

ARTICLE IV: AGRICULTURAL PRESERVATION (AP) DISTRICT

§150-11. Statement of Legislative Intent

It is the legislative intent of the Agricultural Preservation (AP) District to:

- A. Protect and stabilize general agriculture as an ongoing economic activity in the Hamilton Township area by encouraging those land uses and activities which are agricultural in nature or act in direct support thereof. Therefore, owners, occupants and users of property within the Agricultural Preservation District should be prepared to accept impacts associated with normal farming practices and agricultural operations and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to Farm Law,¹ may bar them from obtaining a legal judgment against such agricultural operations.
- B. Discourage development from occurring on productive farmlands, including those designated as "prime" or "important," and those which are conducive to high crop yields.
- C. Protect agriculture from incompatible uses which may also interfere with normal and customary agricultural practices within that zone.
- D. Minimize the amount of land consumed for nonagricultural purposes by encouraging nonagricultural development to occur on small parcels.
- E. Provide for the continuation of agribusiness operations within appropriate areas of Hamilton Township by requiring appropriate design standards for agribusiness operations and by requiring adequate setbacks between agribusiness and residential uses.
- F. Retain the core area of farmland in central Hamilton Township which strongly contributes to the rural character of the Township.
- G. Provide for the development of appropriate agricultural tourism operations that would ensure that the Township remains a unique and competitive destination in the future by interpreting the agricultural heritage of the Township and by creating a distinctly Adams County experience.

§150-12: Principal uses permitted by right.

The following Uses are permitted By-Right within the AP District.

- A. Agriculture.
- B. Agricultural society meeting halls, pursuant to § 150-98.
- C. Farm, excluding agribusiness operations.
- D. Farm market.
- E. Forestry, excluding permanent sawmills, pursuant to § 150-98.
- F. Government offices, municipal buildings.
- G. Horse boarding stables.
- H. Public utility uses.
- I. Riding schools.
- J. Single-family detached dwellings.
- K. Wildlife sanctuaries and nature preserves, pursuant to § 150-98.
- L. Places of worship, pursuant to §150-98.
- M. Veterinarian facilities and animal hospitals, pursuant to §150-98.
- N. Animal Shelter
- O. Campsite Hosting, in accordance with §150-98.
- P. Cemetery
- Q. Farm Equipment Sales
- R. Horticulture, including nurseries and greenhouses.

§150-13: Accessory uses permitted by right.

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

- A. Wind energy systems, pursuant to § 150-96.
- B. No-impact home-based businesses, pursuant to § 150-96.
- C. Other accessory uses and structures, including farm buildings, on the same lot that are customarily incidental to the uses permitted by right, pursuant to § 150-96.
- D. Produce stands, specifically for the sale of "home-grown" products, pursuant to § 150-96.
- E. Wireless communications antennas mounted on an existing public utility transmission tower, building, or other structure, along with associated communications equipment buildings, pursuant to § 150-96.
- F. Custom butchering.
- G. Custom butcher shop.
- H. Accessory solar energy systems (ASES), pursuant to § 150-96.
- I. Accessory dwelling units (ADU), pursuant to §150-98.
- J. Cottage Industries, pursuant to §150-98.
- K. Home occupations, pursuant to §150-98.
- L. Campsite Hosting, when accessory to a Dwelling, Farm, or Agricultural operation, pursuant to §150-98.
- M. Farm-Related Business, in accordance with §150-98.
- N. Farm Worker Housing, pursuant to §150-98.
- O. Greenhouse, when accessory to a Farm or Agricultural operation.
- P. Greenhouse, for personal, non-commercial use when accessory to a residence.
- Q. Growing/producing agricultural products on non-farm
- R. Nursery, when accessory to a Farm or Agricultural operation.
- S. Personal Use Building, pursuant to § 150-96.

§150-14: Special exception uses and lot arrangements.

The following uses are permitted by special exception in accordance with the performance standards contained in this chapter and any additional standards that the Hamilton Township Zoning Hearing Board may deem necessary to apply:

- A. Agribusiness operations, new or the expansion of existing agribusiness operations, pursuant to §150-98.
- B. Agricultural Tourism Operation, as an accessory to a Farm or Agricultural operation, pursuant to §150-98.
- C. Bed-and-breakfast inns, pursuant to §150-98.
- D. Campground, pursuant to §150-98.
- E. Park and recreation uses, public and private.
- F. Wireless communications towers, pursuant to §150-98.
- G. Tasting Room/Winery/Cidery/Brewery/Distillery, as an accessory to a Farm or Agricultural operation, pursuant to §150-98.

§150-15: Uses permitted by conditional use.

Within the AP District, the following uses are permitted by conditional use in accordance with the performance standards contained in this chapter. The Township Supervisors may authorize a use as a conditional use if it conforms, at a minimum, to these stated standards and criteria. The Township Supervisors may apply additional criteria to specific projects, where appropriate, to protect the residential environment of developing neighborhoods, and in the interests of public health, safety, and welfare.

- A. Bio-gas or bio-fuel facilities
- B. Windfarm
- C. Closed-air slaughterhouse
- D. Open-air slaughterhouse
- E. Rural Events Venue, as a Principal Use, pursuant to §150-98.

§150-16: General District Requirements

All permitted principal uses and special exception uses, listed in §150-12 and §150-14 of this chapter, and erected or established after the adoption date of this section, shall comply with the following requirements, unless otherwise required by this article:

A. **Development Allotment:** Parent tracts shall be permitted to subdivide the number of lots shown in the table below. The lots subdivided may be used to transfer land to an adjacent lot (lot add-on), or may be used for the establishment of new permitted principal uses meeting the standards of this chapter. The number of lots allocated to a parent tract shall be based on its size as of the effective date of this chapter (January 3, 2000), excluding lands already placed under a conservation easement or similar such restrictions. The number allotted subdivisions shall not be increased by the subdivision of the parent tract or the transfer of additional land to the parent tract. Any subsequent owner of a lot after subdivision shall be bound by the actions of any and all previous owners.

Property Area	Number of Lots That May be Subdivided from a Parent Tract
0 to 14.99 acres	1
15 to 29.99 acres	2
30 to 49.99 acres	3
50 to 99.99 acres	4
100 to 149.99 acres	5
150 to 199.99 acres	6
200 acres or more	7, plus 1 Lot for each 100 acres over 200 acres

1. The development allotment noted above shall not apply to the following subdivisions:
 - a. Subdivisions that create a lot which will be transferred to the Township, a municipal authority created by the Township, a public or private utility agency, an entity with the power of eminent domain, a fire company or ambulance company, or any other governmental agency for a public purpose.
 - b. Creation of a lease area for use solely by a communications tower or public utility.
 - c. Subdivisions that transfer one acre or less from one lot to an adjacent lot, provided that all lots meet the minimum and maximum lot size requirements of this chapter after the transfer.
 - d. Subdivisions that transfer land from one lot to an adjacent lot, provided that all lots after the transfer are 20 acres or greater in size.
2. Where new Lots are proposed in accordance with this Section, but where all of the Lots allocated in §27-403.A are not used, the Subdivision plan shall indicate which Lot or Lots retain the right to subdivide the remaining Lot allocation.
3. All Subdivision and/or Land Development Plans within the Agricultural Preservation (AP) District shall include a chart documenting the following information:
 - a. Documentation of the parent tract area.

- b. A calculation of all subdivisions allotted to the parent tract.
 - c. The history of the uses of the subdivision allotment and the number of subdivisions used for the current plan.
 - d. The number of remaining subdivisions.
4. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied by a proposed deed for the residual farm land or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within 30 days of subdivision approval for the last allowable lot or use. Said deed restriction shall be recorded when the applicant records the subdivision plan approved by the Township. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this chapter. The applicant shall provide the Zoning Officer a copy of the recorder's certificate within 10 working days after the deed is recorded.
5. All Subdivision and/or Land Development Plans within the Agricultural Preservation (AP) District that create a lot under §150-16.A.1 shall include a note indicating such on the plan.
- B. **Large Lot/Lot Consolidation Option:** Lots larger than ordinarily permitted in §150-17.B.1. may be proposed by combining the lots allocated to a parent tract in accordance with the sliding scale contained in §150-16.A. If this option is elected, without regard to the approval of on-site sewage tests approved by the local Sewage Enforcement Officer and/or other appropriate agencies, the maximum area of the large lot created by combining two or more lots entitled by §150-16.A shall be determined by multiplying the number of allowable lots by 2 acres.
- C. **Lot Additions:** Lot Additions shall be permitted provided the following provisions are met:
- 1. Lot additions shall not be subject to the maximum lot size requirements of §150-17.B.
 - 2. Lot additions lot shall not permit the adjoining lot to exceed the maximum lot size requirements §150-17.B, excepting that one agricultural operation or farm may transfer land to an adjacent agricultural operation or farm provided the permitted principal use for both parcels remain an agricultural operation or farm.
 - 3. When any lot addition is subdivided from a parent tract, the development allotment assigned to the remainder of the parent tract shall be calculated by evaluating the remainder of the parent tract against the development allotment established by §150-16.A as if the remainder of the parent tract was a parcel that had been in existence prior to the effective date of this Chapter.
 - 4. When any lot addition is added to an adjoining lot, the development allotment established by §150-16.A shall not be increased.
 - 5. A note indicating that the size of the receiving parcel parent tract and its development allotment per §150-16.A shall not be increased due to the lot addition shall be added to all lot addition plans. This note shall also indicate the receiving parcel parent tract size, number of development allotments allowed, and the number already used, proposed and remaining.
 - 6. Draft deed language for the enlarged property(ies) resulting from the Lot Addition Plan or Lot Consolidation Plan shall be provided. The deed language shall include a single metes-and-bounds description for each enlarged property. Individual descriptions of the individual

components of property comprising the enlarged property(ies) shall not be permitted. Any tract lines shall be extinguished.

7. A copy of the recorded deed for the enlarged property shall be provided to the Township upon its recording. The recorded deed shall match the draft deed language reviewed by the Township prior to subdivision plan approval of the lot addition.

D. **Parent Tract after Subdivision:** The minimum lot area requirements of §150-17.A shall not apply to the remaining lands of the parent tract after subdivision, provided that the use of the remaining lands does not change from that which existed prior to the subdivision.

§150-17: Dimensional Requirements

A. **Minimum Lot Area**

1. **Residential:** One (1) acre.
2. **Farm:** Twenty (20) acres.

By approval of a conditional use, the Board of Supervisors may reduce the minimum lot size to 18 acres where the applicant provides adequate proof that existing features of the property such as topography, tree lines, watercourses, and existing irregular lot lines do not facilitate the creation of a twenty-acre farm lot.

3. **All Other Uses:** One (1) acre.

B. **Maximum Lot Area**

1. **Residential:** Two (2) acres, unless the Large Lot/Lot Consolidation Option established in §150-16.B is applied.

Where more than two acres are required by the Township Sewage Enforcement Officer and/or the Department of Environmental Protection (DEP) to meet the requirements for an on-site sewer system, this maximum may be increased to the minimum acceptable lot size required to accommodate such an on-site system.

2. **Farm:** None.
3. **All Other Uses:** None.

C. **Minimum Lot Width:** The minimum lot width shall be 150 feet.

D. **Minimum Front Setback:**

1. Twenty-five (25) feet.

E. **Minimum Side Setback:** Ten (10) feet, provided the minimum width of both side yards is thirty-five (35) feet.

F. **Minimum Rear Setback:**

1. Twenty-five (25) feet.

G. **Maximum Building Height:**

1. **Farms and Agricultural Operations:** None
2. **All Other Uses:** Thirty-five (35) feet.

H. **Maximum Lot Coverage:**

1. **Residential Uses:** Twenty-five percent (25%).
2. **Farm and Agricultural Operations:** Thirty-five percent (35%).

3. **All Other Uses:** Thirty percent (30%).
- I. **Minimum Vegetative Coverage:**
 1. **Residential Uses:** Seventy-five percent (75%).
 2. **Farm and Agricultural Uses:** Sixty-five percent (65%).
 3. **All Other Uses:** Seventy percent (70%).

§150-18: Supplemental Regulations:

The uses permitted in this district are also subject to the applicable regulations contained in the following sections of this chapter:

- A. Article **XIV** - General Regulations.
- B. Article **XV** - Performance Standards.
- C. Article **XVI** - Sign Regulations.
- D. Article **XVII** - Off-Street Parking and Loading Regulations.

ARTICLE V: RURAL RESIDENTIAL (RR) DISTRICT

§150-19: Statement of Legislative Intent

It is the legislative intent of the Rural Residential (RR) District to:

- A. Preserve open land by setting development apart from sensitive natural features, such as woodlands, steep slopes, streams, floodplains, and wetlands.
- B. Preserve scenic views and elements of rural character by minimizing perceived density and views of development from existing roads.
- C. Provide flexibility and efficiency in the siting of infrastructure and the provision of services.
- D. Encourage compact residential clusters with direct visual and physical access to open space for recreational, contemplative, and related purposes.
- E. Reduce erosion and stream sedimentation by the retention of existing vegetation, and by the minimization of development on steep slopes.
- F. Retain the rural character and scenic qualities of areas within Hamilton Township while, at the same time, allow for reasonable and sympathetic residential development in rural areas of the Township where the incidence of active agriculture is relatively low.
- G. Protect and stabilize general agriculture as an ongoing economic activity in the Hamilton Township area by encouraging those land uses and activities which are agricultural in nature or act in direct support thereof. Therefore, owners, occupants and users of property within the Rural Residential District should be prepared to accept impacts associated with normal farming practices and agricultural operations and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to Farm Law, may bar them from obtaining a legal judgment against such agricultural operations.

§150-20: Principal uses permitted by right.

- A. Single-Family Detached Dwelling.
- B. Agriculture.
- C. Agricultural Society Meeting Hall and/or offices.
- D. Farm Market.
- E. Forestry, excluding permanent sawmills, pursuant to §150-98.
- F. Government offices, municipal building.
- G. Horse boarding stable.
- H. Public utility uses.
- I. Riding Schools.
- J. Wildlife Sanctuaries and nature preserves, pursuant to §150-98.
- K. Custom butchering.
- L. Custom butcher shop.
- M. Farm, excluding agribusiness operation.
- N. Places of worship, pursuant to §150-98.
- O. Estate Lot, pursuant to §150-98.
- P. Veterinarian facilities and animal hospitals, pursuant to §150-98.
- Q. Animal Shelter
- R. Campsite Hosting, in accordance with §150-98.
- S. Cemetery
- T. Farm Equipment Sales

- U. Greenhouse
- V. Nursery

§150-21: Accessory uses permitted by right.

A structure may be erected or used, and a lot may be used for the following permitted accessory uses and no other:

- A. Wind Energy Systems, pursuant to §150-98
- B. No-Impact Home-based Business, pursuant to §150-96
- C. Other accessory uses and structures, including farm buildings, on the same lot that are customarily incidental to the uses permitted by right, pursuant to § 150-96.
- D. Produce stands, pursuant to § 150-96.
- E. Wireless communications antennas mounted on an existing public utility transmission tower, building, or other structure, along with associated communications equipment buildings, pursuant to § 150-98.
- F. Accessory solar energy systems (ASES), pursuant to § 150-96.
- G. Accessory Dwelling Unit, pursuant to §150-98.
- H. Cottage Industries, pursuant to §150-98.
- I. Home Occupation, pursuant to §150-98.
- J. Campsite Hosting, when accessory to a Dwelling, Farm, or Agricultural Operation, pursuant to §150-98.
- K. Farm-Related Business, in accordance with §150-98.
- L. Farm Worker Housing, pursuant to §150-98.
- M. Greenhouse, when accessory to a Farm or Agricultural Operation.
- N. Greenhouse, for personal, non-commercial use when accessory to a residence.
- O. Growing/producing Agricultural Products on non-farm
- P. Nursery, when accessory to a Farm or Agricultural Operation.
- Q. Personal Use Building, pursuant to § 150-96.

§150-22: Special exception uses and lot arrangements.

The following uses and lotting arrangements are permitted by special exception in accordance with the following standards, the performance standards contained in this chapter, and any additional standards that the Hamilton Township Zoning Hearing Board may deem necessary to apply:

- A. Bed and breakfast inns, pursuant to §150-98
- B. Campgrounds, pursuant to §150-98
- C. Golf Courses, pursuant to §150-98
- D. Park and recreation uses and easements, public and private, limited to passive recreation activities such as walking and hiking, bicycling, nature observation, and picnicking.
- E. Recycled materials collection and processing facilities, pursuant to §150-98
- F. Agricultural Tourism Operation, as an accessory to a Farm or Agricultural Operation, pursuant to §150-98.
- G. Shooting Range, Outdoor, pursuant to §150-98.
- H. Tasting Room/Winery/Cidery/Brewery/Distillery, as a Principal Use or as an accessory to a Farm or Agricultural Operation, pursuant to §150-98.

§150-23: Uses permitted by conditional use.

Within the RR District, the following uses are permitted by conditional use in accordance with the performance standards contained in this chapter. The Township Supervisors may authorize a use as a conditional use if it conforms, at a minimum, to these stated standards and criteria. The Township Supervisors may apply additional criteria to specific projects, where appropriate, to protect the

residential environment of developing neighborhoods, and in the interests of public health, safety, and welfare.

- A. Bio-gas or bio-fuel facilities.
- B. Wind farms.
- C. Rural Events Venue, as a Principal Use, pursuant to §150-98.

§150-24: Open Land Uses and Standards

For parent tract properties (existing on January 3, 2000, the date of the initial application of RR zoning standards in Hamilton Township) proposed for Subdivision, 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 areas including hiking and bicycling trails, nature observation, and picnicking. Development easements for these areas may be offered to the Township or the county, to land trusts, or to other nonprofit organizations whose purpose is to conserve and protect open spaces, scenic views, and overall rural qualities. If open land is offered to the Township for passive recreation purposes, the Township is not under obligation to accept any or all of the land.
 - 3. Easements for drainage, access, sewer and/or waterlines, trails for pedestrian, bicycle, or equestrian uses, and other similar easements.
 - 4. Stormwater management facilities designed in accordance with applicable standards established by the Hamilton Township Subdivision and Land Development Ordinance, and/or any other applicable agencies.
 - 5. Agricultural activities in accordance with §150-20 and §150-21, provided, however, that agribusiness operations are expressly prohibited within the open land areas required by the RR District.
 - 6. Pastures.
 - 7. Approved water supply and sewage disposal systems for individual residences. Said sewage disposal systems may include spray irrigation fields, on-site or off-site sand mounds, or other individual or community treatment systems, provided that appropriate approvals are obtained from state and local agencies.
- C. The following standards shall apply to the open land set aside, in accordance with the requirements of this chapter:

1. Significant site features including, but not limited to, major tree stands or wooded areas, hedgerows, water bodies and slopes, shall be protected as Open Land in compliance with the intent of this chapter.
2. Open Land of adjacent parcels shall share a common boundary to the maximum extent possible to provide areas of continuous Open Land throughout the RR District.
3. Natural features shall generally be maintained in their natural condition, may be modified in accordance with the recommendations of appropriately knowledgeable persons in the area being modified. Such modifications shall improve the appearance, operation, functionality of overall condition of an open land area and may include:
 - a. Reforestation
 - b. Woodland Management
 - c. Meadow Management
 - d. Stream Bank Management
 - e. Wetlands Management

§150-25: Dimensional Requirements:

- A. **Density:** Within the RR District, the following maximum residential Density standards apply.
 1. A maximum of one (1) Dwelling unit per five (5) acres, with the exception that, if a Lot of less than ten (10) acres has been in existence prior to the date the RR District was applied to it (January 3, 2000), one (1) Dwelling unit may be subdivided from said lot.
 2. The Density allocated by Section 503.C.1 above shall be calculated based on the parcel size, as of 1/3/2000, the date of the initial application of the RR District in Hamilton Township. Additional Dwelling units will not be allocated where a lot addition is added to the subject parcel after the original date of application.
- B. **Minimum Lot Area**
 1. **Residential:** One (1) acre.
 2. **Estate Lot:** Five (5) acres.
 3. **Farm:** Twenty (20) acres.
 4. **All Other Uses:** One (1) acre.
- C. **Maximum Lot Area**
 1. **Residential:** Five (5) acres.
 2. **Estate Lot:** Twenty (20) acres.
 3. **All Other Uses:** None.
- D. **Minimum Lot Width:**
 1. Single Family Detached Dwelling: One hundred fifty (150) feet.
 2. Estate Lot: One hundred fifty (150) feet.
 3. All Other Uses: One hundred fifty (150) feet.
- E. **Minimum Setbacks:**
 1. **Front:** Fifty (50) feet measured from the right-of-way of the adjoining road.
 2. **Side:** Twenty-five (25) feet measured from the side property line.

3. **Rear:** Twenty-five (25) feet measured from the rear property line.
4. **Corner Lots:** For corner lots, front yard requirements shall be applied along all property boundaries facing road rights-of-way, and rear yard requirements shall be applied along all other property boundaries.

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:** Thirty-five (35) feet.

§150-26: Supplemental Regulations:

The uses permitted in this district are also subject to the applicable regulations contained in the following sections of this chapter:

- A. Article **XIV** - General Regulations.
- B. Article **XV** - Performance Standards.
- C. Article **XVI** - Sign Regulations.
- D. Article **XVII** - Off-Street Parking and Loading Regulations.

ARTICLE XV: PERFORMANCE STANDARDS

Add the following as a new section:

§150-96.C.(10) Personal Use Building

- a. A Personal Use Building shall be permitted on a vacant lot with no established principal use. A maximum of one (1) personal use building may be constructed.
- b. The Personal Use Building shall only be permitted to be used by the property owner for personal use. The Personal Use Building shall not be used for commercial purposes, or for any purpose that is related to a commercial use or uses on other properties.
- c. The Personal Use Building shall not be leased to any other person for any purpose.
- d. The minimum front setback for a Personal Use Building shall be seventy-five (75) feet.
- e. The Personal Use Building shall comply with all dimensional requirements of the underlying zoning district, except for the minimum front setback requirement which shall be in accordance with the requirements established in §150-96.C.(10)(d) above.
- f. The Personal Use Building shall not be served by or connected to a septic system or a water source. The accessory building may be connected to electrical service.
- g. Stormwater runoff from the Personal Use Building shall be managed in accordance with the requirements of the Hamilton Township Stormwater Management Ordinance.

Revise the following section:

§150-96 Performance standards for accessory uses and structures.

- A. General.
 1. An accessory structure attached to the principal building is considered a part of the principal building for all regulatory purposes.
 2. Accessory structures shall not be located within a front yard. This restriction shall not apply to structures accessory to principal agricultural uses, such as barns.
 3. An accessory use or structure shall not be established or constructed on a lot without a principal use or structure present, except for a Personal Use Building where authorized.

Replace existing Agribusiness Operations sections with the following:

§150-98.B Agribusiness Operations

1. These standards apply to the development of new agribusiness operations or the expansion of existing agribusiness operations.
2. 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 Hamilton Township Subdivision and Land Development Ordinance.[1] 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.
3. Setbacks: The following Setbacks are required:

- A. For new Agribusiness Operations the structure housing the Agribusiness Operation shall be located no closer than:
 - 1. 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.
 - 2. One hundred (100) feet from any side or rear property line.
 - 3. One thousand (1000) feet from any Dwelling or water well not owned by the owner of the Agribusiness Operation
 - 4. One thousand (1000) feet from any Place of Worship or School property line.
 - B. 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.
 - C. 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.
4. Maximum impervious lot coverage shall not exceed 10 percent.
 5. 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 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 §150-130 of this Ordinance.
 6. 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 one (1) mile of the proposed Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.
 7. 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, poults, swine, shoats or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner that minimizes the spread of odors and disease.
 8. A land development plan shall be submitted to, and approved by, the Township in accordance with the provisions of the Hamilton Township Subdivision and Land Development Ordinance.
 9. Areas designed for outdoor storage of pallets, machinery, or other materials shall be screened by either a fence of at least 8 feet in height, or a landscaping of sufficient height to shield the outdoor storage area from view from adjoining properties or public roadways.

10. The perimeter of any parking area shall be landscaped with at least three of the following materials: landscape mulch, grass, shrubs, and trees.

Replace existing standard for Agri-tourism enterprises with the following:

§150-98.D Agricultural Tourism Operation

1. 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 or stays, historical or living history Farms, Farm Museums, U-pick operations, tree 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 shall be operated as an Accessory Use to a Farm or Agricultural Operation.
2. The owner of the Agricultural Tourism Use shall be the owner of the Farm upon which the Agricultural Tourism Use is located.
3. Agricultural Tourism uses shall be located on a Farm or on a property on which Agricultural Products are grown or produced.
4. The maximum Floor Area of any structure devoted to an Agricultural Tourism Use shall be fifteen thousand (15,000) square feet of Publicly accessible sales activity area.
5. Within the Agricultural Preservation (AP) District, an Agricultural Tourism Use shall contribute to the total number of Uses or Lots that may be developed on a property in accordance with §150-16.A(1) or §150-16.B(1).
6. A traffic operations plan shall be provided demonstrating ingress, egress and any internal or external traffic control measures planned to address site access control during events.

Replace existing Estate Lots sections with the following:

§150-98.K Estate lots.

1. The minimum lot size shall be five acres.
2. A maximum of 1.25 acres within an estate lot may be devoted to the estate lot living area.
3. The living area shall comply with the setbacks of the underlying zoning district.
4. The living area of an estate lot shall be located in an area relatively free of sensitive environmental features including, but not limited to, floodplains, designated wetlands, and slopes in excess of 15%.
5. The living area of an estate lot shall be located to minimize disturbance to existing woodlands, hedgerows, mature tree stands, and other significant vegetation.
6. The living area of an estate lot shall be located to minimize visual impacts on the rural landscape. To meet this requirement, living areas should not, at a minimum, be located on the tops or ridgelines or in the middle of open fields.

7. Seventy-five percent of the area of an estate lot shall be retained as open land, in accordance with the standards established in §150-24. The portion of each estate lot not included in the living area shall be considered in meeting this requirement.
8. Estate lots shall be restricted by deed restriction, in language acceptable to the Township Solicitor, to prohibit further subdivision.
9. The tentative location of the living area of an estate lot shall be depicted on any subdivision or land development plan creating the estate lot. The final location of the living area shall be confirmed as part of the zoning permit application process.

Add the following as new sections:

§150-98.SS Rural Events Venue

1. A proposed Rural 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 event barns and Rural Events Venues on agricultural, or formerly agricultural lots, the use must not interfere with the ability of the property to return to an agricultural use in the future.
3. Handicapped parking spaces shall be provided in accordance with ADA requirements. All other parking may be provided as reinforced grass, or similar method so as not to interfere with any future return of the property to an agricultural use.
4. The lot on which the Rural Events Venue is located shall be a minimum of 5 acres.
5. The maximum Floor Area for all permanent structures associated with the Rural Events Venue shall be no more than ten percent (10%) of the total lot area.
6. All buildings, parking, loading, and other indoor or outdoor use areas shall be located a minimum of 200 feet from existing residential dwellings on adjacent parcels, and shall be buffered as deemed appropriate by the Board of Supervisors during the Conditional Use process.
7. Events and activities must cease by 11:00 PM on Friday and Saturday, and 9:00 PM Sunday through Thursday unless further restricted by the Board of Supervisors.
8. Overnight accommodations shall be accessory to the principal use of the property as an Events Venue and shall not be open to the general public as a stand-alone use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.
9. Approval of application with Sewage Enforcement Officer is a prerequisite to issuance of a Zoning Permit.
10. The Board of Supervisors shall have the authority to further limit hours of operation, number of events per year, number of attendees, etc. on a case-by-case basis.
11. No music, celebration, event, or related noise shall be tolerated in such a manner as to be plainly audible at a distance of fifty feet (50') from the site in which the use is located between the hours of 11:00 p.m. and 7:00 a.m.

12. Sufficient screening shall be provided between the use, including parking and any outdoor activity areas, and adjacent residential uses or lots.

§150-98.TT **Cottage Industry**

1. A Cottage Industry is deemed to include, but is not necessarily limited to, all occupations permitted under §150-98.Q as well as the following or similar types of occupations: handicraft manufacturing, cabinet shops, hobbyists, photographic Studios, brewing, distilling, repair of outdoor fishing and hunting equipment (excluding motorized vehicles), and welding shops. Other occupations in addition to those listed above may be considered to be Cottage Industries provided it is determined that such occupations are of the same general character as those occupations listed above.
2. Not more than one (1) Cottage Industry shall be allowed in or on the same premises. The presence of a Home Occupation in the primary Dwelling unit shall not preclude the establishment of a Cottage Industry, provided that all applicable requirements for both Cottage Industries and Home Occupations are met.
3. The Cottage Industry shall be considered an Accessory Use to the main Residence and shall be operated fully within an Accessory Structure on the Lot. No more than five hundred (500) square feet of Floor Area in the Accessory Structure may be devoted to the Cottage Industry. The Cottage Industry shall not occupy more than one (1) Building.
4. The Cottage Industry shall conform to the area and Bulk requirements of the underlying zoning district.
5. The Person conducting the Cottage Industry shall reside within the Dwelling located on the Lot.
6. No more than four (4) Persons other than Family members who reside within the Dwelling may be employed by the Cottage Industry.
7. No Use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet Use and enjoyment of adjoining and surrounding property.
8. Retail sales shall be limited to the following: products produced or repaired on site, items collected, traded and/or occasionally sold by hobbyists, such as coins, stamps, and antiques, incidental sales directly associated with the Cottage Industry, and internet sales.
9. The production of beer, wine, liquor, hard cider or other similar spirits shall be permitted as part of a Cottage Industry. However, the retail sale of such products on site shall not be permitted as part of a Cottage Industry.
10. No on-site customer service or business shall be conducted before 8:00 am or after 8:00 pm.

§150-98.UU **Campsite Hosting**

1. A maximum of one (1) guest Campsite is permitted on any property under 8 acres authorized to conduct RV Hosting. One (1) additional guest Campsite may be permitted on properties over 8 acres in the Agricultural Preservation (AP) or Rural Residential (RR) District.
2. The operator of the Campsite Hosting shall be the owner of the property and be in residence when Campsite Hosting is occurring. If there is no residence on the Campsite Hosting site, the operator of the Campsite Hosting facility shall, at all times while the

property is being used for Campsite Hosting, 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 any issues associated with the use of the Campsite Hosting site.

3. On-site advertising of Campsite Hosting is prohibited.
4. The guest Campsite shall not be located within 150 feet of a residential structure on a neighboring property.
5. If the Campsite Hosting facility accommodates recreational vehicles (RVs), the following standards shall apply:
 - a. The guest RV shall be required to park on a durable dust-free surface.
 - b. The guest RV shall not, at any time, be connected to the sewer or water service of the principal use of the property.
 - c. The guest RV may not dump or empty holding or waste tanks on the RV Hosting property.
 - d. The guest RV motor shall not idle or otherwise be permitted to run at any time other than during the process of accessing or egressing the location where the RV is to be parked.
6. In addition to the above requirements, the Campsite Hosting operator must demonstrate adequate access, egress, and parking as a part of their zoning permit application.

§150-98.VV **Farm Worker Housing**

1. The occupants of the Farm Worker Housing facility shall be individual or family households where at least one person in the household is employed 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.

§150-98.WW **Tasting Room/Winery/Cidery/Brewery/Distillery**

1. Sales of spirits shall be limited to those produced on-site or at another facility by or for the Proprietor of the establishment.
2. Samples of spirits may be given complimentary or for a fee. Related novelties may also be sold at retail.
3. May include food preparation facilities and food service.
4. May include occasional special events or event rentals, provided such events and rentals are clearly secondary to the Tasting Room/Winery/Cidery/Brewery/Distillery.
5. If a Winery, Cidery, tasting, or Brewery is located within two hundred (200) feet from existing residential Dwellings on adjacent parcels not associated with the establishment,

additional Buffering, restrictions on hours of operation, frequency of events, and noise may be required through the Special Exception process.

§150-98.XX. **Shooting Range, Outdoor**

1. Minimum lot area: fifty (50) acres.
2. The special exception application must demonstrate consultation with an appropriate range development, planning, and design manual, which may include those published by the National Sports Shooting Foundation (NSSF), the National Rifle Association (NRA), or using any state or federal law enforcement agency design standards.
3. The Shooting Range must be operated so that the impact upon adjacent landowners and adjacent permitted uses shall be minimal, and such operation shall not unduly interfere in the use of those properties. Adjacent areas must be predominantly undeveloped by commercial and or residential development.
4. Berms shall be designed and constructed as follows:
 - a. All berms shall have a slope of not less than one vertical foot to one horizontal foot.
 - b. The crest of all berms shall be at least four feet in depth as measured between the wall of the berm facing the range and the opposite wall.
 - c. The backstop or impact berm must be within 20 feet of the furthest target, that being the one most distant from the place where shots are fired. It shall extend at least 20 feet vertically above the ground level and have a vertical height separation of not less than 15 feet above the highest target and the top of the backstop berm.
 - d. Earthen side berms must be provided immediately adjacent to the range and shall extend from immediately behind the firing line to the backstop berm. The side berms shall extend at least 12 feet vertically above ground level.
 - e. The elevation of the firing line and the base of all berms shall be the same.
5. If any conflicts exist between the berm dimensions contained herein and those provided for in the design standards or expert's opinion, then the more stringent standards shall apply.
6. Only targets mounted on target posts or target mounts shall be permitted. No targets of any kind shall be set directly on the ground.
7. Warning signs shall be posted at least 10 feet from the outside of the berm of sufficient size to be read outside the shot fall zone.
8. The Shooting Range shall be free of all hard surface materials and be adequately drained.
9. Adult supervision shall be provided for children less than 16 years of age.
10. Signs must also be placed on the range with the name of a contact person and a phone number in case of emergencies or operational difficulties. The adjoining property owners shall also be supplied with this information, which shall be kept current.

products that are either produced on the Farm or are directly related to Agricultural Products produced within Adams County or surrounding counties.

Personal Use Building – A building erected on an otherwise vacant property for the sole use and enjoyment of the property owner and for no other commercial, business, investment, or similar purpose.

Rural Events Venue – An establishment that is leased on a temporary basis for, or otherwise hosts for profit or commercial gain, 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.

Shooting Range, Outdoor - Facility operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or similar activity related to the controlled practice of sport shooting of firearms outdoors.

Tasting Room – A Building, or part thereof, designated for the promotion of hard cider, wine, mead, or other similar spirits produced by a Winery, Cidery, Brewery or Distillery of the Tasting Room's Proprietor, by providing samples of such cider or wine to the Public and for the sale of such spirits at retail for consumption on the premises and for sale in closed packages for consumption off the premises.

Winery – An establishment where wine, mead, or similar spirits are produced. Production includes, without limitation, crushing, fermenting, blending, aging, barrel and bottle storage, bottling, administrative office functions, and warehousing.

Veterinary – See Animal Hospital

Replace the following definitions:

§150-5 Definitions

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

- A. **Concentrated Animal Feeding Operation** – An animal feeding operation, which is required to obtain NPDES permits in accordance with the Clean Water Act.
- B. **Concentrated Animal Operation** – An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

Cottage Industry – An occupation or trade conducted entirely within a detached residential Accessory Structure which is clearly incidental and secondary to the Use of the Lot and Dwelling for residential purposes.

Yard, Front – A yard, extending the full width of the lot, and situated between the road or street right-of-way line and the closest portion of any building or structure on the lot. The front yard extends the full width of both street rights-of-way in the case of corner lots.

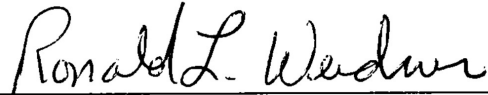
Hamilton Township AP-RR District Ordinance

Enacted and Ordained this 5th day of February 2024.

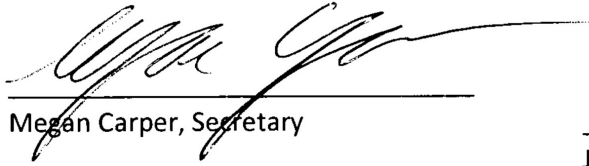
This Ordinance shall take effect immediately.

ATTEST:

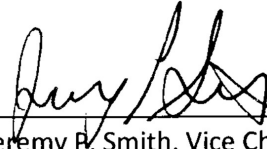
HAMILTON TOWNSHIP BOARD OF SUPERVISORS



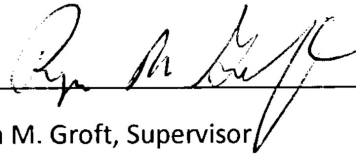
Ronald L. Weidner, Chairman



Megan Carper, Secretary



Jeremy R. Smith, Vice Chairman



Ryan M. Groft, Supervisor