment Complex comprised of two (2) or more Apartment Buildings is proposed, the following additional standards shall apply.
 - a. The front façade of any Apartment Building shall be no closer than thirty (30) feet to any façade of any other Apartment Building.
 - b. The side and rear facades of an Apartment Building shall be no closer than twenty (20) feet to the side and rear facades of any other Apartment Building.
- E. Banks and Financial Institutions with Drive Through Service
 1. The drive-through facility, including the drive-through lane, automated teller machine, and/or service window, shall be located to the side or rear of the financial institution building. In no instance may any component of the drive-through facility be located in the front yard.
 2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the BC and SR Districts.
 3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of six (6) vehicles waiting for window or automated teller machine service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.
- F. Bed and Breakfast
 1. A maximum of ten (10) guest rooms or suites are permitted in a Bed and Breakfast.
 2. Meals served at a Bed and Breakfast shall be limited to breakfasts.

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3. Cooking facilities are prohibited in all guest rooms or suites.
4. Common restrooms are permitted in the Bed and Breakfast. If common restrooms are used, a minimum of one (1) common restroom shall be provided for every two (2) guest rooms or suites.
5. Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the building and shall not detract from the residential use and character of the building.
6. Either the Bed and Breakfast owner or a designated operator shall maintain a permanent residence within the Bed and Breakfast.
7. Permitted Accessory Uses: Within a Bed and Breakfast, common rooms may be used for the following purposes: galley for local artists; sales of antiques, collectibles, or similar products; sales of locally produced crafts, artwork, or similar products; or coffee or tea room where coffee, tea, and light refreshments are served. No accessory use shall be permitted within rooms used as guest rooms. Where a permitted accessory use is proposed, hours of operation shall be limited to 11:00 AM to 6:00 PM.
8. The operator of the Bed-and-Breakfast must demonstrate that the Bed-and-Breakfast is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax.

G. Camp

1. All building associated with the camp shall be located at least fifty (50) feet from side and rear property lines and at least one hundred (100) feet from front property lines.
2. All recreation facilities associated with the camp shall be located at least fifty (50) feet from all property lines.
3. The maximum number of guests at a camp shall be defined as one (1) guest for every one (1) acre of the parent property where the camp is located.
4. The facilities associated with the camp, including but not limited to lodging, dining, meeting, and recreation facilities, shall be size to reflect the maximum permitted number of guests.
5. The camp shall include centralized garbage collection facilities. Said facilities shall be located at least one hundred (100) feet from any property line.
6. All water systems and sewage disposal system shall be approved and maintained in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

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H. Campground

1. All campsites and cabins shall be located at least fifty (50) feet from side and rear property lines and at least one hundred (100) feet from front property lines.
2. All recreation facilities and all accessory uses within a campground shall be located at least fifty (50) feet from all property lines.
3. The maximum number of campsites within a campground shall be five (5) campsites per acre.
4. The campground may include accessory retail or service uses, provided that such uses are designed and constructed solely to serve the needs of registered guests of the campground.
5. All campsites and all accessory uses within the campground shall be accessed from an internal access drive system.
6. Access drives shall be a minimum of twelve (12) feet in width for one-way access drives and twenty (20) feet in width for two-way access drives.
7. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreation facilities. Such facilities shall be maintained in safe and usable condition by the campground operator at all times.
8. All campgrounds with one hundred (100) or more campsites shall be access from an arterial or collector road as designated in the Southwest Adams Joint Comprehensive Plan.
9. Parking shall not be permitted on internal access drives. Parking required for individual campsites shall be incorporated into said individual campsites. Parking required for accessory uses of the campground shall be provided within parking lots devoted to said accessory uses.
10. The campground shall include an on-site office staffed with a person or persons responsible for operation of the campground.
11. The campground shall include centralized garbage collection facilities. Said facilities shall be located at least one hundred (100) feet from any property line.
12. All water systems, sewage disposal system (including rest rooms and recreational vehicle dump stations) shall be approved and maintained in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

I. Child Care Facility or Group Child Care

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1. An outdoor play area meeting the following standards shall be provided:
 - a. An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
 - b. Off-street parking lots shall not be used as outdoor play areas.
 - c. Outdoor play areas shall not be located within the front yard.
 - d. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties.
2. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
3. All Child Care Center or Group Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

J. Conference Center

1. Permitted Principal Uses: The following types of uses shall be authorized to be included within a Conference Center.
 - a. Hotels.
 - b. Indoor presentation facilities, which may include movie or live theaters, playhouses, and auditoriums.
 - c. Tourist information centers.
 - d. Restaurants and other food services.
2. Permitted Accessory Uses: Other accessory uses clearly intended to meet the needs of visitors to the Conference Center, and which may include but are not limited to the following.
 - a. Exercise and fitness clubs.
 - b. Child day-care.
 - c. Retail sales.
 - d. Indoor and outdoor recreation.

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3. The Conference Center shall be designed such that all buildings shall a common architectural theme. A common architectural theme shall be demonstrated through the use of common building proportions and materials employed for all buildings.
4. The Conference Center may be comprised of one (1) or more buildings within which the permitted principal uses are located. Permitted accessory uses shall be located within a building primarily designed to accommodate the permitted principal uses. In no case shall permitted accessory uses be permitted to occupy a building not primarily designed for a permitted principal use.
5. The Conference Center shall be provided with common access drives and common parking areas designed to serve the entire development. In no case shall separate access drives and/or separate parking lots intended to serve individual components of the Conference Center development be permitted.
6. A pedestrian network shall be provided within the Conference Center to connect all permitted principal and permitted accessory uses. The pedestrian network shall be comprised of sidewalks and/or asphalt walkways constructed to a minimum width of five (5) feet. The pedestrian network within a Conference Center shall be connected to any existing pedestrian network surrounding the development site to allow for convenient pedestrian access to services and amenities in close proximity to the development site.

K. Continuing Care Retirement Community

1. Permitted Uses: The following types of uses shall be authorized to be included within a CCRC.
 - a. Residential Uses: Three forms of residential arrangements shall be provided within a CCRC. Residential arrangements include Independent Living, Assisted Living, and Nursing or Skilled Units, and may be provided in accordance with the following.
 - (1) Independent Living Units may be of the single-family detached, single-family semi-detached, or multi-family dwelling unit types.
 - (2) Assisted Living Units may be of the multi-family dwelling unit type.
 - (3) Nursing or Skilled Units shall be located within a licensed facility providing medical care and related services.
 - b. Common Uses: The following common uses shall be permitted to be located within a CCRC.
 - (1) Dining Facilities, including central kitchens and dining areas for on-site preparation and serving of meals.

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(2) Recreation Facilities, including but not limited to activity rooms, auditoriums, lounges, and libraries.

(3) Health Care Facilities, including but not limited to physical therapy facilities and services, exercise room with equipment, swimming pools.

(4) Retail Sales uses intended to serve the residents and employees of the CCRC, provided that such retail sales uses do not exceed ten percent (10%) of the total floor area within the CCRC.

(5) Personal Service uses intended to serve the residents of the CCRC, provided that such personal service uses do not exceed five percent (5%) of the total floor area within the CCRC

(6) Professional Office uses intended to serve the residents of the CCRC, provided that such professional office uses do not exceed ten percent (10%) of the total floor area within the CCRC. Floor area devoted to medical or care services offered directly within a nursing or skilled care facility shall not be included in calculating this percentage.

(7) Chapels.

2. Bulk and Area Regulations: The following regulations shall be observed for CCRC developments.

a. Maximum Development Density: The maximum residential density of a CCRC development shall be defined by the density authorized in the zoning district where the CCRC development is proposed. The following weighting factors shall be employed when calculating project density.

(1) Each Independent Living Unit shall be counted as one (1) dwelling unit.

(2) Each Assisted Living Unit shall be counted as three quarters (3/4) of a dwelling unit.

(3) Each Nursing or Skilled Unit shall be counted as one half (1/2) of a dwelling unit.

b. Minimum Lot Size: The minimum lot size upon which a CCRC development may be proposed shall be ten (10) acres.

c. Maximum Impervious Coverage: Maximum Impervious Coverage for a CCRC development shall be sixty-five percent (65%).

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d. **Maximum Building Height:** Maximum building height shall be defined by the zoning district where the CCRC development is proposed.

e. **Building Placement:** A CCRC development shall be designed as a campus-like setting. Dimensional requirements are not established for individual residential or nonresidential use types, provided that the overall project density requirements established for CCRC developments are achieved and that the following dimensional requirements for the CCRC development are applied to the CCRC parcel as a whole.

(1) **Minimum Front Setback:** Twenty-five (25) feet.

(2) **Minimum Side Setback:** Ten (10) feet.

(3) **Minimum Rear Setback:** Twenty-five (25) feet.

(4) **Minimum Lot Width:** Two Hundred (200) feet.

(5) **Minimum Building Separation:** The following minimum building separation distances shall be applied to all buildings within the CCRC development.

- **Front to Front:** Fifty (50) feet.
- **Front to Side:** Twenty-five (25) feet.
- **Side to Side:** Fifteen (15) feet.
- **Side to Rear:** Twenty-five (25) feet.
- **Rear to Rear:** Fifty (50) feet.

3. **Design Requirements:** A CCRC development shall be subject to the following design standards.

a. **Dwelling Unit Standards:** The following standards shall be applied to all dwelling units within a CCRC development

(1) **Single Floor Dwellings:** A minimum of fifty percent (50%) of the dwelling units within a CCRC development shall provide a single-story living arrangement. For the purpose of this Section, an apartment unit on a second or third floor shall not be considered to have a single-story living arrangement unless elevator service is provided. Nursing or Skilled Units shall not be included in this calculation.

(2) **Accessible Dwellings:** A minimum of twenty-five percent (25%) of the dwelling units within a CCRC development shall be designed to be accessible to disabled or handicapped residents.

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(3) Single Family Attached Dwellings: All Single-Family Attached Dwellings shall meet the design requirements required Section 1801.RR.

(4) Apartment Dwellings and Nursing or Skilled Unit Buildings: All Apartment Dwellings shall meet the design requirements established in Section 1801.D.

b. Nonresidential Use Standards: The following standards shall be applied to all nonresidential uses within a CCRC development

(1) All nonresidential uses within a CCRC development shall be located in a central location within the community. The location of the nonresidential uses shall be connected to the pedestrian system within the development and shall be easily accessible for all residents.

(2) Nonresidential uses may be integrated into buildings devoted to Assisted Living Units and / or Nursing or Skilled Units.

(3) Where nonresidential uses are located in a building or buildings separate from residential buildings, the building(s) with the nonresidential uses shall have an architectural design that is consistent with and reflective of the architectural character of the residential buildings within the CCRC. Architectural renderings shall be submitted to document the required consistency.

c. Pedestrian Facilities: A pedestrian network shall be provided within the CCRC development to connect all dwelling units with all activity centers, designated open space, and any common facilities. The pedestrian network shall be comprised of sidewalks and/or asphalt walkways constructed to a minimum width of five (5) feet. The pedestrian network shall include benches and shelters at minimum intervals of five hundred (500) feet. The pedestrian network within a CCRC development shall be connected to the existing pedestrian network and facilities surrounding the development site to allow for convenient pedestrian access to services and amenities in close proximity to the development site.

d. Off-street parking for multifamily dwellings and nonresidential uses shall be provided in a common parking lot located to or rear of the use to which said parking is associated. Parking lots shall meet the design requirements of Section 1901.

e. A Landscaping Plan shall be developed for the entire CCRC development site. Three (3) Planting Units shall be provided for every dwelling unit within a CCRC development. Selected plants shall be native or naturalized to Pennsylvania. The Landscaping Plan shall be prepared by a Landscape Architect licensed to practice in Pennsylvania. Precise placement of plant elements is not required. However, the Landscaping Plan shall relate to the need to soften views

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of parking areas, garbage dumpster sites, and mechanical and utility equipment sites, and shall facilitate attractive outdoor recreation spaces.

L. Convenience Stores

1. The use shall be located on a lot abutting an arterial street.
2. Convenience stores may include fuel pumps and charging stations, which shall be at least twenty-five (25) feet from any existing and required future road right-of-way or fifty (50) feet from the road centerline, whichever is greater.
3. Convenience stores may include accessory components such as alcohol sales in accordance with applicable Pennsylvania Liquor Control Board regulations, lottery sales, food counter sales, and other uses that are clearly accessory to the function of the convenience store.
4. All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.
5. The outdoor display of products for sale at the establishment shall not be permitted except for under following conditions:
 - a. Propane tank display, ice machines, and DVD kiosks shall be permitted year round.
 - b. The temporary display and sale of flowers shall be permitted no more than one (1) week before Easter or Mother's Day. The temporary display and sale of fireworks shall be permitted no more than one (1) week before the Fourth of July.
 - c. All remnants of these temporary displays and sales, including but not limited to product, tents, trash receptacles and temporary signage shall be removed no later than three (3) days following Easter, Mother's Day or the Fourth of July respectively.
 - d. The required number of parking spaces for the convenience store use shall be maintained at all times. Under no circumstances shall these temporary sale events reduce the available number of parking spaces below the minimum amount required by this Ordinance.
6. A site circulation plan shall be devised that separates those vehicles waiting fueling service from those awaiting other services.
7. Any canopies over a vehicle fueling area shall share common architectural characteristics with the principal building, and shall be constructed with materials used for the principal building. The applicant shall submit architectural drawings to confirm the common architectural design and common materials.

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8. No canopy structure shall be illuminated. Any lighting designed to illuminate the area beneath the canopy structure shall be flush mounted. Light fixtures that extend below the horizontal plane made by the bottom edge of the canopy shall not be permitted.

M. Distribution Center

1. All operations, excluding truck loading and off-loading, shall be conducted within an enclosed building. Loading facility doors shall be closed at all times other than when a truck is loading or off-loading products.

2. There shall be no outdoor storage of products, including packaged products or products in delivery containers, being processed by the Distribution Center.

3. Access to the Distribution Center shall be from a Minor Arterial street as identified in the Southwest Adams Joint Comprehensive Plan.

4. Any overnight parking area for trucks shall be fully screened from view from any adjoining residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.

N. Environmental Education Center:

1. The maximum number of guests at an environmental education center shall be defined as five (5) guests for every one (1) acre of the parent property where the environmental education center is located.

2. The facilities associated with the environmental education center, including but not limited to classroom and meeting facilities, shall be sized to reflect the maximum permitted number of guests.

3. The retreat center shall include centralized garbage collection facilities. Said facilities shall be located at least fifty (50) feet from any property line.

4. All water systems and sewage disposal system shall be approved and maintained in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

O. Estate Lots

1. Living Area: A maximum of one and one-quarter (1 1/4) acres within an Estate Lot can be devoted to a single-family detached dwelling and customary accessory uses, including manicured lawn area. The Living Area shall be depicted on the subdivision plan creating the Estate Lot, as well as on any exhibit submitted for Special Exception review.

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2. The Living Area shall be located in an area free of sensitive environmental features including, at a minimum, floodplains, wetlands, slopes in excess of twelve percent (12%), and areas of prime agricultural soil as designated by the Adams County Soil Survey.
3. Disturbance to existing woodlands, hedgerows, mature tree stands, and other significant vegetation shall be minimized.
4. The portion of the Estate Lot exclusive of the Living Area shall be included in meeting the Open Land requirements of the zoning district where the Estate Lot is proposed.
5. Subdivision plans proposing a lot addition to a single-family detached residential lot of less than five (5) acres, and where the size of the parcel including the lot addition equals or exceeds five (5) acres, but is less than twenty-five (25) acres, shall be approved as an Estate Lot in conformance with the requirements of this Section.

P. Events Venue

1. The Events Venue shall be of a scale and intensity so that the use is compatible with existing or proposed uses on adjacent parcels, or in the immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.
2. For any Events Venues in the OS, LC, and AP Districts, or for any Events Venue located on agricultural or formerly agricultural lots, the use shall not interfere with the ability of the property to return to agricultural use in the future.
3. Minimum Lot Size: The minimum lot size required for an Events Venue depends on the zoning district where the Events Venue is proposed, in accordance with the following.
 - a. OS, LC, and AP Districts: Ten (10) acres.
 - b. All Other Districts: The minimum lot size shall be consistent with the minimum lot size established for the given zoning district.
4. Maximum Floor Area: The maximum floor area for all permanent structures associated with the Events Venue depends on the zoning district where the Events Venue is proposed, in accordance with the following.
 - a. OS, LC, and AP District: The maximum floor area shall be no more than five percent (5%) of the total lot area, or thirty thousand (30,000) square feet, whichever is less.
 - b. All Other Districts: None.

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5. Setbacks: The minimum setback for all permanent structures, parking, loading, and other outdoor use areas associated with the Events Venue depends on the zoning district where the Events Venue is proposed, in accordance with the following.
 - a. OS, LC, and AP Districts: Two hundred (200) feet from and residential property or from any property within the RR, SR, or VM Districts.
 - b. All Other Districts: The minimum setbacks shall be consistent with the minimum setback standards established for the given zoning district.
6. Off-street parking for the Events Venue shall be provided in accordance with Section 1900.S and shall be designed and installed in accordance with the requirements applicable to the zoning district where the Events Venue is proposed.
7. Events and activities must cease by 11:00 PM on Friday and Saturday, and 9:00 PM Sunday through Thursday.
8. The Events Venue shall be connected to a public sewer system or to an on-lot septic system as approved by the Township Sewage Enforcement Officer. In the case of connection to an on-lot septic system, such approval by the Sewage Enforcement Office shall be a condition of Special Exception by the Zoning Hearing Board if such approval has not been obtained by the applicant prior to the Special Exception public hearing.
9. The Zoning Hearing Board shall have the authority, in accordance with Section 2208.D, to limit hours of operation, limit the number of events per year, limit the number of attendees, require additional setbacks or buffering, and similar conditions to mitigate potential negative impacts of the proposed Events Venue on surrounding properties.

Q. Farm Equipment Sales Facility

1. A minimum lot area of two (2) acre and lot width of two hundred (200) feet shall be required.
2. No outdoor storage of equipment is permitted within fifty (50) feet of the right-of-way line or twenty-five (25) feet of the side or rear property lines.
3. A land development plan shall be approved in accordance with applicable requirements of the Hamiltonban Township Subdivision and Land Development Ordinance. If the special exception application required by this Section precedes land development plan submission, approval of the land development plan shall be a condition of any special exception approval granted in accordance with this Section.

R. Farm Market and/or Agricultural Tourism

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1. A Farm Market shall be intended to offer for sale primarily agricultural products produced either on the farm where the farm market is located or on other farms located within Adams County, as well as other agriculturally related products. A minimum of twenty-five percent (25%) of the sales from the Farm Market shall be agricultural or agriculturally-related products produced either on the farm or on surrounding farms within Adams County. A maximum of seventy-five percent (75%) of the sales from the Farm Market may be from products produced outside Adams County.

2. Agricultural Tourism is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural Tourism includes hay rides; corn or hay mazes; petting zoos comprised of farm animals; farm tours; historical or living history farms; farm museums; U-pick operations; tree farms; wineries, cideries, breweries, and distilleries (with tasting rooms and sales areas) that produce products derived from crops grown on the farm or on surrounding farms, or other operations deemed by the Zoning Hearing Board, upon Planning Commission review and recommendation, to be of the same general nature as the above uses. Agricultural Tourism uses may be operated as a stand-alone use or as an accessory use to a Farm Market.

3. The owner of the farm market / agricultural tourism use shall be the owner of the farm upon which the farm market / agricultural tourism use is located.

4. Farm Market and Agricultural Tourism uses shall be located on a Farm or on a property of at least five (5) acres in size on which agricultural products are grown or produced.

5. The maximum floor area of any structure devoted to a farm market / agricultural tourism use shall be fifteen thousand (15,000) square feet of publicly accessible sales activity area.

6. Within the Agricultural Preservation (AP) District, a farm market and/or agricultural tourism use shall contribute to the total number of uses or lots that may be developed on a property in accordance with the scale established in Section 702.A of this Ordinance.

7. Off-street parking and loading for farm markets and agricultural tourism uses shall be provided and designed in accordance with applicable requirements of Article XIX of this Ordinance. The amount of off-street parking for agricultural tourism uses to be provided shall be determined by the Zoning Hearing Board in accordance with testimony provided by the applicant regarding the anticipated volume of customer traffic associated with the agricultural tourism use.

S. Farm-Related Business

1. A Farm-Related Business is deemed to include one or more of the following and similar uses:

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- a. Specialty Foods Sales
 - b. Specialty Products Sales
 - c. Custom Butchering
 - d. Animal Care, including but not necessarily limited to farriers.
 - e. Taxidermists
 - f. Plant Nursery
2. The owner or other person having primary interest in the farm-related business shall be a full-time resident of the farm where the farm-related business is proposed to be located.
3. No more than four (4) persons, other than residents of the farm, shall be employed in the farm-related business on a full-time basis. During peak business periods, no more than five (5) additional persons, other than residents of the farm, shall be employed in the farm-related business on a part-time basis, provided that sufficient off-street parking, meeting the applicable requirements of this Ordinance, is provided for all employees on the site.
4. The portion of the farm devoted to all farm-related business shall not exceed two (2) acres or ten percent (10%) of the area of the farm, whichever is less.
5. The maximum floor area of any structure devoted to a farm-related business shall not exceed five thousand (5,000) square feet.
6. The proposed use shall be conducted entirely within an enclosed building. Outdoor display of products or merchandise shall be prohibited, except for Plant Nurseries and Specialty Food Sales.
7. Sale of food items or specialty products shall be limited to those produced on the premises and products relating to services performed on the premises.

T. Farm Stand

1. The Farm Stand structure Agricultural Products are sold shall not exceed one thousand (1,000) square feet in area. Sale of Agricultural Products from a structure in existence prior to the effective date of this Ordinance shall be exempted from this requirement.
2. Off-street parking shall be provided in accordance with applicable provisions of Article XIX.

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U. Farm Worker Housing

1. The occupants of the Farm Worker Housing facility shall be employed as laborers on the farm or agricultural operation where the Farm Worker Housing facility is located.
2. The owner of the property shall not lease the Farm Worker Housing facility dwelling unit(s) to persons not employed by the farm or agricultural operation.
3. The owner of the property shall maintain the Farm Worker Housing facility in compliance with any applicable Pennsylvania Department of Agriculture requirements or other state requirements for farm labor housing.

V. Food Trucks

1. **Application:** This section shall apply to Food Trucks conducting normal, day-to-day operations. This section shall not apply to Food Trucks that may set up as a part of a special event, festival, or similar occurrence.
2. **Location:** Food Trucks shall be located on private, nonresidential properties, and in accordance with the following standards.
 - a. Food Trucks shall not be placed within public rights-of-way.
 - b. Food Trucks shall not be placed within an entrance / exit driveway, or within a circulation drive on the site.
 - c. Food Trucks, including accessory customer parking and customer seating for Food Trucks, may be placed within parking spaces of a parking lot or within loading spaces, provided that the use of the parking or loading spaces by the Food Truck does not result in there being less than the minimum required parking or loading spaces for the principal use of the property.
3. **Authorization of Property Owner:** The owner of the property hosting the Food Truck shall provide express written consent for such use. The written consent shall be kept with the Food Truck at all times of operation.
4. Food Trucks shall be licensed by the Pennsylvania Department of Agriculture. Said license shall be displayed at all times of operation.
5. Food Trucks shall provide waste and recycle bins, which shall be removed by the operator at the close of each business day. The operator shall be responsible for picking up of all papers, wrappers, bottles or other refuse dropped by customers of the Food Truck.

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6. Signs: A business sign for the Food Truck is permitted in accordance with the following standards.

- a. The business sign shall be attached to the Food Truck.
- b. The business sign shall meet the area, height, and related standards established in Article XX for the zoning district where the Food Truck is proposed.

W. Group Home

1. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

2. The zoning permit application shall identify the following:

- a. The sponsoring agency.
- b. The address and telephone number of the sponsoring agency.
- c. A contact person of the sponsoring agency.
- d. The proposed number of residents.

3. There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the group home is intended.

4. Any medical or counseling services provided shall be done so only for residents.

5. There shall be no alteration to the outside of the structure that would alter the residential character of the dwelling, be inconsistent with the basic architecture styles of the surrounding neighborhood, or be otherwise incompatible with surrounding dwellings.

X. Heavy Industrial Uses

1. Proposed heavy manufacturing uses shall provide to the Township copies of all applicable State and Federal emission, disposal, operation, transportation and other permits required by State and/or Federal law before a zoning permit will be issued.

2. The outdoor storage of raw or finished materials or products shall be permitted provided that all materials and/or products are fully screened from view from all non-residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.

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3. Materials shall not be piled or stacked higher than the screening, landscaping and/or fence.
4. Where the site abuts a residential zone or district permitting residential use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential zone.

Y. Homestay

1. The maximum number of guest room or suite permitted within a Homestay shall be established as follows.
 - a. For Homestays on a property of less than one (1) acre, only one (1) guest room or suite shall be permitted.
 - b. For Homestays on a property of one (1) acre to five (5) acres, two (2) guest rooms or suites shall be permitted.
 - c. For Homestays on a property exceeding five (5) acres, any number of guest rooms or suites may be provided.
2. Any proposed Homestay shall be compatible with the neighborhood in which it is located in terms of landscaping, scale, and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.
3. The operator of the Homestay shall be the owner of the dwelling and permanently reside on the premises.
4. Guest rooms or suites shall meet current minimum room size and related dimensional requirements as may be defined in the Pennsylvania Uniform Construction Code, or similar applicable code.
5. The operator of the Homestay must demonstrate that the Homestay is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax.

Z. Home Occupations

1. A home occupation is deemed to include, but is not necessarily limited to, the following types of occupations: barber; hairdresser; dressmaker; milliner; professional office of attorney, architect, landscape architect, community planner, engineer, accountant, physician, dentist, realtor, insurance agent, clergyman, teacher, artist, horticulturist, or surveyor; clerical, typing and/or word processing services; family child care, specialty "Homemade Food" products, which require licensing for home production by a State and/or local health agency; and appliance repair, provided that no work may be performed out of doors and no appliances may be stored out of doors. Other occupations

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in addition to those listed above may be considered to be home occupations provided it is determined that such occupations are of the same general character as those occupations listed above.

2. The person conducting the home occupation shall reside within the dwelling located on the lot.
3. No more than two (2) persons other than family members who reside within the dwelling may be employed by the home occupation.
4. No more than twenty-five percent (25%) of the livable floor area of the dwelling may be devoted to the home occupation. Where the home occupation is operated either fully or partially within an accessory building on the lot, no more than five hundred (500) square feet of floor area in the accessory building may be devoted to the home occupation use. The applicant shall submit floor plans of the dwelling or the accessory building devoted to home occupation use. Said floor plans shall clearly depict the portion of the building devoted to home occupation use.
5. The dwelling or accessory building in which the home occupation is conducted shall retain a residential design and character. The applicant shall submit photographs of the existing building and shall submit architectural drawings of said building if an addition is proposed in support of the home occupation use. Said photographs and / or architectural drawings shall demonstrate that residential design and character will be retained.
6. For Family Child Care, the following additional standards shall be applied.
 - a. An outdoor play area meeting the following standards shall be provided:
 - (1) An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
 - (2) Off-street parking lots shall not be used as outdoor play areas.
 - (3) Outdoor play areas shall not be located within the front yard.
 - (4) Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties.
 - b. Family Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

AA. Infill Development

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1. The Infill Development shall be comprised of a use (or mixture of uses where permitted) that is permitted in the underlying zoning district.
2. The Infill Development building shall be oriented to the front of the lot and along a public street.
3. Entrances to nonresidential uses within the Infill Development building shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses, or may be taken from individual entrances. Where the Infill Development building is located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.
4. Entrances to residential uses may be located at any location, provided the following standards are met.
 - a. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.
 - b. Any residential entrance not located along the front of the Infill Development building shall be connected to the public sidewalk at the front of the building by an access sidewalk.
5. The height of an Infill Development building shall be within ten percent (10%) of the average building height of the buildings immediately surrounding the site, provided that the Infill Development building is a minimum of two stories.

BB. Junk Yard: All applications for Junk Yards shall comply with the Hamiltonban Township Junkyard Ordinance, Ordinance No. 2 of 1963, as may be amended, of the Hamiltonban Township Code.

CC. Landfills

1. The landfill use shall be properly permitted through the Pennsylvania Department of Environmental Protection. Receipt of required state permitting shall be a condition of any approval authorized within the context of this Ordinance.
2. Site Access
 - a. The landfill use shall be accessed from a paved road that connects the operation to an arterial road as defined in the Southwest Adams Joint Comprehensive Plan.

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- b. The pavement of the connecting road shall be no less than three (3) inches thick, and the connecting road shall be no less than twenty (20) feet in width.
 - c. All truck and equipment traffic to and from the landfill use shall use this connecting road.
 - d. A maintenance bond of fifty percent (50%) of the full cost of repaving the extent of the connecting road used by the landfill operation shall be provided to the Township in a form approved by the Board of Supervisors. In lieu of a maintenance bond, an escrow account may be established, based on an agreement approved by the Board of Supervisors, to deposit funding sufficient to cover fifty percent (50%) of the full cost of repaving the connecting road. The Zoning Officer shall confirm the establishment of either the maintenance bond or the escrow account prior to approving any Zoning Permit to allow the establishment or expansion of a landfill use. The amount of the maintenance bond or escrow account shall be reviewed annually by the Township and adjusted when necessary to ensure that fifty percent (50%) of the repaving cost of the connecting road continues to be available.
3. No component of the landfill operation may be conducted within three hundred (300) feet of any right-of-way line of a public road. No component of the landfill operation may be conducted within five hundred (500) feet of any principal building on surrounding properties.
4. Vegetative screening shall be provided along all property boundaries and along all road rights-of-way adjoining the property where the landfill use is conducted. Said screening shall be provided by one of the following two means.
- a. A minimum of three (3) rows of trees, shrubs, or other vegetation shall be planted to produce the effective visual screen. No less than fifty percent (50%) of such plantings shall be evergreen plantings.
 - b. At least two (2) different species of trees, shrubs, or other vegetation shall be used. Selected plants shall be native or naturalized to Pennsylvania. Selected species shall be tolerant to insects and diseases common in the area.
 - c. The plantings shall be capable of producing an effective visual screen of at least ten (10) feet in height within five (5) years of planting.
 - d. Replacement of plantings that die shall occur for as long as the landfill use remains in operation.
 - e. Existing forest may be used in lieu of vegetative screening provided that said forest provides the same degree of visual screening as the otherwise required plantings.

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5. Security
 - a. Fencing shall be provided at all vehicle access points to the landfill operation.
 - b. Gates that can be locked to prevent unauthorized entry to the landfill operation during times of non-operation shall be provided.
 - c. Security lighting shall be required at all vehicle access points. This shall include, but is no limited to, the front gate, the scale house, and any other points of public entry.
 - d. Warning signs identifying the nature of the landfill operation shall be conspicuously posted around the perimeter of the operation.
6. Operation Plan: An operation plan shall be submitted that includes the following components.
 - a. Procedures to be followed to maintain compliance with all applicable Pennsylvania Department of Environmental Protection rules and regulations. This component must address, at a minimum, the procedures to address erosion and sedimentation control, protection of ground and surface water quality, and site closing and reclamation upon completion of the landfill use.
 - b. A schedule of operational hours. Such schedule shall demonstrate that no component of the operation shall occur between the hours of 6:00 PM and 7:00 AM prevailing time.
 - c. Procedures for the removal of mud, debris, or refuse from any public road resulting from traffic entering or exiting the landfill site. Such mud or debris shall be removed at the end of each working day, or more frequently if needed during the working day. At a minimum, the landfill use shall include a wash-down facility of other similar facility to remove mud, debris, or refuse from any vehicle existing the landfill site to a public road.
7. Any Special Exception approval for a landfill shall include a condition that the application receive all applicable Pennsylvania Department of Environmental Protection approvals and any similar state approvals. Further, such approvals shall be obtained by the applicant before any Zoning Permit approval for the landfill use is approved.

DD. Medical Marijuana Dispensary

1. The Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.

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2. The Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.
3. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.
4. The Medical Marijuana Dispensary shall have a single secure public entrance and shall implement security measures to prevent the theft of marijuana and to prevent the unauthorized entrance into areas containing medical marijuana.
5. The Medical Marijuana Dispensary shall not include any of the following functions or features.
 - a. Drive-through service or facilities.
 - b. Outdoor seating areas.
 - c. Outdoor vending machines.
 - d. Direct or home delivery service.
6. The Medical Marijuana Dispensary shall prohibit the administration of, or the consumption of, medical marijuana on the premises.
7. The Medical Marijuana Dispensary may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
8. The Medical Marijuana Dispensary shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the Medical Marijuana Dispensaries are conducted or proposed to be conducted, regardless of municipality in which it is located.
9. External lighting, if proposed, shall comply with Section 1202.F.
10. Screens and Buffers shall be provided in accordance with Section 1202.E.
11. Parking shall be provided in accordance with Section 1900.XX and designed in accordance with Sections 1901.C through 1901.G.
12. Loading areas shall be provided in accordance with Sections 1902 and 1903.

EE. Medical Marijuana Grower / Processor

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1. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
 2. The Medical Marijuana Grower / Processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
 3. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
 4. The Medical Marijuana Grower / Processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
 5. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
 6. A water supply feasibility report, prepared in accordance with Section 907 of the Hamiltonban Township Subdivision and Land Development Ordinance, shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. In addition to meeting all requirements of Section 907 of the Subdivision and Land Development Ordinance, the report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Medical Marijuana Grower / Processor facility. The report shall be prepared by a licensed hydrogeologist.
 7. External lighting, if proposed, shall comply with Section 1302.C.
 8. Screens and Buffers shall be provided in accordance with Section 1302.B.
 9. Parking shall be provided in accordance with Section 1900.HH and designed in accordance with Sections 1901.C through 1901.G.
 10. Loading areas shall be provided in accordance with Sections 1902 and 1903.
- FF. Medical Marijuana Transport Vehicle Service

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1. Any medical marijuana storage, including temporary storage, at a Medical Marijuana Transport Vehicle Service facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.
2. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall be equipped with a locking cargo area.
3. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport medical marijuana.
4. External lighting, if proposed, shall comply with Section 1302.C.
5. Screens and Buffers shall be provided in accordance with Section 1302.B.
6. Parking shall be provided in accordance with Section 1900.Q and designed in accordance with Sections 1901.C through 1901.G.
7. Loading areas shall be provided in accordance with Sections 1902 and 1903.

GG. Mixed Use Buildings

1. Entrances to nonresidential uses within a Mixed-Use Property building shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses, or may be taken from individual entrances. Where the Infill Development building is located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.
2. Entrances to residential uses in a Mixed-Use Property building may be located at any location, provided the following standards are met.
 - a. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.
 - b. Any residential entrance not located along the front of the Mixed-Use Property building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

HH. Mobilehome Parks: All applications for Mobilehome Parks shall comply with the design and performance standards for Mobilehome Parks as established in the Hamiltonban Township Subdivision and Land Development Ordinance (Ordinance No. 07 of 2012, as amended).

II. No-Impact Home Based Businesses

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1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.

JJ. Produce Stand

1. The Produce Stand structure from which Agricultural Products are sold shall not exceed five hundred (500) square feet in area. Sale of Agricultural Products from a structure in existence prior to the effective date of this Ordinance shall be exempted from this requirement.
2. Off-street parking shall be provided in accordance with applicable provisions of Article XIX.

KK. Recycling Facility

1. All operations, including collection, shall be conducted within an enclosed building. Access doors for trucks shall be closed at all times other than when a truck is off-loading materials to be recycled or on-loading process materials.
2. There shall be no outdoor storage of materials collected, used, or generated by the Recycling Facility.

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3. The operator shall document with the Township a written explanation describing the scope of the operation and the measures to be used to mitigate any problems associated with noise, fumes, dust, or litter. Such written explanation shall include a detailed explanation of site maintenance and stray debris collection.

4. Access to the Recycling Facility shall be from a roadway classified as no less than a Minor Arterial street as identified in the Southwest Adams Joint Comprehensive Plan.

5. Any Special Exception approval for a Recycling Facility shall include a condition that the application receive all applicable Pennsylvania Department of Environmental Protection approvals and any similar state approvals. Further, such approvals shall be obtained by the applicant before any Zoning Permit approval for the use is approved.

LL. Rental Storage

1. The minimum aisle width between buildings shall be twenty-four (24) feet.

2. Aisles shall be designed to enable large vehicle movement through the site. The applicant shall submit a graphic depicting truck turning movements to demonstrate that large vehicles can move through the site without contacting buildings or being forced to make reverse movements.

3. Aisles shall be paved. Suitable paving material shall be asphalt or concrete.

4. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.

5. No business or other activity other than leasing of storage units shall be conducted on the premises.

6. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.

7. Outdoor vehicle storage is permitted and shall comply with the following requirements.

a. Outdoor vehicle storage shall be screened to prevent view from adjacent streets, residential uses, or land within the VC or SR Districts.

b. A maximum of twenty percent (20%) of the total site area may be used for outdoor vehicle storage.

c. Stored vehicles shall not interfere with traffic movement through the facility.

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- d. Spaces for outdoor vehicle storage shall be marked in manner consistent with Section 1901.E.
8. The facility shall be surrounded by a fence of at least six (6) feet but not more than eight (8) feet in height.
9. Lighting shall be arranged so as to prevent direct view of the light source from adjoining properties and/or public right-of-ways.
10. A landscaped buffer of no less than ten (10) feet in width shall be provided around the perimeter of the facility. At least one (1) major deciduous tree shall be planted for every twenty foot segment of the buffer.

MM. Resource Extraction

1. The resource extraction use shall be properly permitted through the Pennsylvania Department of Environmental Protection. Receipt of required state permitting shall be a condition of any approval authorized within the context of this Ordinance.
2. Site Access
 - a. The resource extraction use shall be accessed from a paved road that connects the operation to an arterial road as defined in the Southwest Adams Joint Comprehensive Plan.
 - b. The pavement of the connecting road shall be no less than three (3) inches thick, and the connecting road shall be no less than twenty (20) feet in width.
 - c. All truck and equipment traffic to and from the resource extraction use shall use this connecting road.
 - d. A maintenance bond of fifty percent (50%) of the full cost of repaving the extent of the connecting road used by the resource extraction operation shall be provided to the Township in a form approved by the Board of Supervisors. In lieu of a maintenance bond, an escrow account may be established, based on an agreement approved by the Board of Supervisors, to deposit funding sufficient to cover fifty percent (50%) of the full cost of repaving the connecting road. The Zoning Officer shall confirm the establishment of either the maintenance bond or the escrow account prior to approving any Zoning Permit to allow the establishment or expansion of a resource extraction use. The amount of the maintenance bond or escrow account shall be reviewed annually by the Township and adjusted when necessary to ensure that fifty percent (50%) of the repaving cost of the connecting road continues to be available.
3. No component of the resource extraction operation, other than borrow pits for highway construction purposes, may be conducted within the following areas.

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- a. Within one hundred (100) feet of any right-of-way line of a public road.
 - b. Within three hundred (300) feet of any occupied dwelling or any commercial or industrial building unless released by the owner thereof.
 - c. Within three hundred (300) feet of any public building, school, community, or institutional building.
 - d. Within three hundred (300) feet of a public park.
 - e. Within one hundred (100) feet of a cemetery.
 - f. Within one hundred (100) feet of the bank of a perennial or intermittent stream.
4. Screening shall be provided along all property boundaries and along all road rights-of-way adjoining the property where the resource extraction use is conducted. Said screening shall be provided by one of the following two means.
- a. Vegetative Screening
 - (1) A minimum of three (3) rows of trees, shrubs, or other vegetation shall be planted to produce the effective visual screen. No less than fifty percent (50%) of such plantings shall be evergreen plantings.
 - (2) At least two (2) different species of trees, shrubs, or other vegetation shall be used. Selected species shall be tolerant to insects and diseases common in the area.
 - (3) The plantings shall be capable of producing an effective visual screen of at least ten (10) feet in height within five (5) years of planting.
 - (4) Replacement of plantings that die shall occur for as long as the resource extraction use remains in operation.
 - (5) Existing forest may be used in lieu of vegetative screening provided that said forest provides the same degree of visual screening as the otherwise required plantings.
 - b. Earthen Mounds
 - (1) Such mounds shall be located no closer than fifty (50) feet from a property line or any road right-of-way line.

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(2) Such mounds shall be no less than twenty (20) feet nor more than forty (40) feet in height.

(3) Such mounds shall be seeded to provide a grass or comparable vegetative cover within one (1) growing season. In no case will the use of a bare dirt or rock mound be authorized.

5. Security: The following security measures shall be applied at the resource extraction site.

a. Fencing: Fencing shall be established around the perimeter of the site. The fencing shall be located behind the vegetative or earthen mound screening required by Section 1801.MM.4. The fencing shall be a minimum of six (6) feet in height, and be constructed of wire mesh fabric with a top strand of barbed wire.

b. Gates: All access points to the resource extraction use shall be provided with gates that can be locked to prevent unauthorized entry during periods of non-operation.

c. Warning signs identifying the nature of the resource extraction operation shall be conspicuously posted around the perimeter of the operation.

6. Operation Plan: An operation plan shall be submitted that includes the following components.

a. Procedures to be followed to maintain compliance with all applicable Pennsylvania Department of Environmental Protection rules and regulations. This component must address, at a minimum, the procedures to address erosion and sedimentation control, protection of ground and surface water quality, and site closing and reclamation upon completion of the resource extraction use.

b. A schedule of operational hours. Such schedule shall demonstrate that any required blasting shall be confined between the hours of 8:00 AM and 5:00 PM prevailing time.

c. Procedures for the removal of mud or debris from any public road resulting from traffic entering or exiting the resource extraction site. Such mud or debris shall be removed at the end of each working day, or more frequently if needed during the working day.

d. Dust Control.

(1) Access drives internal to the resource extraction site shall be maintained with a dustless surface from any intersection with a public road right-of-way to a point no less than one hundred (100) feet from said public road right-of-way.

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(2) Stockpiling of materials shall be located and conducted in a manner that prevents dust from blowing onto adjacent properties.

7. Any Special Exception approval for a Resource Extraction use shall include a condition that the application receive all applicable Pennsylvania Department of Environmental Protection approvals and any similar state approvals. Further, such approvals shall be obtained by the applicant before any Zoning Permit approval for the use is approved.

NN. Restaurants with Drive Through Service

1. The drive-through facility, including the drive-through lane, ordering intercom or window, and product delivery window shall be located to the side or rear of the restaurant building. In no instance may any component of the drive-through facility be located in the front yard.

2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the OS, LC, RR, AP, SR, VM, and V Districts.

3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of eight (8) vehicles waiting to place an order. The lane shall include sufficient length to allow for stacking of a minimum of two (2) vehicles waiting to receive an order. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

OO. Retail Sales with Drive-Through Service

1. The drive-through facility, including the drive-through lane and/or service window, shall be located to the side or rear of the retail store building. In no instance may any component of the drive-through facility be located in the front yard.

2. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the OS, LC, RR, AP, SR, VM, and V Districts.

3. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of four (4) vehicles waiting for window service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

PP. Retreat Center

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1. All building associated with the retreat center shall be located at least fifty (50) feet from side and rear property lines and at least one hundred (100) feet from front property lines.
2. All recreation facilities associated with the retreat center shall be located at least fifty (50) feet from all property lines.
3. The maximum number of guests at a retreat center shall be defined as one (1) guest for every two (2) acres of the parent property where the camp is located.
4. The facilities associated with the retreat center, including but not limited to lodging, dining, meeting, and recreation facilities, shall be size to reflect the maximum permitted number of guests.
5. The retreat center shall include centralized garbage collection facilities. Said facilities shall be located at least one hundred (100) feet from any property line.
6. All water systems and sewage disposal system shall be approved and maintained in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

QQ. Shopping Center

1. The Shopping Center shall operate under unified management, which shall have sole responsibility for operation and maintenance of the Shopping Plaza.
2. The Shopping Center shall be designed with a unified architectural theme. Consistent building dimensions, materials, and roof-lines shall be proposed for all uses within the Shopping Center.
3. The primary entrance to the Shopping Center shall be provided from a roadway with a classification no less than a Minor Arterial street as identified in the Southwest Adams Joint Comprehensive Plan.
4. An internal pedestrian system shall be designed that will enable customers to move from any tenant within a Shopping Center to any other tenant without having to traverse vehicle parking spaces, parking space aisles, loading areas, or other non-pedestrian areas.

RR. Single Family Attached Dwellings

1. No building within which Single-Family Attached Dwellings are proposed shall include more than six (6) dwelling units.

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2. In addition to the setback and yard requirements of the underlying zoning district, buildings within a Single-Family Attached Dwellings are proposed shall meet the following building separation requirements.
 - a. No front façade shall be closer than thirty (30) feet to any other front façade.
 - b. The side and rear facades shall be no closer than twenty (20) feet to any other side or rear facades.
3. Within any building within which Single-Family Attached Dwellings are proposed, no individual dwelling unit shall have a building footprint placed at the same distance from the front lot line, the street line, access drive line, or other feature defining the front of the dwelling as an adjoining individual dwelling. The building footprint of adjacent dwellings shall vary by no less than two (2) feet and no more than four (4) feet to create a “staggered” appearance of the individual dwelling units. Further, the roof plane shall vary from dwelling unit to dwelling unit in a manner consistent with the variation in the location of the front and rear of the building footprint.
4. There shall be, for any building within which Single-Family Attached Dwellings are proposed, at least three (3) different architectural plans having substantially different designs, building materials, and exterior and floor elevations.
5. All Single-Family Attached Dwellings shall comply with the following architectural requirements:
 - a. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.
 - b. A minimum roof pitch of no less than four-to-twelve (4/12) shall be used.
 - c. Eaves shall be provided on all buildings within which Single-Family Attached dwellings are proposed. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.
 - d. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual dwelling units of a building consisting of Single-Family Attached Dwellings. In no event shall the building façade transition from one dwelling unit to another without a distinct visual or architectural break between the two units.
6. On any building within Single-Family Attached Dwellings are proposed, all individual dwelling units shall share a common roof shingle material and color.

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7. Parking: Off-street parking shall be located in accordance with the following requirements.

- a. In a common parking lot located to the rear of the building.
- b. In a common garage located underneath the building and accessed from the rear of the building.
- c. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.
- d. The only exception to this standard will be for a quadplex or similar form of single-family attached dwelling. In this case only, a parking space for one (1) of the units within the building may be accessed from the front of the overall building.

SS. Solar Energy Production Facility

1. The facility shall receive Land Development Plan approval from the Township in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, and Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.
2. The structures comprising the facility shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the lot. In no event shall wooded acreage comprising more than two percent (2%) of the deeded acreage of the lot be removed.
3. No portion of the facility, exclusive of access driveways to the facility, shall be located within the Airport Overlay (AO) District of this Ordinance.
4. No portion of the facility, exclusive of access driveways to the facility, shall be located within the Floodplain Overlay (FO) District of this Ordinance. No portion of the facility, including access driveways to the facility, shall be located within a designated wetland.
5. The location of solar arrays and all other accessory structures and buildings shall be subject to fifty (50) foot setbacks from all property lines, or to the setback requirements of the underlying zoning district, whichever is greater.
6. Solar arrays shall not exceed twenty (20) feet in height. For fixed solar arrays, height shall be measured at the highest point of the solar array above ground level. For solar arrays designed to be able to change the angle of the individual solar panels, height shall be measured with the solar array oriented at maximum tilt.

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7. The facility shall be subject to the maximum lot coverage standard of the underlying zoning district within which the facility is proposed. The total surface area of all solar arrays shall be considered as lot coverage. For fixed solar arrays, total surface area shall be measured as the ground area directly under the solar array in its installed condition. For solar arrays designed to be able to change the angle of individual solar panels, total surface area shall be measured as the ground area directly under the solar array when oriented parallel to the ground.
8. The facility shall not be artificially illuminated except to the extent required by safety or by any applicable federal, state or local authority.
9. On-site power collection lines shall be installed underground.
10. The facility shall be enclosed by a fence, barrier, or similar structure with a minimum height of eight (8) feet to prevent or restrict unauthorized persons or vehicles from entering the property.
11. Clearly visible warning signs shall be placed on the required fence, barrier, or similar structure to inform individuals of potential voltage hazards.
12. A twenty-five (25) foot wide, densely planted, landscaped buffer shall be installed around the outside of the required fence, barrier, or similar structure. Such buffer shall meet the following requirements.
 - a. The landscaped buffer shall include a combination of evergreen trees, deciduous trees, and shrubs, arranged in a manner to replicate a natural woodland.
 - b. The evergreen trees and the deciduous trees shall not be a lesser height than that of the solar array(s) at time of planting.
 - c. All trees and shrubs shall be native to Pennsylvania.
 - d. Should the facility be located next to an existing wooded area with a width that exceeds the buffer width requirement of this Section, the existing wooded area may be considered to be the required landscaped buffer.
13. The facility shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as toward any adjacent street rights-of-way.
14. The facility shall be completely decommissioned by the facility owner within twelve (12) months after the end of the useful life of the facility. Decommissioning of the facility shall meet the following requirements.
 - a. Decommissioning shall include removal of all solar arrays, buildings, cabling, electrical components, roads, foundations, pilings, and any other

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associated facilities, so that the ground upon which the facility was located is again available for new uses.

b. Disturbed earth shall be graded and reseeded unless the landowner requests in writing that the access roads or other land surface areas not be restored. Such request shall be provided to the Township prior to the start of the decommissioning process.

c. The owner of the facility shall secure the costs of decommissioning by appropriate bond, letter of credit, or escrow agreement satisfactory to Hamiltonban Township. Such estimate of costs shall be submitted by the owner and subject to approval by Hamiltonban Township prior to approval of the Land Development Plan for the site.

TT. Vacation Rental

1. Any proposed Vacation Rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.

2. The operator of the Vacation Rental shall, at all times while the property is being used as a Vacation Rental, maintain a contact person/entity within a fifteen (15) minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the Vacation Rental.

3. A written notice shall be conspicuously posted inside each Vacation Rental unit setting forth the name, address and telephone number of the contact person required in Subsection 2 above. The notice shall also set forth the address of the vacation rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.

4. The number of overnight occupants shall be limited to two persons per available guest room or suite.

5. Guest rooms or suites shall meet current minimum room size and related dimensional requirements as may be defined in the Pennsylvania Uniform Construction Code, or similar applicable code.

6. Off-street parking shall be provided in accordance with Section 1900.HHH. Where the number of required parking spaces is such that a parking lot is required in accordance with Section 1901.A, such parking lot shall be designed in accordance with the requirements of Section 1901. Further, the parking lot shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

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7. The operator of the Vacation Rental must demonstrate that the Vacation Rental is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax, as may be reenacted or amended.

UU. Wireless Communication Facilities – Co-location – Inside Public Right-of-Way.

1. Location: An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to, existing tower based wireless communications facilities, telephone and/or electric utility poles, and light poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

2. Siting Requirements: Co-location of wireless communication facilities shall meet the following siting criteria:

a. The co-location of the communication facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.

b. The facility and equipment shall not limit the public use of the right-of-way.

c. The facility and equipment shall not be located within two (2) feet of the street cartway.

d. Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.

3. Stealth Technology: The most current Stealth Technology available shall be used to minimize aesthetic impact of collocated wireless communications facility within the surrounding environment. The Stealth Technology chosen by the applicant shall be subject to approval by the Township.

4. Time, Place, and Manner: The Township shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all collocated wireless communication facilities within the rights-of-way of Township roads or other Township rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Township's decision regarding time, place, and manner of work shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

5. Removal or Relocation: The Township shall have the ability to require the removal or relocation of co-located wireless communications facilities from within the rights-of-way of Township roads or other Township rights-of-way. Within sixty (60)

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days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the owner of co-located wireless communication facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Township may, consistent with its police powers and applicable Public Utility Commission regulations, required such removal or relocation under the following circumstances.

- a. The construction, repair, maintenance, or installation of any township or other public improvements in the right-of-way.
- b. The operations of the Township or other governmental entity in the right-of-way.
- c. Vacation of a road or release of a utility easement.
- d. An emergency as determined by the Township.

6. Reimbursement for Right-of-Way Use: The Township shall have the ability to subject the owner of every co-located communications facility in a public right-of-way to a fair and reasonable use an occupancy fee, as may be fixed annually by the Township. Such compensation for right-of-way use shall be directed related to the Township's actual right-of-way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Township. The owner of each co-located wireless communication facility shall pay an annual fee to the Township to compensate the Township for costs incurred in connection with such management activities.

7. Review Period: The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

- a. Small Wireless Facility: Sixty (60) days from date of application. This time frame includes multiple deployments on existing poles within public right-of-way and on existing structures outside the public right-of-way per Section 1801.VV of this Ordinance.
- b. Applications for multiple deployments that contain Small Wireless Facilities on existing structures within public right-of-way and Small Wireless Facilities in any other location as regulated by this Ordinance: Ninety (90) days from date of application.
- c. Facility other than a Small Wireless Facility: Ninety (90) days from date of application.

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VV. Wireless Communication Facility – Co-location – Outside Public Rights-of-Way.

1. Location: An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to, existing tower based wireless communications facilities, telephone and/or electric utility poles, and light poles. Such facilities may also be co-located on buildings and structures. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.
2. Screening: Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
3. Stealth Technology – Co-location on Wireless Communication Tower: Any Stealth Technology employed on the existing Wireless Communication Tower must be expanded to encompass the new Wireless Communication Facility to be co-located on said Tower.
4. Stealth Technology – Co-location on Other Towers, Poles, Structures, or Buildings: Stealth Technology shall be employed to minimize the visual impact of the Wireless Communications Facility within the surrounding environment. Specific requirements are as follows.
 - a. Buildings: Stealth Technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host building.
 - b. Poles and Other Structures: Stealth Technology shall be employed such that the Wireless Communications Facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.
5. Height: The following height requirements shall be applied.
 - a. Co-location on Existing Wireless Communications Tower: Co-location on an existing Wireless Communications Township shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.
 - b. Co-location on Poles and Other Structures: Co-location on other poles and other structures shall not result in the Wireless Communications Facility exceeding the height of the pole or structure.
 - c. Co-location on Buildings: Co-location on an existing building may result in the Wireless Communication Facility exceeding the building height by no more than ten (10) feet. However, in no case shall the height of the Wireless Communication Facility exceed the maximum building height of the underlying zoning district by more than five (5) feet.

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6. Review Period: The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

- a. Small Wireless Facility: Sixty (60) days from date of application. This time frame includes multiple deployments on existing poles and other structures outside of public right-of-way and within public right-of-way and on existing structures inside the public right-of-way per Section 1801.UU of this Ordinance.
- b. Applications for multiple deployments that contain Small Wireless Facilities on existing structures outside of public right-of-way and Small Wireless Facilities in any other location as regulated by this Ordinance: Ninety (90) days from date of application.
- c. Facility other than a Small Wireless Facility: Ninety (90) days from date of application.

WW. Wireless Communications Facilities – Tower Based – Inside Public Right-of-Way.

1. Location: An applicant may co-locate one (1) or more wireless communications facilities on new poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.
2. Evaluation of Siting Opportunities: An applicant seeking approval to erect or enlarge a tower based wireless communications facility shall demonstrate compliance with the following requirements.
 - a. An applicant shall demonstrate that all structures within the public right-of-way and within one-half (0.5) mile of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, existing tower based wireless communication facilities, telephone and/or electric utility poles, and light poles. The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site:
 - (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineers certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.

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- (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
 - (3) The existing structure does not possess appropriate location, space, or access, to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
 - (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.
 - (5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.
3. Siting Requirements: Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:
- a. The tower-based wireless communication facility and related equipment shall not cause any physical or visual obstruction to pedestrian or vehicle traffic and shall not create safety hazards to pedestrians or motorists.
 - b. The facility and equipment shall not limit the public use of the right-of-way.
 - c. The facility and equipment shall not be located within two (2) feet of the street cartway.
 - d. Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
4. Tower Height: The tower based wireless communications facility shall not exceed forty (40) feet in height.
5. Tower Safety: An applicant shall demonstrate that the proposed tower based wireless communications facility will not affect surrounding properties or the public right-of-way as a result of structural failure, falling ice or other debris, or radio frequency interference.

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6. Tower Type: The applicant shall a monopole tower type for the tower based wireless communications facility.
7. Stealth Technology: The most current Stealth Technology available shall be used to minimize aesthetic impact of the tower based wireless communications facility within the surrounding environment. The Stealth Technology chosen by the applicant shall be subject to approval by the Township.
8. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.
9. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.
10. Time, Place, and Manner: The Township shall have the ability to determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower based wireless communication facilities within the rights-of-way of Township roads or other Township rights-of-way. Such ability shall be based on public safety, traffic management, physical burden on the right-of-way, and related considerations. Within public utility rights-of-way, the Township's decision regarding time, place, and manner of work shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
11. Removal or Relocation: The Township shall have the ability to require the removal or relocation of tower-based wireless communications facilities from within the rights-of-way of Township roads or other Township rights-of-way. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a tower based wireless communication facility shall, at its own expense, temporarily or permanently remove or relocate said facility. The Township may, consistent with its police powers and applicable Public Utility Commission regulations, required such removal or relocation under the following circumstances.
 - a. The construction, repair, maintenance, or installation of any township or other public improvements in the right-of-way.
 - b. The operations of the Township or other governmental entity in the right-of-way.
 - c. Vacation of a road or release of a utility easement.
 - d. An emergency as determined by the Township.

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12. Reimbursement for Right-of-Way Use: The Township shall have the ability to subject the owner of every tower based communications facility in a public right-of-way to a fair and reasonable use an occupancy fee, as may be fixed annually by the Township. Such compensation for right-of-way use shall be directed related to the Township's actual right-of-way management costs including, but not limited to, the costs of reviewing, inspecting, permitting, supervising, and other right-of-way management activities of the Township. The owner of each tower based wireless communication facility shall pay an annual fee to the Township to compensate the Township for costs incurred in connection with such management activities.

13. Review Period: The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

- a. Small Wireless Facility: Ninety (90) days from date of application. This time frame includes multiple deployments on new poles within public right-of-way and in any other location as regulated by this Ordinance.
- b. Facility other than a Small Wireless Facility: One Hundred Fifty (150) days from date of application.

XX. Wireless Communications Facility – Tower Based – Outside Public Right-of-Way.

1. Location: An applicant may co-locate one (1) or more wireless communications facilities on new poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

2. Evaluation of Siting Opportunities: An applicant seeking approval to erect or enlarge a tower based wireless communications facility shall demonstrate compliance with the following requirements.

- a. An applicant shall demonstrate that all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies, and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary

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evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site:

- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineers certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
- (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
- (3) The existing structure does not possess appropriate location, space, or access, to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.
- (5) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

b. If the applicant claims that no structures in excess of fifty (50) feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.

c. An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a “dead spot” at or near the proposed tower location.

d. An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties, and indicates how negative impacts will be effectively mitigated.

3. Siting Requirements: Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:

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- a. The minimum distance between the base of the wireless communications tower, or any anchoring guy wires, and any property line or public road right-of-way, shall be a minimum of thirty percent (30%) of the tower height.
 - b. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be two hundred (200) feet.
 - c. Where such features exist, the applicant shall use one or more of the following or similar natural features to minimize the visibility of the wireless communications tower:
 - (1) Groves of Trees
 - (2) Sides of Hills
 - d. Wireless communications towers shall not be located on any property listed in the National Register of Historic Places or deemed eligible for listing in the National Register of Historic Places.
4. **Tower Height:** An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed one hundred eighty (180) feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.
5. **Tower Safety:** An applicant shall demonstrate that the proposed tower will not affect surrounding properties as a result of structural failure, falling ice or other debris, or radio frequency interference.
6. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers. A detail confirming the design of such features shall be included in the application for approval of the wireless communications tower.
7. **Tower Type:** The applicant shall use the monopole, or davit-pole, type of wireless communications tower.
8. **Visual Impact Analysis:** A visual impact analysis shall be prepared in accordance with the following standards.
- a. A photograph simulation of pre-development and post-development views of the wireless communications tower, including all potential antenna, from viewpoints along public roads within two (2) miles of the wireless communications tower site shall be provided.

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- b. The photograph simulation shall provide an analysis of the visual impact of a range of wireless communications tower heights.
 - c. The photograph simulation shall provide an analysis of the visual impact of the facility base, accessory buildings, any overhead utility lines serving the site, and any other physical features associated with the site.
9. Landscaping: The applicant shall demonstrate compliance with the following landscaping requirements:
 - a. The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.
 - b. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.
10. Color: Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.
11. Site Access: Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least twenty (20) feet in width. The access driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.
12. Land Development Plan Approvals: An applicant shall obtain land development approval from the Hamiltonban Township Board of Supervisors in accordance with applicable provisions of the Hamiltonban Township Subdivision and Land Development Ordinance prior to Zoning Permit approval.
13. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

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14. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

15. Review Period: The timing requirements of Article XXII of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

a. Small Wireless Facility: Ninety (90) days from date of application. This time frame includes multiple deployments on new poles outside public right-of-way and in any other location as regulated by this Ordinance.

b. Facility other than a Small Wireless Facility: One Hundred Fifty (150) days from date of application.

YY. Vehicle Service with Fuel Sales

1. The use shall be located on a lot abutting an arterial street.

2. Fuel pumps shall be at least twenty-five (25) feet from any existing and required future road right-of-way or fifty (50) feet from the road centerline, whichever is greater.

3. All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.

4. Any canopies over a vehicle fueling area shall share common architectural characteristics with the principal building, and shall be constructed with materials used for the principal building. The applicant shall submit architectural drawings to confirm the common architectural design and common materials.

5. No canopy structure shall be illuminated. Any lighting designed to illuminate the area beneath the canopy structure shall be flush mounted. Light fixtures that extend below the horizontal plane made by the bottom edge of the canopy shall not be permitted.

ZZ. Use of the Same General Character

1. The proposed use shall be of the same general character in terms of size, scale, intensity, and type of use as those uses specifically authorized in the underlying zoning district.

2. The applicant shall present testimony that evaluates the degree to which the proposed use is of the same general character of the underlying zoning district versus other zoning districts applied in the Township. In rendering its decision, the Zoning Hearing Board shall conclude that the proposed use achieves an equal or higher degree of

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character consistency in terms of general character in the underlying district versus other zoning districts applied in the Township.

3. The proposed use shall not cause traffic impacts that exceed the potential traffic impacts that may be caused by the development of uses specifically authorized in the underlying zoning district.

4. The proposed use shall not produce heat, glare, noise, noxious odors, or any other nuisance that exceed the potential impacts of uses specifically authorized in the underlying zoning district.

5. The proposed use shall comply with all dimensional, performance, and related requirements of the Zoning Ordinance ordinarily applied to specifically authorized uses of the underlying zoning district.

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ARTICLE XIX

PARKING AND LOADING REGULATIONS

SECTION 1900: REQUIRED PARKING SPACES

Unless otherwise regulated in this Article or elsewhere in this Ordinance, the following minimum parking spaces are required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

- A. Accessory Dwelling Unit: One (1).
- B. Agribusiness Operation: One (1) for every employee.
- C. Agricultural Society Meeting Hall / Office: One (1) for every four (4) meeting room seats.
- D. Apartment Building: One (1) for each apartment.
- E. Bank and Financial Institution: One (1) for every five hundred (500) square feet of floor area.
- F. Bar and Nightclub: One (1) for every two hundred (200) square feet of floor area.
- G. Bed and Breakfast Operation: One (1) for every guest room or suite, plus two (2) for the dwelling unit.
- H. Business Office: One (1) for every five hundred (500) square feet of floor area.
- I. Camp: One (1) space for every ten (10) guests, based on the maximum number of permitted guests of the facility.
- J. Campground: One (1) space for each campsite and cabin, plus one (1) space for every five hundred (500) square feet of building area devoted to uses that are accessory to the campground.
- K. Car Wash: One (1) for every wash bay.
- L. Clinic: One (1) for every five hundred (500) square feet of floor area.
- M. Commercial Recreation: For indoor commercial recreation uses, one (1) space for every five hundred (500) square feet of floor area. For outdoor recreation uses, one (1) space for every ten thousand (10,000) square feet of land area devoted to the outdoor recreation use.

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- N. Conference Center: One (1) for every three hundred (300) square feet of meeting space.
- O. Convenience Store: One (1) for every three hundred (300) square feet of floor area.
- P. Continuing Care Retirement Facility
1. One (1) for every Independent Living Unit
 2. One (1) for every two (2) Assisted Living Units
 3. One (1) for every three (3) beds in a Nursing or Skilled Care Unit
 4. Common Facilities: See Schedule in Section 1900 for parking space requirements for individual uses within a common facility area.
 5. Guest Parking: One (1) space for every five (5) living units.
- Q. Distribution Center, including Medical Marijuana Delivery Vehicle Service: One (1) for every two thousand (2,000) square feet of floor area.
- R. Environmental Education Center: One (1) space for every ten (10) guests, based on the maximum number of permitted guests of the facility.
- S. Events Venue: One for every five hundred (500) square feet of space of guest assembly for events.
- T. Farm Equipment Sales Facility: One (1) for every five hundred (500) square feet of floor area.
- U. Farm Market and Agricultural Tourism: One (1) for every four hundred (400) square feet of floor area devoted to customer use.
- V. Farm Related Business: One (1) for every five hundred (500) square feet of floor area devoted to customer use.
- W. Farm Stand: One (1) for every two hundred (200) square feet of farm stand display area.
- X. Farm Worker Housing: One (1) for every dwelling unit.
- Y. Gallery and Museum: One (1) for every five hundred (500) square feet of floor area.
- Z. Health / Exercise Club: One (1) for every four hundred (400) square feet of floor area.
- AA. Heavy Industry: One (1) for every one thousand (1,000) square feet of floor area devoted to the heavy industrial function.

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- BB. Homestay: One (1) for every guest room or suite, plus (2) for the dwelling unit.
- CC. Home Occupation: One (1) for every three hundred (300) square feet of floor area devoted to the Home Occupation use.
- DD. Hospital: One (1) for every five hundred (500) square feet of floor area.
- EE. Hotel: One (1) for every lodging unit plus one (1) employee space for every ten (10) lodging units.
- FF. Junk Yard: One (1) space for every twenty thousand (20,000) square feet of land area devoted to junk material storage.
- GG. Landfill: One (1) space for every one (1) acre of land area devoted to landfill use.
- HH. Light Industrial, including Medical Marijuana Grower / Processor: One (1) for every one thousand (1,000) square feet of floor area devoted to the light industrial function.
- II. Medical Office: One (1) for every five hundred (500) square feet of floor area.
- JJ. Medical Care Facility: One (1) for every four hundred (400) square feet of floor area.
- KK. Mixed Use Building: The total minimum parking spaces required shall be the sum of the minimum parking spaces, as established in Section 1900, for each individual use within a Mixed Use Building.
- LL. Mobilehome Park: One (1) for each mobilehome lot.
- MM. Mobilehome / Manufactured Home Sales: One (1) for each three hundred (300) square feet of floor area devoted to the mobilehome or manufactured home sales function.
- NN. Motel: One (1) for every lodging unit plus one (1) employee space for every twenty (20) lodging units.
- OO. Nursery and Greenhouse: One (1) space for every five thousand (5,000) square feet of customer accessible nursery and greenhouse space.
- PP. Personal Service Shop: One for every four hundred (400) square feet of floor area.
- QQ. Place of Worship: One for every five hundred (500) square feet of the primary room of assembly.
- RR. Produce Stand: One for every two hundred (200) square feet of produce stand display area.

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- SS. Professional Office: One (1) for every five hundred (500) square feet of floor area.
- TT. Rental Storage: Where an on-site rental office is present, one (1) for every four hundred (400) square feet of office floor area.
- UU. Research and Development Laboratory, including Academic Clinical Research Centers: One (1) for every one thousand (1,000) square feet of floor area.
- VV. Resource Extraction: One (1) for every one (1) acre of land area devoted to resource extraction use.
- WW. Restaurant: One (1) for every three hundred (300) square feet of floor area.
- XX. Retail Store, including Medical Marijuana Dispensary: One (1) for every four hundred (400) square feet of floor area.
- YY. Retreat Center: One (1) space for every five (5) guests, based on the maximum number of permitted guests of the facility.
- ZZ. School: For elementary schools and middle schools, four (4) spaces for every five (5) employees on-site during the school day. For high schools, four (4) spaced for every five (5) employees on-site during the school day, plus one (1) space for every five (5) students.
- AAA. Shopping Center: One (1) for every three hundred (300) square feet of floor area.
- BBB. Single Family Detached Dwelling: Two (2).
- CCC. Single Family Semi-Detached Dwelling: Two (2) for each dwelling unit.
- DDD. Specialty Retail Shop: One (1) for every five hundred (500) square feet of floor area.
- EEE. Studio: One (1) for every five hundred (500) square feet of floor area.
- FFF. Theater: One (1) for every five (5) seats.
- GGG. Two Family Dwelling: Two (2) for each dwelling unit.
- HHH. Vacation Rental: One (1) for every guest room or suite, plus two (2) for the dwelling unit.
- III. Vehicle Sales: One (1) for every five hundred (500) square feet of floor area devoted to customer service.
- JJJ. Vehicle Service: One (1) for every five hundred (500) square feet of floor area devoted to customer service.

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KKK. Wireless Communications Facility – Tower-Based – Outside of Public Right-of-Way: One (1).

SECTION 1901: PARKING DESIGN STANDARDS

All off-street parking areas shall be designed to meet the following standards:

- A. Where three (3) or more parking spaces shall be provided in accordance with the provisions of Section 1900, such spaces shall be provided in a parking lot.
- B. Surfacing: Surfacing of off-street parking area shall comply with the following standards.
1. Parking lots within the following zoning districts and/or serving the following uses shall be paved. Suitable paving material shall be asphalt or concrete.
 - a. All parking lots within the Commercial (C) and Industrial (I) Districts.
 - b. All parking lots for nonresidential uses within the Village Mixed-Use (VM) and Mixed-Use Corridor (MC) Districts.
 - c. All parking lots for multi-family dwellings in any zoning district.
 2. Parking lots other than those identified in Section 1901.B.1 shall be provided with a durable and dust free surface. Suitable paving material includes asphalt or concrete paving, compacted stone or millings, or other similar material that performs in a durable and dust free manner.
 3. Within the Open Space (OS), Land Conservation (LC), Rural Residential (RR), and Agricultural Preservation (AP) Districts, up to fifty percent (50%) of the parking spaces required for a specific use may be provided as reinforced grass overflow parking spaces instead of being surfaced in accordance with the above requirements.
 4. Any parking spaces needed to meet ADA requirements for handicapped accessible parking shall be designed and surfaced in accordance with ADA guidelines.
- C. Circulation Control: Parking lot circulation control shall be provided in accordance with the following.
1. Parking access drives, parking circulation drives, and parking aisle drives shall be a uniform width. Such drives shall be a minimum of twenty (20) feet in width where two-way directional travel is proposed, and shall be a minimum of twelve (12) feet in width where one-way directional travel is proposed.
 3. Parking aisle drives terminating in a dead end shall be provided with sufficient back-up or turn around area for the end spaces.

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4. Within parking lots with twenty-five (25) or more parking spaces, the following design elements shall be included to enhance circulation control.
 - a. Terminal islands shall be provided at both ends of all parking space rows.
 - b. Where parking space rows are proposed with twenty (20) or more parking spaces, one (1) mid-row island shall be provided for every twenty (20) contiguous parking spaces.
 - c. A divider strip between abutting parking space rows shall be installed.
 - d. Curbing or bumper blocks shall be provided around all terminal islands, mid-row islands, and divider strips to prevent vehicular encroachment.
 - e. Pedestrian walkways or sidewalks shall be provided. Such walkways or sidewalks shall be arranged so that a person using a parking space may walk from the parking space to the use the parking space serves without having to walk along or through other parking spaces or parking space aisles to access the use. Any location where a walkway or sidewalk crosses an access drive or circulation drive shall be marked by a crosswalk and shall meet ADA requirements.
 5. Within parking lots with fifty (50) or more parking spaces, the following additional design elements shall be included to enhance circulation control.
 - a. Dedicated parking access drive and/or parking circulation drives shall be provided.
 - b. Parking access drives / parking circulation drives that are designed to run parallel to parking space aisles shall be separated from said parking space aisles by a divider strip.
 - c. Where intersections between parking access drives, parking circulation drives, and/or parking space aisles are proposed, said intersections shall be designed at ninety (90) degree angles.
 - d. No parking space may be accessed from a parking access drive or a parking circulation drive. All parking spaces must be accessed from a parking space aisle.
- D. Dimensional Requirements: All parking lots shall be subject to the following dimensional standards.
1. Each parking space shall be not less than ten (10) feet wide by twenty (20) feet long.

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2. Terminal islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed at the end of a single parking space row and not less than fifteen (15) feet in length if installed at the end of two abutting parking space rows.

3. Mid-row islands shall measure not less than five (5) feet in width and not less eight (8) feet in length if installed within a single parking space row and not less than fifteen (15) feet in length if installed within two abutting parking space rows.

4. Divider strips shall measure not less than five (5) feet in width and extend the full length of the two parking space rows that the divider strip separates.

E. Parking Space Markers: All parking spaces within all parking lots shall delineate the location of the parking spaces within the lot. Space delineation shall comply with the following requirements.

1. Parking spaces within parking lots surfaced with asphalt or concrete shall be delineated by four (4) inch wide painted lines or four (4) inch wide road surface tape. Paint or road surface tape shall be reapplied as necessary to ensure continuous visibility of the limits of each parking space.

2. Parking spaces within parking lots provided with a surface other than asphalt or concrete are not required to be delineated with paint or road surface tape. In such instances, a bumper block shall be used to define the location and orientation of each parking space. Bumper blocks shall be replaced at any time when said markings become damaged.

3. Parking space markers shall not be required within the portion of any parking lot using the reinforced grass “overflow” surfacing option authorized in Section 1901.B.3 above.

F. Parking Lot Illumination: Parking lots shall comply with the following illumination standards where illumination is either required or proposed.

1. All lighting shall be arranged so as to prevent direct view of the light source from adjoining properties and/or public right-of-ways. Full cut-off light fixtures shall be used to achieve this standard.

2. Light standards shall be protected from vehicular traffic by curbing or landscaping.

G. Parking Lot Landscaping: All parking lots shall be designed in accordance with the following landscaping standards.

1. Minimum Standards

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- a. Each terminal island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.
 - b. Each mid-row island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.
 - c. At least one (1) major deciduous tree shall be planted for every forty (40) foot interval within the divider strip. Alternatively, at least two (2) major deciduous trees shall be planted for every twenty (20) foot interval within the divider strip. The remaining area of the divider strip shall be landscaped with ground cover or grass. Pedestrian walkways may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the parking lot.
 - d. Perimeter Landscape Areas shall be provided for all parking lots in excess of twenty-five (25) spaces and in accordance with the following standards.
 - (1) Perimeter landscaped areas shall be provided around the perimeter of all parking lots, except where the one side of the parking lot is bounded by a principle structure.
 - (2) The minimum width of the perimeter landscaping area around a parking area shall be five (5) feet, measured outward from the edge of the parking lot.
 - (3) At least one (1) major deciduous tree shall be planted for every forty (40) foot interval within the perimeter landscaping area. Alternatively, at least one (1) minor deciduous tree shall be planted for every twenty (20) foot interval within the perimeter landscaping area. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.
2. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval in accordance with this Ordinance, and for Land Development Plan approval in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance.
 3. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this Section. At a minimum, the table shall include the following.
 - a. Calculation of minimum Planting Units required.

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- b. Calculation of Planting Units provided.
- c. Biological and Common Name of all plants.
- d. Size of all plants at time of planting.
- e. Size of all plants at maturity.

SECTION 1902: REQUIRED OFF-STREET LOADING / UNLOADING SPACES

At least one (1) off-street loading / unloading space shall be provided for all commercial and industrial concerns in excess of three thousand five hundred (3,500) square feet of floor area and that involve product movement and/or delivery. The number of loading / unloading spaces shall be left to the discretion of the developer.

SECTION 1903: LOADING / UNLOADING DESIGN STANDARDS

All loading / unloading spaces shall be designed in accordance with the following standards.

- A. Loading / unloading spaces shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.
- B. Loading / unloading spaces shall be provided a maneuvering area of sufficient size such that each loading space is provided safe and convenient access. Truck turning templates shall be provided on all site plans to depict the means by which trucks will access the loading / unloading space(s).
- C. Within the VM, V, MC, C, and I Districts all loading / unloading spaces shall be paved. Suitable paving material shall be asphalt or concrete. Within the OS, LC, RR, and AP Districts, loading / unloading areas shall be provided with a durable and dust free surface. Suitable paving material includes asphalt or concrete paving, compacted stone or millings, or other similar material that performs in a durable and dust free manner.
- D. Required off-street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- E. Loading / unloading spaces shall be designed so that trucks need not back in or out, or park in, any public right-of-way.
- F. No truck shall be allowed to stand in a public right-of-way, a parking lot (including parking aisle drives), or in any way block the effective flow of persons or vehicles.

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G. Loading and unloading areas, including areas provided for refuse removal, shall be located so as not to interfere with customer or employee parking areas. No loading / unloading or refuse removal functions may be conducted within parking aisle drives.

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ARTICLE XX

SIGN REGULATIONS

SECTION 2000: STATEMENT OF LEGISLATIVE INTENT

It is the intent of this Article to:

- A. Place reasonable standards on the erection and maintenance of signs within the Township of Hamiltonban.
- B. Promote the safety, welfare, and convenience of uses of rights-of-way, relative to signs, while maintaining and enhancing the rural character of the Township of Hamiltonban.
- C. Promote commerce while identifying places of business and cultural and social activity in a visually attractive manner compatible with the rural character of the Township of Hamiltonban.
- D. Avoid excessive use of large or multiple signs, so that permitted signs can provide identification and direction while minimizing clutter, confusion, and hazardous distractions to motorists and pedestrians.

SECTION 2001: GENERAL REGULATIONS

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged, or relocated until a Zoning Permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by Section 2002 below. Applications shall be on forms provided by the Township. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, means of installation on land or building, and all other relevant information.
- B. Signs, and the structure and equipment used in the erection and/or installation of such signs, shall be comprised of durable materials requiring little maintenance. All signs shall be permanently affixed to the ground or building, as appropriate, using generally accepted construction practices.
- C. No sign shall be located so as to interfere with the clear sight distance regulations of the Hamiltonban Township Subdivision and Land Development Ordinance.
- D. No sign shall be located within the right-of-way of any public or private street.
- E. Signs may be illuminated in accordance with the following standards.
 - 1. Where sign illumination is limited in this Ordinance to external illumination, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen

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or a fixture surrounding the light source that directs the light to the sign face. Indirect illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining street.

2. Where sign illumination is not limited in this Ordinance to external illumination, the sign may employ internal illumination.

SECTION 2002: SIGNS EXEMPT FROM PERMITTING

The following types of signs are exempted from the permitting requirements of this Ordinance, provided the sign meets all other applicable requirements of this Section.

- A. Official street and traffic signs and any other signs required by law.
- B. Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.
- C. Temporary, non-illuminated real estate signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the sign shall not exceed six (6) square feet, that the total area of the sign shall not exceed twelve (12) square feet, that not more than two (2) signs are placed on a property under single ownership, and that such signs are removed not more than five (5) business days following the sale or rental of the premises.
- D. Temporary, non-illuminated signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the sign shall not exceed eight (8) square feet, that the total area of the sign shall not exceed sixteen (16) square feet, that not more than one (1) such sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership, and that the sign shall be removed within one (1) day of the completion of the work.
- E. Temporary, non-illuminated yard or garage sale signs, provided that such signs shall not be displayed for more than forty-eight (48) hours of each calendar month, that the total area of such signs shall not exceed four (4) square feet, and that not more than two (2) signs shall be displayed for any sale event.
- F. Freestanding signs designating the “entrances” and “exits” to commercial and industrial establishments, provided that sign illumination shall be limited to external illumination and that each side of the sign shall not exceed four (4) square feet.
- G. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- H. Window signs, directly affixed to the exterior or interior of a window, or placed in inside a building in a manner that can be seen through a window.

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J. Flags indicating that the use is open for the business day. Such flags shall be installed in a manner that provides a minimum of seven (7) feet of clearance between the flag and any pedestrian walkway, including but not limited to public sidewalks. Such flags shall be removed at the end of the advertised business day.

SECTION 2003: PROHIBITED SIGNS

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs.
- B. Flashing and/or rotation lights.
- C. Signs using the words “stop,” “caution,” or “danger.” Signs using red, yellow, and/or green lights resembling traffic signals. Signs that resemble traffic control signs in terms of size, shape, or color.
- D. Revolving, rotating, or otherwise moving signs. This prohibition shall not include feather signs.
- E. Animated signs, where a component of the sign is designed to physically move.
- F. Portable signs, whether mounted on a trailer, vehicle, temporary base, or similar such devise. A vehicle, painted or decorated so as to display an advertising or related message, and parked in a visible location, shall be considered a portable sign.
- G. Roof signs.
- H. Streamers, pennants, inflatable, or lighter than air signs. This prohibition shall not include feather signs.
- I. Strings or light bulbs, search lights, or other lighting intended to attract attention to a nonresidential use, other than traditional holiday decorations.

SECTION 2004: SIGNS PERMITTED IN ALL DISTRICTS

The following types of signs are permitted in all districts.

- A. Off-Premises Directional Signs shall be permitted in accordance with the following requirements:
 - 1. The maximum area of any one (1) side of a sign shall not exceed ten (10) square feet.
 - 2. The total area of the sign shall not exceed twenty (20) square feet.

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3. The maximum height of the sign shall not exceed ten (10) feet.
4. Within the OS, LC, RR, AP, SR, VM, and V Districts, sign illumination shall be limited to external illumination.
5. If three (3) or more off-premises directional signs are proposed on the same property, consolidation of the individual signs on a single off-premises directional sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required.
 - a. The maximum area of any one side of a consolidated off-premises directional sign shall not exceed six (6) square feet for each advertised use.
 - b. The total area of a consolidated off-premises directional sign shall not exceed twelve (12) square feet for each advertised use.
6. Where the applicant for an off-premise directional sign does not own the property where said sign is proposed, the property owner shall be a co-applicant for the zoning permit necessary to authorize said sign.

B. Community Welcome Signs: Signs erected by municipal, civic, or community organizations, and designed to welcome visitors to the Hamiltonban Township community and notify the public of community events, may be erected in any zoning district, provided that the following standards are met:

1. The maximum area of any one side of the sign shall not exceed fifty (50) square feet.
2. The maximum area of all sides of the sign shall not exceed one hundred (100) square feet.
3. Sign illumination shall be limited to external illumination.

C. Signs for Places of Worship, Service Clubs, Fraternal Organizations, Schools, Municipal, Emergency Services, Public and Non-Commercial Parks and Recreation, and similar uses that perform civic or community serving functions.

1. The maximum area of any one side of the sign shall not exceed thirty-two (32) square feet.
2. The maximum area of all sides of the sign shall not exceed sixty-four (64) square feet.
3. If a freestanding sign is used, the maximum height of the sign shall not exceed ten (10) feet.

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4. Sign illumination may include internal illumination.

5. Such signs may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 2009.

6. Where the standards of Section 2004.C conflict with other standards of Article XX, the standards of Section 2004.C shall control.

D. Historical Markers shall be permitted in accordance with the following requirements.

1. Such sign shall be recognized by local, state, or federal authorities.

2. The maximum area of any one side of the Historical Marker shall not exceed twenty (20) square feet.

3. The maximum area of all sides of the Historical Marker shall not exceed forty (40) square feet.

SECTION 2005: SIGNS PERMITTED IN THE OS, LC, RR, AP, and SR DISTRICTS

Within the OS, LC, RR, AP, and SR Districts, the following sign regulations shall apply.

A. Signs advertising a Home Occupation are permitted, provided that the following requirements are met:

1. The maximum area of any one (1) side of the sign shall not exceed four (4) square feet.

2. The total area of the sign shall not exceed eight (8) square feet.

3. Sign illumination shall be limited to external illumination.

4. The maximum height of a freestanding sign shall not exceed six (6) feet. Wall signs or projecting signs are permitted, provided that said sign does not extend above the eave of the building.

B. For individual nonresidential uses of property other than Home Occupations, the following sign standards shall apply.

1. One (1) freestanding sign shall be permitted in accordance with the following requirements.

a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.

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- b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
 - c. Any freestanding sign shall not exceed six (6) feet in height.
2. One (1) wall sign shall be permitted in accordance with the following requirements.
- a. The maximum area of a wall sign shall be eighty (80) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.

SECTION 2006: SIGNS PERMITTED IN THE MC AND C DISTRICTS

Within the MC and C Districts, the following sign regulations shall apply.

- A. For individual nonresidential uses of property, the following sign standards shall apply.
- 1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
 - c. Any freestanding sign shall not exceed six (6) feet in height.
 - 2. One (1) wall sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of a wall sign shall be one-hundred (100) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 - 3. Two (2) feather signs shall be permitted in accordance with the following requirements.
 - a. The maximum height of a feather sign shall be ten (10) feet.

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- b. The maximum width of a feather sign shall be three (3) feet.
 - c. Any feather sign shall be securely anchored.
 - d. A feather signs shall be replaced once the feather sign becomes ripped or tattered.
4. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 2006.A.1 and one (1) sign meeting the requirements of Section 2006.A.2 may be erected along each street.
- B. For Shopping Plazas, the following sign standards shall apply.
1. One (1) freestanding sign shall be permitted to identify the name, entrance, and tenants of the Shopping Plaza. Such sign shall comply with the following requirements.
 - a. The maximum area of any one side of the sign shall not exceed 50 square feet.
 - b. The total area of the sign shall not exceed 100 square feet.
 - c. The maximum height shall be ten (10) feet.
 - d. The sign shall be located no less than 20 feet from the adjoining road right-of-way.
 2. One (1) wall sign shall be permitted for each tenant within a Shopping Plaza. Such sign shall comply with the following requirements.
 - a. The maximum area of a wall sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 - c. Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the Shopping Plaza.
- C. The signs authorized in Sections 2006.A and 2006.B above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 2009.

SECTION 2007: SIGNS PERMITTED IN THE I DISTRICT

Within the I District, the following sign regulations shall apply.

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- A. For individual nonresidential uses of property, the following sign standards shall apply.
1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of any one side of a freestanding sign shall not exceed thirty (30) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed sixty (60) square feet.
 - c. Any freestanding sign shall not exceed ten (10) feet in height.
 2. One (1) wall sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of a wall sign shall be two-hundred (200) square feet or twenty percent (20%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 2007.A.1 and one (1) sign meeting the requirements of Section 2007.A.2 may be erected along each street.
 4. The signs authorized in Sections 2007.A.1 and 2007.A.2 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 2009.
- B. A maximum of one (1) billboard sign may be erected on a property in accordance with the following requirements.
1. Billboard signs shall only be authorized to be constructed in the I District.
 2. The maximum area of any one side of the billboard sign shall not exceed two hundred (200) square feet.
 - C. The total maximum area of the billboard sign shall not exceed four hundred (400) square feet.
 - D. The maximum height of the billboard sign shall not exceed twenty (20) feet.

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- E. The billboard sign, including its support structure, shall be placed at least twenty-five (25) feet from any street right-of-way line and at least fifty (50) feet from any side or rear property line.
- F. The billboard sign shall be located along a Minor Arterial street as identified by the Southwest Adams Joint Comprehensive Plan.
- G. The billboard sign shall be located at least five hundred (500) feet from any other billboard sign.
- H. The billboard sign shall be located at least five hundred (500) feet from any residential zoning district.
- I. Billboard signs shall be limited to external illumination. Any illumination of a billboard sign shall comply with the sign illumination standards of Section 2001.E.1.

SECTION 2008: SIGNS PERMITTED IN THE V AND VM DISTRICTS

Within the V and VM Districts, the following sign regulations shall apply.

- A. For every nonresidential use of property, one (1) freestanding or one (1) projecting sign shall be permitted in accordance with the following requirements.
 - 1. The maximum area of any one side of a freestanding or projecting sign shall not exceed twelve (12) square feet.
 - 2. The total area of a freestanding or projecting sign shall not exceed twenty-four (24) square feet.
 - 3. Where three (3) or more nonresidential uses are located on the same property, one (1) consolidated freestanding or projecting sign shall be used. In this case, maximum sign areas may be increased by fifty percent (50%)
 - 4. Any freestanding or projecting sign placed above public sidewalks, driveways, or walkways shall be located so as to provide for eight (8) feet of clearance beneath the sign.
 - 5. Any projecting sign shall not exceed twelve (12) feet in height.
 - 6. Any freestanding sign shall not exceed six (6) feet in height.
- B. For every nonresidential use of property, one (1) wall sign or one (1) awning sign shall be permitted in accordance with the following requirements.
 - 1. The total area of a wall or awning sign shall not exceed twenty-four (24) square feet.

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2. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 3. Where three (3) or more nonresidential uses are located on the same property and use of wall signs is proposed, one (1) consolidated wall sign shall be used. In this case, maximum sign area may be increased by fifty percent (50%).
 4. Awning signs shall be used only on an awning extending from the primary entrance to the nonresidential use.
 5. Where three (3) or more nonresidential uses are located on the same property and use of awning signs is proposed, one (1) consolidated awning sign shall be used if the nonresidential uses are provided a common building entrance. Where nonresidential uses are provided separate building entrances, an awning sign meeting the size standards of Subsection 1 may be used at each entrance.
- C. The signs authorized in Sections 2008.A and 2008.B above shall be subject to the following general requirements.
1. Sign illumination shall be limited to external illumination.
 2. Signs may only be illuminated during advertised business hours.
- D. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 2008.A and one (1) sign meeting the requirements of Section 2008.B may be erected along each street.

SECTION 2009: ELECTRONIC MESSAGE CENTER STANDARDS

Where authorized, Electronic Message Centers shall comply with the following standards.

- A. Where an Electronic Message Center is authorized, the Electronic Message Center shall be incorporated into an existing or proposed sign that complies with the sign type, sign height, and sign area requirements of the underlying zoning district. Under no circumstances shall an Electronic Message Center be permitted to be incorporated into a nonconforming sign.
- B. The Electronic Message Center shall not exceed more than fifty percent (50%) of the total sign area of the sign into which the Electronic Message Center is being incorporated.
- C. No more than one (1) Electronic Message Center shall be permitted per property.
- D. The Electronic Message Center shall not employ animated graphics or streaming video. The Electronic Message Center shall not employ text or images which flash, pulsate, move, or scroll. Each complete message must fit on one (1) screen.

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E. Any message on an Electronic Message Center shall have a minimum hold time of eight (8) seconds.

F. Message transitions on an Electronic Message Center shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.

G. The Electronic Message Center shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.

H. Audio speakers on Electronic Message Centers are prohibited.

I. Electronic Message Centers shall not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of five hundred (500) nits (candelas per square meter) between dusk to dawn. The sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.

J. The owner of every Electronic Message Center shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

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ARTICLE XXI

NON-CONFORMING USES

SECTION 2100: GENERAL

All lawful uses of land or of a building or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such non-conforming uses shall comply with the provision of this Article.

SECTION 2101: ALTERATIONS AND RECONSTRUCTION

- A. Repairs and structural alterations not constituting extensions, expansions, or enlargements, may be made to a non-conforming structure or to a structure occupied by a non-conforming use.
- B. A non-conforming structure which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purpose, provided that:
1. The reconstruction of the structure is commenced within one (1) year from the date of the destruction of the building and is carried to completion without undue delay.
 2. The reconstructed structure does not exceed the height, area, and volume of the building destroyed.
 3. The reconstructed structure shall be located within the footprint of the structure that was destroyed.

SECTION 2102: EXTENSION, EXPANSION, AND ENLARGEMENT OF NON-CONFORMING USES

- A. The Zoning Hearing Board may authorize, as a special exception, the following types of extensions, expansions, and enlargements of non-conforming uses existing on the effective date of this Ordinance.
1. The extension of a non-conforming use of land upon a lot occupied by such use.
 2. The extension, expansion, or enlargement of a conforming building occupied by a non-conforming use.
- B. The foregoing extension, expansions, and enlargements of such non-conforming uses shall be subject to the following conditions.
1. The extension, expansion, or enlargement shall conform to the height, area, yard,

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and coverage regulations of the district in which the use would ordinarily be permitted.

2. The criteria of Section 2102.B.1 notwithstanding, the extension, expansion, or enlargement of the non-conforming use shall not exceed an increase of fifty percent (50%) of the original area of the nonconforming use. Where the nonconforming use is fully conducted within a building, this standard shall apply to the total area of the building footprint. Where the nonconforming use is not fully conducted within a building, this standard shall apply to the total land area of the lot dedicated to the nonconforming use. The original area of the nonconforming use is the original building footprint or land area devoted to the nonconforming use on the date such nonconforming use became nonconforming.

3. The entire use shall be provided with off-street parking and loading spaces as required by Article XIX. Where the design of current off-street parking lots and loading facilities do not comply with current standards of Article XIX, such parking lots and loading facilities shall be redesigned to comply.

3. The extension, expansion, or enlargement does not replace a conforming use.

4. The extension, expansion, or enlargement of the non-conforming use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

SECTION 2103: EXTENSION, EXPANSION, AND ENLARGEMENT OF NON-CONFORMING STRUCTURES

A. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, such structure may be extended, expanded, or enlarged as a matter of right provided that the degree of nonconformity is not increased.

B. Where an existing structure is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said building is proposed that would increase the degree of nonconformity, such extension, expansion, or enlargement shall be subject to variance approval from the Zoning Hearing Board.

SECTION 2104: CHANGE OF USE

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

SECTION 2105: ABANDONMENT AND DISCONTINUANCE

If a non-conforming use of a structure or land ceases or is discontinued for a continuous period of one (1) year or more, the non-conforming use shall be considered to be abandoned, and subsequent use of such structure or land shall be in conformity with all the provisions of this Article. This standard shall not apply in cases where the cessation or discontinuance was caused

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by circumstances beyond the control of the owner.

SECTION 2106: NON-CONFORMING LOTS

A. Any lot held in single and separate ownership at the effective date of this Ordinance and which does not conform to one or more of the applicable dimensional regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon a non-conforming lot and a use may be established upon a non-conforming lot provided a Zoning Permit is obtained in accordance with the provisions of this Ordinance. Such development shall comply with the following provisions.

1. The proposed use is permitted by right within the district in which it is located.
2. The proposed building and use shall comply with all applicable area, height, and bulk regulations of the district other than the regulation(s) that result in the lot being considered to be non-conforming. Zoning Permit approval shall not be granted for lots that are non-conforming with regard to minimum lot area, and where the underlying zoning district applies a minimum lot area standard for a specific use that exceeds the generally required minimum lot area standard for the zoning district as a whole.

SECTION 2107: NON-CONFORMING SIGNS

A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in Section 2100 of this Ordinance.

B. If and when a non-conforming sign is replaced, the new sign shall comply with the requirements of Article XX of this Ordinance. "Replacement" shall refer to structural replacement and/or relocation of the sign, but shall only include simply revising the text or color of the sign.

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ARTICLE XXII

ENFORCEMENT AND ADMINISTRATION

SECTION 2200: STATEMENT OF LEGISLATIVE INTENT

The following standards shall establish the means and processes by which the Hamiltonban Township Zoning Ordinance is administered. These provisions include, but are not limited to, the establishment, organization, function, and responsibilities of the Hamiltonban Township Zoning Hearing Board, the appointment and responsibilities of the Hamiltonban Township Zoning Officer, and the process for application and issuance of Hamiltonban Township Zoning Permits.

SECTION 2201: APPOINTMENT OF A ZONING HEARING BOARD

The Hamiltonban Township Board of Supervisors shall, by resolution and in accordance with Section 903 of Municipalities Planning Code, appoint a Hamiltonban Township Zoning Hearing Board consisting of three (3) members, and in accordance with Section 903(b) of the Municipalities Planning Code, one (1) or more alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

SECTION 2202: MEMBERSHIP OF THE ZONING HEARING BOARD

Members and alternative members of the Zoning Hearing Board shall be residents of Hamiltonban Township and shall hold no other elected or appointed office in Hamiltonban Township.

SECTION 2203: ORGANIZATION OF THE ZONING HEARING BOARD

A. The Zoning Hearing 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 as provided in Section 908 of the Municipalities Planning Code.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing 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.

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C. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing 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 2204: ZONING HEARING BOARD EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 2203.B, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the Board of Supervisors.

SECTION 2205: HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Zoning Hearing Board. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body, the time and place of the hearing, and a phone number to contact the Zoning Officer to obtain additional information.

B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his or her case-in-chief within one hundred (100) days of the first

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hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his or her case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Hamiltonban Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

D. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the appellant or the applicant, as the case may be, in addition to Hamiltonban Township, may, prior to the decision of the hearing waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the Board of Supervisors, 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 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.

F. The chairperson or acting chairperson of the Zoning Hearing Board, or the hearing officer presiding, shall have 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.

G. 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.

H. Formal rules of evidence shall not apply, by irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Hamiltonban Township. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

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J. 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 materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. 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 or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days 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 Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

M. Except for challenges filed under Section 916.1 of the Municipalities Planning Code where the Zoning Hearing Board fail to render the decision with the period required by this subsection, or fail to commence, conduct or complete the required hearing as provided in subsection C of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day, the Zoning Hearing Board could have met to render a decision in the same manner as provided in Subsection A of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. 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 or her 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.

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SECTION 2206: JURISDICTION OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have 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 pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
- B. 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- C. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within any Hamiltonban Township land use ordinance.
- D. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code and Section 2207 of this Ordinance.
- E. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code and Section 2208 of this Ordinance.
- F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- G. Appeals from the zoning officer's determination under Section 916.2 of the Municipalities Planning Code.
- H. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications specified in Article V or VII of the Municipalities Planning Code.

SECTION 2207: VARIANCES

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. Application for any variance shall be made to the Zoning Hearing Board through the Zoning Officer. The application requirements shall be: the submittal of an Application for a Hearing before the Zoning Hearing Board, plus a plan drawing including

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the same elements as those required in Section 2212.C of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the criteria for such variance as set forth in this Section. The Zoning Hearing 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 other 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 applicant.
- 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 of 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. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Hamiltonban Township Zoning Ordinance.

SECTION 2208: SPECIAL EXCEPTIONS

- A. Where the Board of Supervisors, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Planning Commission for a report thereon as specified in this Section.
- C. All applications shall include the following.
 - 1. The submittal of an Application for a Hearing before the Zoning Hearing Board.
 - 2. A plan drawing including the same elements as those required in Section 2212.C of this Ordinance.

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3. Information of sufficient to evaluate conformance with the standards specified in the pertinent Section of this Ordinance.

D. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.

E. In considering special exceptions, the Zoning Hearing Board shall utilize the following procedures.

1. The Zoning Hearing Board's decisions to approve or deny a permit for a special exception use shall be made only after public notices and hearing as set forth in Section 2205 of this Ordinance. Such permit shall apply only after public notice and hearing.

2. No permit shall be granted by the Zoning Hearing Board for any special exception use until said board has just received and considered advisory reports thereon received from the Planning Commission with respect to the location of such use in relation to growth patterns within the Township, and wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.

3. The Planning Commission shall have thirty (30) days from the receipt of an Application for Hearing within which to file a report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such Application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

SECTION 2209: PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD

Appeals under Sections 909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Municipalities Planning Code may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agencies of the Township, or any person aggrieved. Requests for a variance under Section 910.2 of the Municipalities Planning Code and requests for a special exception under Section 912.1 of the Municipalities Planning Code may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

SECTION 2210: TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing 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

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secure reversal or to limit the approval in any manner unless such person alleges and proves that he or she had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his or her interest after such approval, he or she 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 pursuant to Section 709 of the Municipalities Planning Code by a zoning officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

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

C. Unless otherwise specified or extended by the Zoning Hearing Board, a variance or special exception authorized by the Zoning Hearing Board shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 2212 of this Ordinance, within twelve (12) months from the date of authorization of the variance or special exception.

SECTION 2211: ZONING OFFICER

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office of the Township, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any change of use which does not conform to the Zoning Ordinance. The Zoning Officer shall examine all applications for permits, issue zoning permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for zoning permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Zoning Permits for construction and for uses which are a special exception or variance to the requirements of this ordinance shall be issued only upon written order of the Zoning Hearing Board. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

SECTION 2212: PERMITS

A. Requirements of Permits: A zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof, prior to the use or change in the use of a building, structure, or land, and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a zoning permit has been duly issued. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure.

Hamiltonban Township Zoning Ordinance

B. Improvements Excluded from Permit Requirement: The following improvements to property are excluded from the requirement to obtain a Zoning Permit in accordance with Section 2212.A above.

1. Dog houses.
2. Non-permanent or inflatable swimming pools that are installed at the beginning of the swimming season and removed at the end of the swimming season, and that do not exceed two hundred (200) square feet in size.
3. Swing sets.
4. Sheds of less than one-hundred (100) square feet in area.
5. Tree houses for child recreation purposes. Tree stands for hunting purposes.
6. Ground-mounted heating and air conditioning equipment for a single residential dwelling, and any concrete or similar pad associated with such installation.
7. Ramps or other features intended to meet accessibility needs to a given property.

C. Applications for Permits: The following elements of a Zoning Permit application shall be provided by the applicant:

1. A completed Zoning Permit Application Form. If the applicant is not the owner of the property, the signature of the owner is required on the application.
2. Application fee.
3. A site plan, drawn to scale, showing the following.
 - a. Actual shape and dimensions of the lot to be built upon.
 - b. Exact size and location of any buildings or structures existing on the lot.
 - c. Existing and proposed use of any buildings or structures existing on the lot.
 - d. Required building setback lines, per applicable section of the Zoning Ordinance.
 - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance from the proposed building or structure to the front, side and rear property lines must be shown.

Hamiltonban Township Zoning Ordinance

- f. Notes identifying the following.
 - (1) The Zoning District within which the property is located.
 - (2) The use(s) of the proposed building(s) or structure(s).
 - (3) The number of families or dwelling units the building is designed to accommodate (if applicable).
 - g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.
 - h. North arrow.
 - i. Scale.
 - j. Title block including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.
4. All applications with accompanying plans and documents shall become a public record after a zoning permit is issued or denied.

D. Issuance of Zoning Permits:

- 1. No zoning permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, structure, addition, alteration, sign, or other design feature complies with all the provisions of this Ordinance, and until the Zoning Officer has completed the following:
 - a. Review sheet to determine the completeness of the application submitted and compliance with the Zoning Ordinance.
 - b. Written determination of compliance or noncompliance with the Zoning Ordinance, including any conditions placed on a variance or special exception by the Zoning Hearing Board.
 - c. Zoning Permit card for display.
- 2. A zoning permit issued in error shall become null and void.
- 3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished.

Hamiltonban Township Zoning Ordinance

SECTION 2213: FEES

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board. Such fee schedule shall be adopted by resolution of the Board of Supervisors, and may be amended, from time to time.

SECTION 2214: PREVENTIVE REMEDIES

A. In addition to other remedies provided for herein, Hamiltonban Township may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. Hamiltonban Township, its zoning officer or other officers or officials, may refuse to issue any zoning permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this ordinance. This authority to deny any such zoning permits or approvals shall apply to any of the following applicants:

1. The owner or record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquire the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.

C. No zoning permit shall be issued nor shall any approval be granted to any applicant identified in subparagraph (B) above, unless such applicant complies with the conditions which would have been applicable to the property at the time the applicant acquired an interest in such real property, unless Hamiltonban Township waives such condition.

SECTION 2215: ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated any of the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding

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commenced by Hamiltonban Township, shall pay a judgment of not more than \$500.00 plus all court costs plus reasonable attorney fees incurred by Hamiltonban 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, Hamiltonban 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 this 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 the district justice and thereafter each day that the violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than Hamiltonban Township, the right to commence any action for enforcement pursuant to this Section.

D. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Hamiltonban Township.

SECTION 2216: ENFORCEMENT NOTICE

A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement proceedings as provided for in Section 2215 of this Ordinance, when acting within the scope of his or her employment.

B. If it appears that a violation of this ordinance has occurred, the zoning officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state the following.

1. The name of the owner of record and any other person against whom Hamiltonban Township intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

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4. That the owner of record or other person against whom Hamiltonban Township intends to take action has fifteen (15) days to commence steps to comply with this ordinance and thirty (30) days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the zoning officer, for cause shown.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the zoning officer.
 6. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and Hamiltonban Township shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Hamiltonban Township Zoning Ordinance

ARTICLE XXIII

INTERPRETATION

SECTION 2300: CONFLICT WITH OTHER LAWS

The provisions of this ordinance shall be deemed to meet the minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions or more detailed submission requirements than those of any Federal, State, County, or local statute, rule, or regulation, the provisions of this ordinance shall prevail. Where the provisions of any Federal, State, County, or local ordinance impose greater restrictions than those of this ordinance, the provisions of such Federal, State, County, or Local statute rule, or regulations shall prevail.

Hamiltonban Township Zoning Ordinance

ARTICLE XXIV

ADOPTION

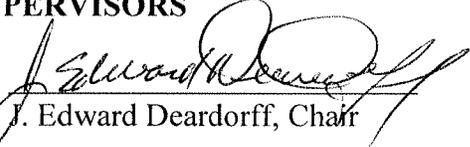
SECTION 2400: ADOPTION

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 3RD day of MARCH, 2020.

HAMILTONBAN TOWNSHIP BOARD OF SUPERVISORS

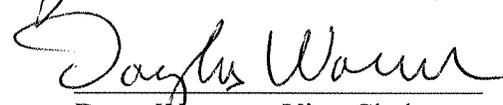
ATTEST

BY:


J. Edward Deardorff, Chair

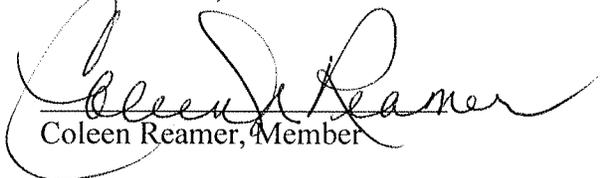
(SEAL)


Nina Garretson
Secretary / Treasurer


Doug Woerner, Vice-Chair


Robert Gordon, Member


David Martin, Member

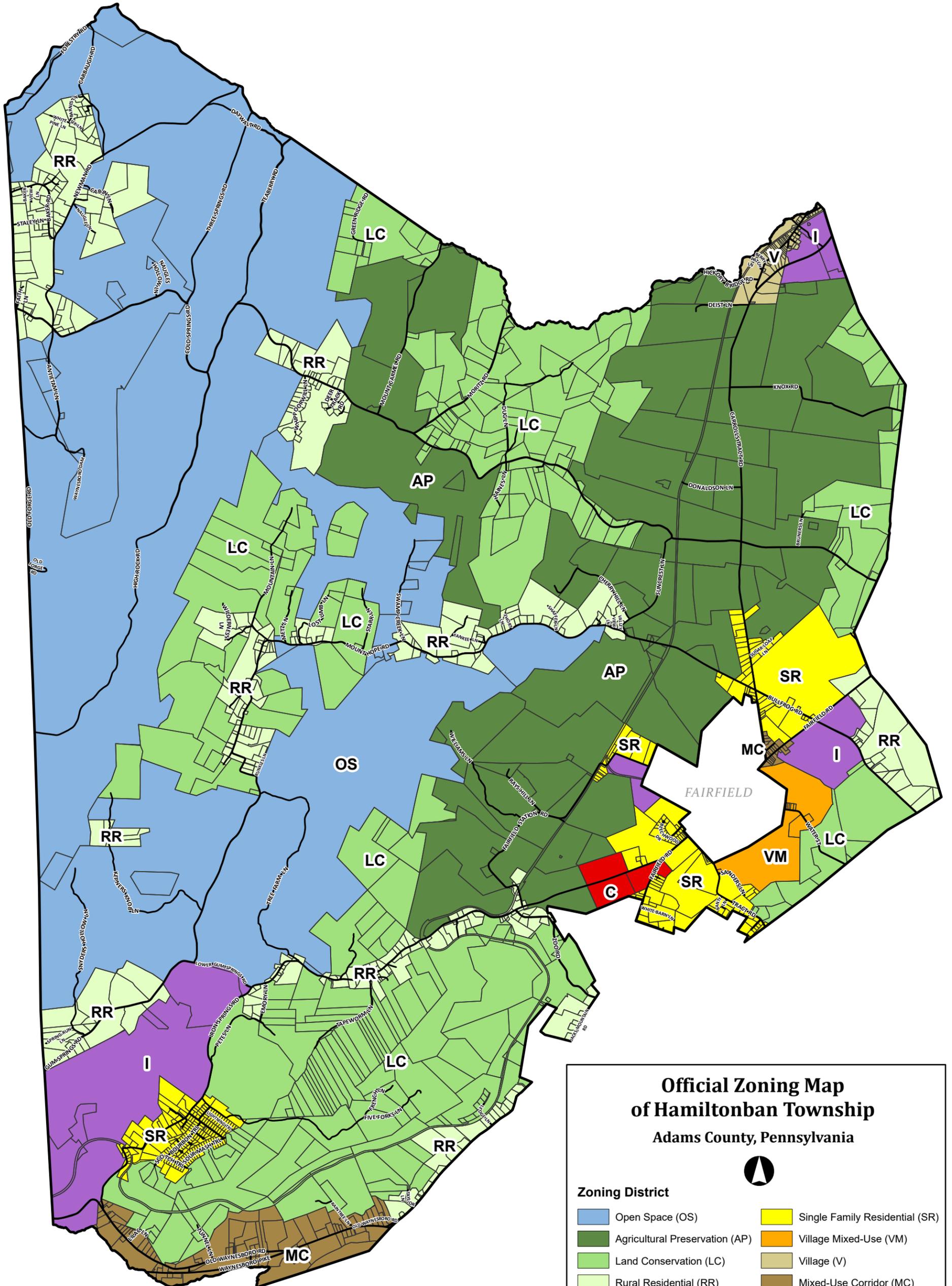

Coleen Reamer, Member

Hamiltonban Township Zoning Ordinance

APPENDIX A Hamiltonban Township Zoning Map

HAMILTONBAN TOWNSHIP ZONING MAP

Adopted: March 3, 2020

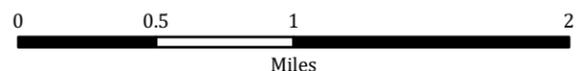


Official Zoning Map of Hamiltonban Township Adams County, Pennsylvania



Zoning District

- | | |
|--------------------------------|--------------------------------|
| Open Space (OS) | Single Family Residential (SR) |
| Agricultural Preservation (AP) | Village Mixed-Use (VM) |
| Land Conservation (LC) | Village (V) |
| Rural Residential (RR) | Mixed-Use Corridor (MC) |
| Commercial (C) | Industrial (I) |

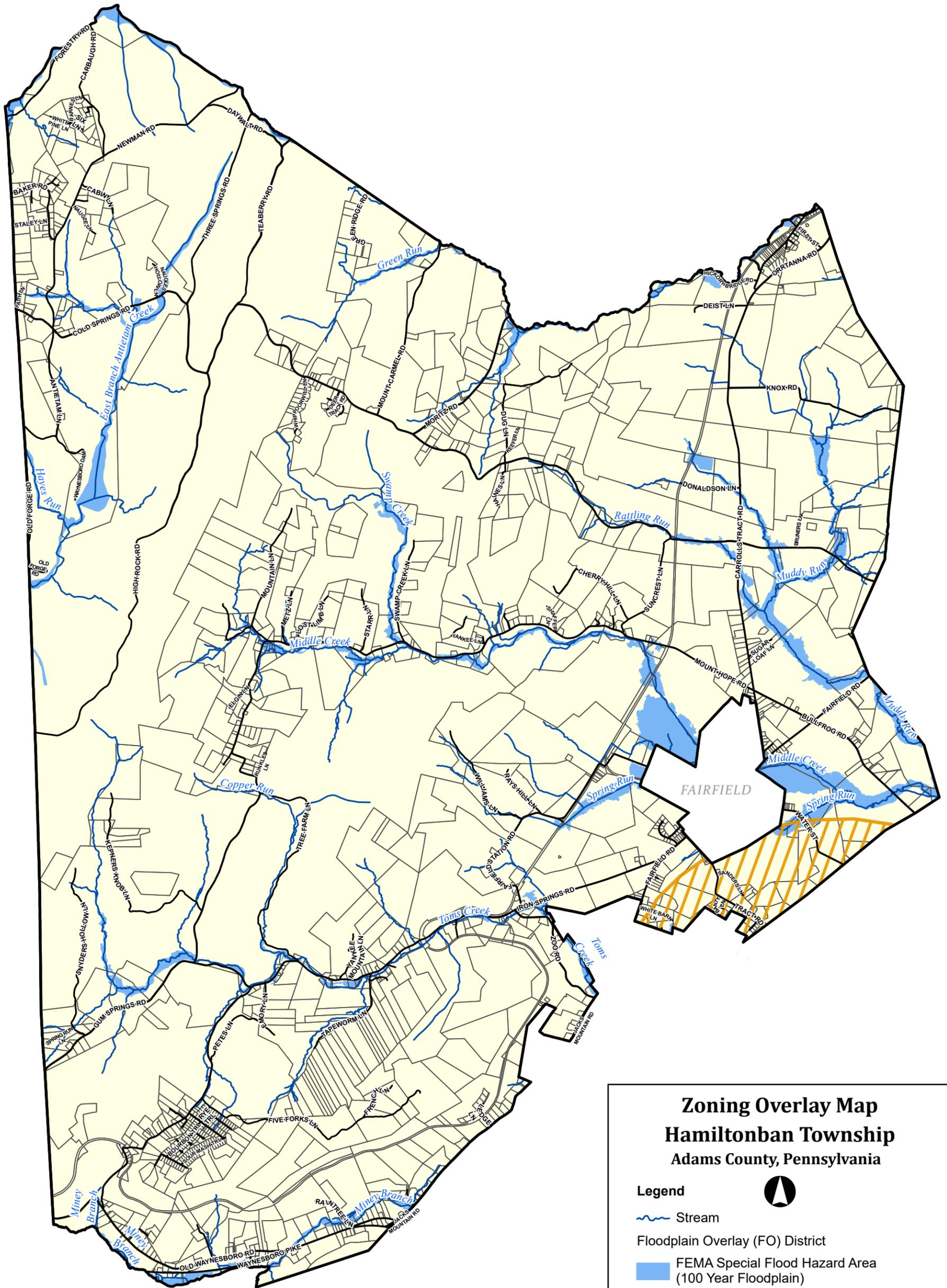


Prepared By: ACOPD - GIS Division | August 8, 2019 SW

Hamiltonban Township Zoning Ordinance

APPENDIX B **Hamiltonban Township Zoning Overlay Map**

HAMILTONBAN TOWNSHIP ZONING MAP OVERLAY DISTRICTS



Zoning Overlay Map Hamiltonban Township Adams County, Pennsylvania

Legend

-  Stream
-  Floodplain Overlay (FO) District
-  FEMA Special Flood Hazard Area (100 Year Floodplain)
-  Airport Overlay
-  Parcel Boundary
-  Hamiltonban Township Boundary



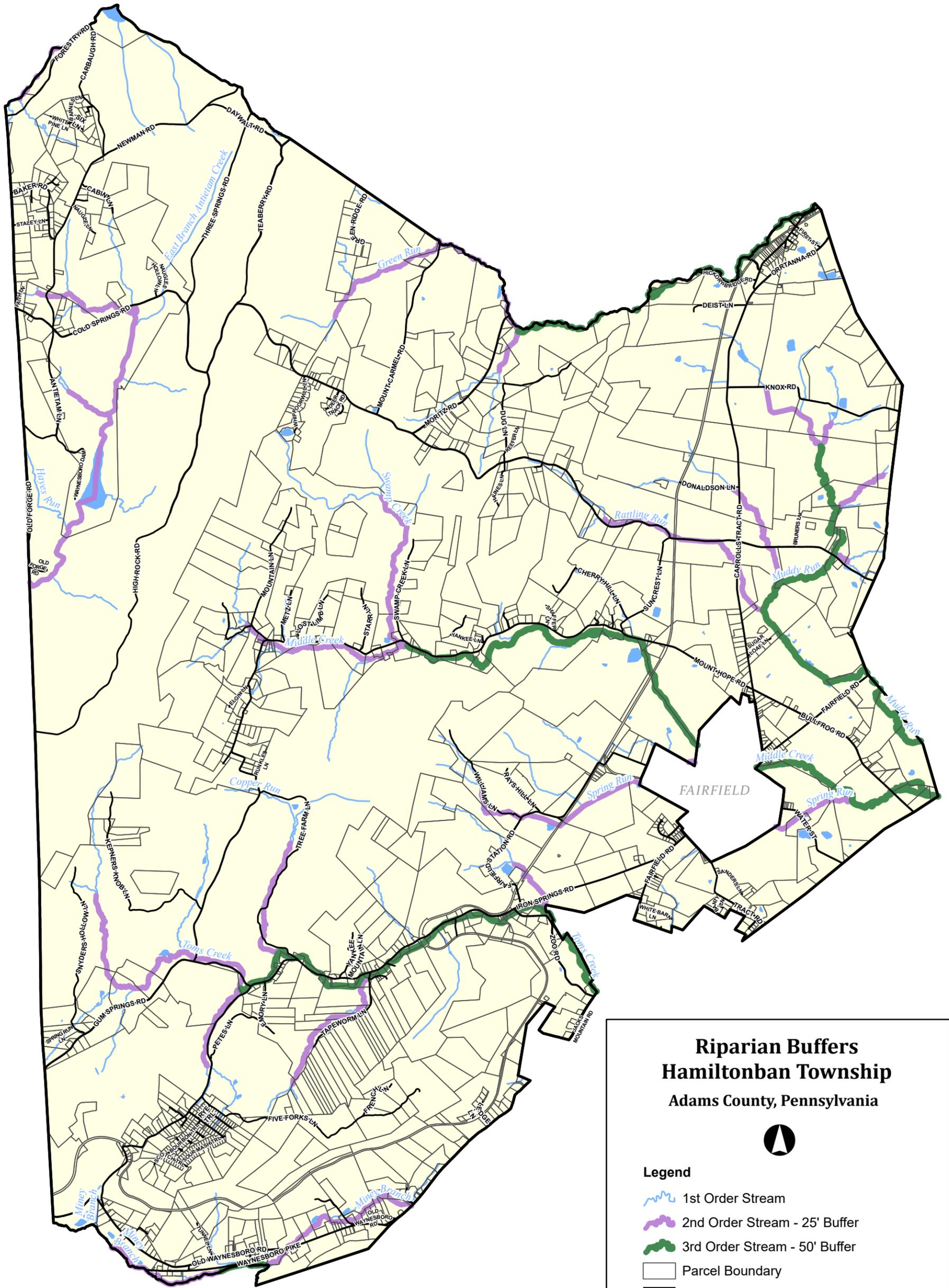
Prepared By: ACOPD January 29, 2018 SW

Hamiltonban Township Zoning Ordinance

APPENDIX C **Hamiltonban Township Zoning Map – Riparian Buffer Areas**

HAMILTONBAN TOWNSHIP ZONING MAP

RIPARIAN BUFFER AREAS



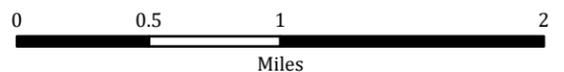
Riparian Buffers Hamiltonban Township Adams County, Pennsylvania



Legend

-  1st Order Stream
-  2nd Order Stream - 25' Buffer
-  3rd Order Stream - 50' Buffer
-  Parcel Boundary
-  Hamiltonban Township Boundary

*Buffer areas on the map are for illustrative purposes only and not shown to scale.



Prepared By: ACOPD January 26, 2018 SW

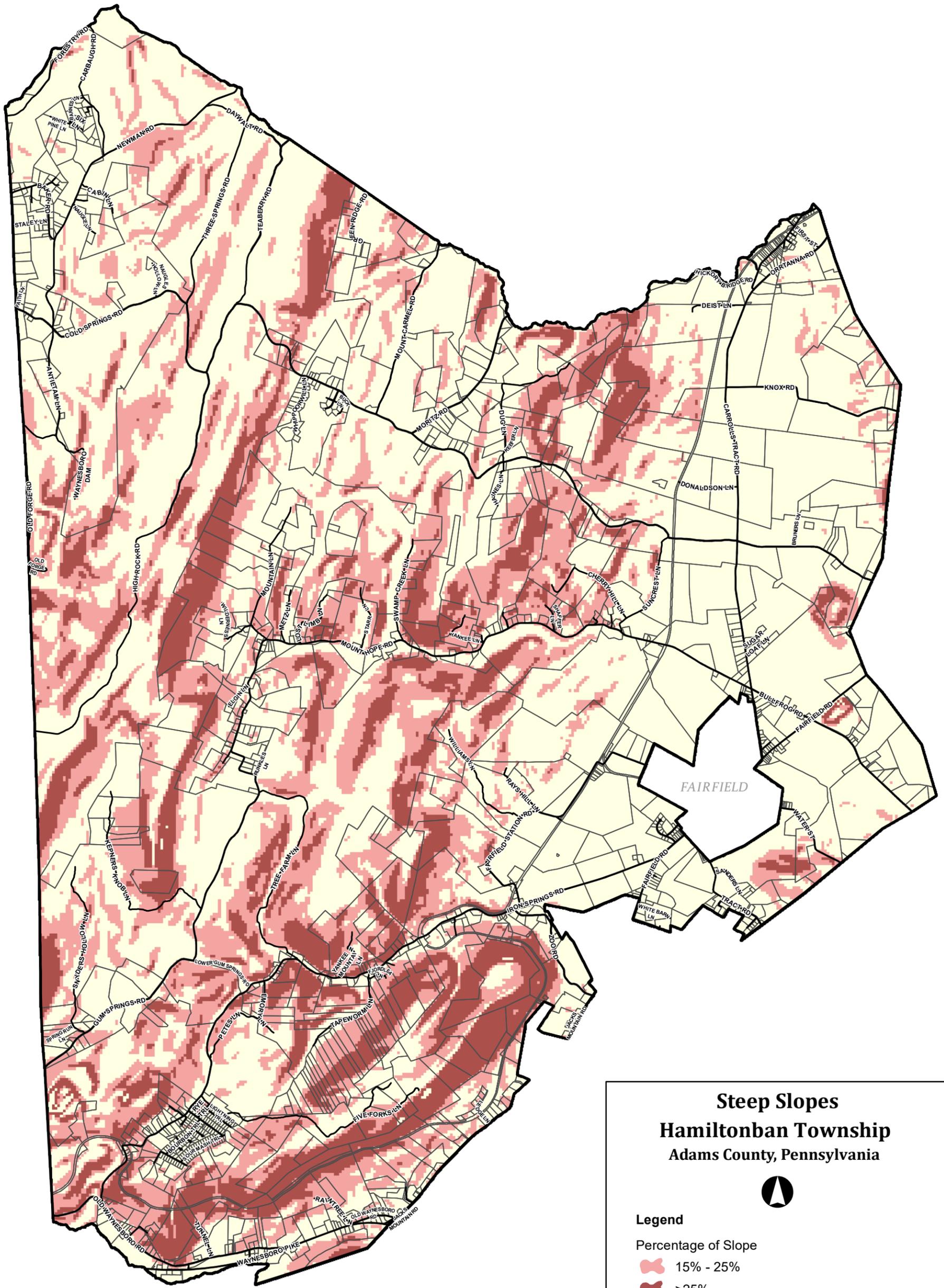


Hamiltonban Township Zoning Ordinance

APPENDIX D **Hamiltonban Township Zoning Map – Steep Slope Areas**

HAMILTONBAN TOWNSHIP ZONING MAP

STEEP SLOPES



Steep Slopes
Hamiltonban Township
 Adams County, Pennsylvania

▲

Legend

Percentage of Slope

- 15% - 25%
- >25%
- Parcel Boundary
- Hamiltonban Township Boundary

0 0.5 1 2
 Miles

Prepared By ACOPD January 25, 2018 S.W.